

**The Gardens at Table Mountain  
Homeowners Association, Inc.**

**Architectural Control Procedures  
and  
Design Guidelines**

Adopted by the Board of Directors

On February 12, 2015

Gardens at Table Mountain Owners:

You are a member of The Gardens at Table Mountain Homeowners Association. Per the recorded covenants, which are a condition of the ownership of your property, all members of The Gardens at Table Mountain Homeowners Association and their properties are subject to Architectural Control as set forth in the recorded covenants as well as in the enclosed Architectural Review Procedures and Design Guidelines.

Architectural Review includes, but is not limited to (a) the construction, installation, erection or expansion of any building, structure, or other improvement, including utility facilities and fencing, (b) the demolition or destruction, by voluntary action, of any building, structure, or other improvement, (c) the landscaping, grading, excavation, filling, or similar disturbance to the surface of the land including change of grade, change of ground level, change of drainage pattern, and (d) any change or alteration of any previously approved improvement to property, including any exterior change of appearance, texture or color.

Properly exercised architectural control will create and preserve an attractive community and preserve property values.

Please refer to the enclosed guidelines for information about design restrictions for The Gardens at Table Mountain Homeowners Association and the proper procedure to submit plans for approval. Contact information for submittal is located on the Design Review Form, or by visiting the community website: [www.thegardensatblemountain.com](http://www.thegardensatblemountain.com).

Should you have any questions, please contact the Table Mountain Metropolitan District. Contact information is located on the Design Review Form

Sincerely,

Board of Directors  
The Gardens at Table Mountain Homeowners Association

SECTION 1  
INTRODUCTION

**A. Purpose and Intent**

The Design Guidelines are created to complement and clarify the Declaration of Covenants, Conditions and Restrictions for The Gardens at Table Mountain (the "Declaration"). They are supplementary to all of the terms and provisions of the Declaration, and shall remain in full force and effect. Any capitalized term not otherwise defined herein shall have the definition given in the Declaration.

The Design Guidelines are to be used by homeowners and their design consultants as a guide and framework for their efforts to develop landscapes and construct improvements on individual properties within The Gardens at Table Mountain.

The Design Guidelines will also be used by The Gardens at Table Mountain's Design Review Committee (the "DRC") in reviewing design proposals and determining their relative conformance to the overall design objectives and criteria.

**B. Relationship of the Design Guidelines to Other Regulations**

The Design Guidelines are not intended to supersede applicable federal, Colorado, or local codes or ordinances. In case of conflict or discrepancy, or for subjects not addressed in the Design Guidelines, the more restrictive Design Guidelines, governing agencies, codes and/or regulations shall take precedence.

**C. Enforcement of Declaration and Design Guidelines**

The terms and provisions of the Declaration and of these Design Guidelines shall be enforced by the Table Mountain Metropolitan District (the "Enforcing District") as provided in the Declaration.

**D. Landscaping: Timing and Components**

Landscaping is the obligation of the owner unless otherwise installed by the developer. Landscaping shall be completed within six (6) months after occupancy. In the event that the landscaping has not been completed within six months after occupancy, landscaping requirements as set forth in the Declaration shall be enforced.

SECTION 2

**Architectural Review and Approval Procedure**

**A. Submission of Plans by Homeowners**

Plans and specification of homeowners will be submitted to the DRC as specified in Article 6 of the Declaration. Plans shall be submitted to the DRC at the Association's primary mailing address. The DRC shall conduct a review and either approve or disapprove the plans within forty-five (45) days after receipt of all necessary information to review the plans. The DRC shall provide the approval or disapproval in writing within forty-five (45) days after complete submission of plans. Should the plans be approved, the homeowner may apply for any appropriate building permit(s), and when approved, begin construction. In case of disapproval, the resubmittal of plans shall follow the re-submittal procedure below.

**B. Plan Submittal and Review**

A Design Review Request Form, including copies of all plans and specifications, is to be submitted for approval. Plans shall include an approximate time schedule indicating start and completion dates. Plans shall also include an explanation of work proposed, in narrative, graphic form, or both to clearly illustrate the intent of the request. Approval by the DRC shall be issued in writing. Construction shall not commence until all of the above requirements are satisfied and any appropriate building permits are issued.

**C. Criteria for Approval**

The DRC shall approve any proposed Improvement only if it deems in its reasonable discretion that the Improvement in the location indicated will not be detrimental to the appearance of the surrounding areas of the Community as a whole, that the appearance of the proposed Improvement will be in harmony with the surrounding areas of the Community, that the Improvement will not detract from the beauty, wholesomeness, and attractiveness of the Community or the enjoyment thereof by Owners; that the upkeep and maintenance of the proposed Improvement will not become a burden on the Association; and that the proposed Improvement does not affect the drainage plan for the Community or any portion thereof. The DRC may condition its approval of any proposed Improvement upon the making of such changes therein as the DRC may deem appropriate.

**D. DRC Discretion**

The DRC shall exercise its reasonable judgment to see that all Improvements conform and harmonize to existing improvements as to design, quality, compatibility and type of construction, materials, color, location, height and the schemes and aesthetic considerations set forth in the Design Guidelines and other Gardens at Table Mountain Documents. The DRC shall enforce these guidelines, as the same may be amended from time to time by the Board of Directors. The DRC shall not unnecessarily reject Design Review Requests that meet the Design Guidelines without just reasoning.

