

## **Third Cherry Creek Townhouse Corp.**

### **Resolution: Updated policy for outdoor visual appearance and uniformity**

Whereas, the Board of Directors of Third Cherry Creek Townhouse Corp. (Cherry Creek 3) hereby approves a resolution to further define and clarify rules and regulations in the Association's Declarations, By-Laws and Covenants. The Association wishes to have an appropriate level of visual appearance and uniformity in the complex for people who pass by the fronts and backs of homes in the neighborhood.

Be it resolved that this resolution will modify or amend existing policy regulations. This change will affect the installation of new windows, doors, storm/screen doors, front-yard landscaping planting beds, outdoor decorative lighting and personal security/surveillance equipment.

They include:

#### **A. Front doors:**

1. The front doors of all homes are required to have a storm door, also known as a screen door. It must be kept in functional condition (intact glass or screens, handle and hinges) at all times.
2. Storm doors must have an automatic closing device.
3. New storm doors must have an Architectural Request Form (ARF) approved by the Association in advance of installation. Storm/screen doors, including security-style doors, should be black or white.
4. The Association will issue warning letters and fines for storm doors not in compliance.
5. **Owners who do not have storm doors will have 45 days to have storm/screen doors installed from the date this policy goes into effect. After that period, the Association will issue fines.**

#### **B. Windows:**

1. Windows are not required to have coverings inside.
2. If an owner or tenant has window coverings, including curtains, drapes or blinds inside. These items must be in good condition to present a pleasing visual appearance from the exterior of the home. Such coverings cannot be torn or damaged. Blankets, tarpaulins, towels or similar materials cannot be used as substitutes for window coverings.
3. **Installed windows may be tinted but cannot have a foil-like/mirroring look. After-market tinting is not allowed. Further, any existing window tint cannot contain scratches, foil, gaps or designs. Any damaged tints must be replaced by the owner. New windows, including those proposed with tints, must have approval in advance by submitting an ARF form to the Association.**
4. The Association will issue letters and fines for window coverings not in compliance.

#### **C. Front-yard Landscape planting beds at homes:**

In the front of each home is a landscaping space, often called front-yard planting beds or planting plots. This space has boundaries: the width of each home and extending from the front building wall to the common sidewalk running along the front of each building. The Association owns these front-yard planting beds in front of each home and has established a "wildscaping" design scheme that uses plants, bushes and ground covers with low water needs and may attract pollinating species. The Association is in charge of plant maintenance and also conducts sprinkler repairs and replaces window-well covers. Owners who have knowledge of plants and who want to keep their front-yard spaces looking attractive may feel free to pull weeds, dead-head plants following their blooming season, pick up litter and participate in related plant-care activities.

Owners who wish to remove existing plants or install new landscaping plants, materials, fences, pots or other decorative items in the above-described front-yard planting spaces must seek prior Association approval before beginning work. Similarly, owners cannot plant at ends of buildings without prior approval.

Specific regulations for those seeking prior Association approval for changing landscaping in front of their home include:

- A. Plants should be natives or of a xeric nature to help conserve water. All plants approved for installation must be responsibly maintained by the home owner. Invasive plants (i.e. mint) cannot be planted in beds. **Invasive plants may be grown in pots but plant owners must prevent such plants from taking root nearby.**  
If it is determined invasive species are planted and those plants seed elsewhere in the neighborhood, the violator may be held responsible and fined for the cost of eradicating those plants elsewhere in the neighborhood.
- B. The Association supports responsible sustainable plantings in fronts of homes but also has a Community Garden where edibles can be grown. Only after an owner has proven they cannot obtain a space in the Community Garden for that year can they apply to the HOA for permission for planting vegetables or edibles (tomato plants, lettuce, basil, etc.) in front planting beds. Vegetables may be grown in pots in front yards, with a limit of four five-gallon pots per home, provided they do not interfere with other landscaping and are cared for regularly.  
Generally, the Association wants to maintain a common planting scheme along the fronts of each building and does not want a hodge-podge of independent front-yard vegetable or sustainable plots around the community.
- C. No owner shall have more than a total of 4 planting pots – no larger than 5 gallons in size each- in the front of their home, without approval from the Association. It is permissible for an owner to bring indoor plants outside for the day provided they are returned indoors each night. At no time shall pots impede traffic on sidewalks in fronts or backs of homes.
- D. **Bird baths, small statues, small fences, trellises, hanging plant holders or other decorative items must be approved in advance and should not total more than four of any combination. The four items may be interchangeable and includes pots described in Paragraph C.** No items shall be mounted to the exterior wall of homes. Requests can be made by submitting an Architectural Request Form to the Association.
- E. Solar sidewalk lights are permitted if (a) they do not impede traffic or lawn care, (b) are within community standards for appropriateness and (c) are maintained. Any damaged solar

light fixtures must be removed or replaced within one week to prevent the issuance of warnings or fines.

- F. The Association will issue letters or fines to owners who have approved front-yard planting beds that are not maintained or if additional items become damaged, discolored, etc. The Association reserves the right to remove such items without notice to the owner if the circumstances merit such action. Further, the owner may be billed by the Association for any clean-up work that is necessary. Maintenance of a front-yard planting bed will revert to the Association if the owner's maintenance is not in compliance with community standards. Should the Association notify the owner of the violation, the owner may not apply for an Architectural Request Form to maintain their front planting bed for one year.

D. **Patio and back fences**

Care of HOA-owned and privately-owned back-patio fence areas are addressed elsewhere in the Declarations. It should be noted that perimeter fences, owned by the Association, cannot be changed, painted or stained without prior approval of the Board. Similarly, there are regulations regarding visibility of personal property, storage of materials and fire-safety concerns addressed elsewhere in the Association's governing documents.

E. **Outdoor decorative lighting**

- A. The Association recognizes residents may choose to use outdoor lights for various holidays and special dates. To protect the structural integrity of buildings and observe general community standards, the permission for special lighting shall be:
  - B. Nails and non-removable fasteners cannot be used on any outdoor surfaces, including bricks and mortar, aluminum siding, roofs or other areas owned by the association. Owners who use removable fasteners on door frames and doors, including storm doors, and windows do so at their own risk.
  - C. Lights generally should be LED (Light Emitting Diode) bulbs that are safely plugged into the owner's own personal electrical a/c outlet in the front of a home. Fire safety standards should be used and strings of lights should not pose a hazard for those entering or exiting the front of a home.
  - D. In the driveway/carport entrances to patios, lights should not be attached to the building or hung on overhead natural gas lines, where applicable, to prevent potential fire hazard. Decorative lights cannot be hung on carports.
  - E. Any decorative lights cannot be offensive to neighbors (brightly shine into a neighbor's home) due to excessive brightness. If a neighbor in close proximity reports an issue with lighting to the Association, the Board or its designated agent will investigate and report to the Board.
  - F. Sound systems cannot be used in conjunction with decorations.
  - G. For recognized holidays, (i.e. Halloween, Valentine's Day, Easter, etc.), holiday lights must be removed by the owner within 14 days following the holiday. Because of Denver tradition related to the annual Stock Show, holiday (Christmas) lights can remain up through the closing of the Stock Show in January. An owner has the option to appeal warning letters and fines to the Board of Directors by requesting a hearing on the matter.

Security or surveillance equipment and lighting:

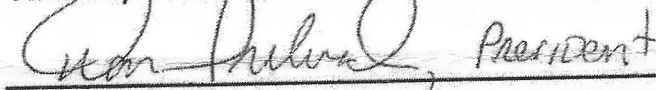
The Association recognizes that ongoing technical advances has caused a marketplace filled with a variety of surveillance products, many of which are sought by owners or residents who desire an added feeling of personal security or comfort. However, it is the duty of the Association, while respecting the wishes of one home owner/resident, also takes into consideration others living in close proximity. The rules involving such equipment include:

- A. No surveillance lighting or cameras shall be installed without prior ARF approval of the Association. This would include placement of wiring or cameras on Association-owned elements, including exterior walls, fences and carports. Drilling into Association walls or siding is not permissible. Wiring cannot be attached to these elements without ARF approval, nor can wireless models be attached without ARF approval.
- B. Installed equipment shall not be used to (a) monitor or spy upon another neighbor's activities or (b) create a disturbance to another neighbor (i.e. bright lights set off whenever a neighbor enters or exits their home). Instances of conflicts between neighbors regarding such equipment may be considered a personal legal situation between the affected parties and the Association will determine its potential involvement, if any.
- C. For individuals using professional alarms or monitoring service, signs advertising or promoting the product(s) shall not be placed in front yards or attached to outsides of buildings or doors.
- D. Complaints about surveillance equipment by neighbors may be investigated by the Association. It is possible that warning letters, fines and letters requiring modification or removal of such equipment may be issued by the Association.

This policy amends any previous policy provisions that are in conflict.

Approved by the Third Cherry Creek Townhouse Corporation Board of Directors at its meeting on Jan. 23, 2018.

Verified by President of the Board of Directors this 1<sup>ST</sup> day of MARCH, 2018.

 , President

Signature of President