**E. Re-Submittal of Plans**

In the case of disapproval of any submission, any re-submission of plans will follow the same procedure as an original submittal. In the event a decision by the DRC is felt to be unjust, a request for a special hearing may be submitted in writing to the DRC within thirty (30) days of the date of notification of the DRC's decision not to approve the submittal. This request shall contain a request to reconsider the disapproval and any other explanatory material that would be helpful to the DRC in reviewing the situation. A meeting of all parties concerned may be arranged when warranted and the decision of the DRC at any such meeting or after reviewing this material will be final.

**F. Prosecution of Work after Approval**

After approval of any proposed Improvement to property, the proposed Improvement shall be accomplished promptly and diligently in complete conformity to the description of the proposed Improvement and any other materials submitted to the DRC. If the Improvement is not completed within twelve (12) months after the date of approval or such shorter period as specified by the DRC, the approval granted shall automatically lapse; provided, however, the DRC may, in its discretion, grant extensions of time for completion of any proposed Improvement.

**G. Notice of Completion**

Upon completion of the Improvement, the applicant shall give written "Notice of Completion" to the DRC. Until the date of receipt of such Notice of Completion, the DRC shall not be deemed to have notice of completion of such Improvement.

**H. Inspection of Work**

The DRC or its duly authorized representative shall have the right to inspect any Improvement to property before, during and after completion. The right of inspection shall terminate thirty (30) days after the DRC has received notice of completion from the applicant and the DRC has been provided access to inspect the work if needed. Unless the DRC expressly states in a written document that an Improvement is being completed or has been completed in conformance with the approval therefor, no such conformance shall be inferred from any inspection of the Improvement.

**I. Right to Appeal**

If, after approval, the DRC gives notice of any noncompliance the applicant may appeal to the Board of Directors by giving written notice of such appeal to the Board of Directors and DRC within thirty (30) days after receipt of notice of noncompliance.

SECTION 3

**Non-Liability of the DRC and Declarant**

Neither the DRC nor the Declarant, or their respective successors or assigns, shall be liable in damages to anyone submitting plans. This exemption from liability shall be for any reason, including because of mistake in judgment, negligence or nonfeasance. Every owner or other person who submits plans to the DRC for approval agrees, by submission of such plans and specifications, that he or she will not bring action or suit against the DRC or Declaration to recover damages.

SECTION 4

**Design Guidelines**

**A. Landscape and Planting**

Landscape work and planting requires the approval of the DRC. Planting in the Common Areas is not permitted.

**B. Building Alterations, Additions and Detached Structures**

General Policies.

Any new Improvement, or any exterior alterations or changes to an existing Improvement must have the approval of the DRC before any work is undertaken. Any addition, exterior alteration, or change to an existing Improvement shall be compatible with the design character of the original Improvement. Examples of such Improvements include, without limitation, a deck, fireplace, fence, etc.

Only materials consistent with the exterior material existing on the parent structure or compatible with the architectural design character of the Community will be approved. Exterior color changes will be approved only if the proposed color is in harmony with the other existing homes in the community or if the color is similar to colors originally employed by the community.

Owners may remodel, paint or redecorate the interior of structures on their property without approval. However, modifications to any existing Improvement visible from outside the Improvement on the unit shall be subject to approval. No approval shall be required to repaint the exterior of an Improvement in accordance with the originally approved color.

**AWNINGS OR OVERHANGS.**

All awnings must be submitted to the DRC for approval. Awnings or overhangs should be an integral part of the house or patio design. The color must be the same as, or generally recognized as, a complementary color to the exterior of the residence. Submittal must include swatches of fabric/material to be used and state if awning or overhang is retractable or permanent. Any awning or overhang must be kept in a neat, clean and attractive condition.

**BASKETBALL EQUIPMENT.**

PORTABLE HOOPS: Approval is not required provided the following guidelines are met:

- For safety and access reasons, hoops may not be placed in the street or on the sidewalk unless during actual play. Portable hoops are allowed in the driveways from April 1 through September 30. From October 1 through March 30, they must be stored out of view from any street, common area or ground floor of any adjacent lot.

FRONT YARD POLE MOUNTED HOOPS: Approval is required.

- Pole must be placed within 2' of the side of the driveway and minimum 8' behind City sidewalk,
- Hoop shall be placed on a black pole or galvanized pole.
- Recommended installation is a removable pole with a ground sleeve no further 4" above grade.
- Backboard must be clear or painted to match the surface on which it is mounted, and kept in good repair. Net must be neutral in color and kept in good repair.

BACK-YARD INSTALLATION: Approval is required prior to installation. All requests will be evaluated on placement and circumstances of each back yard as well as court area surface, visual screening, and proximity to neighbors. See also play equipment.

**BUSINESS ACTIVITIES.**

Please refer to Article 13, Section 13.3 of permitted business activities.

**CLOTHESLINES.**

Exterior clotheslines, drying racks and drying yards are not permitted.

**DECKS/PATIOS.**

Approval is required prior to installation. All requests will be evaluated on placement and circumstances of each back yard as well as visual screening and proximity to neighbors. Submittal must include material and stain color. Materials compatible with the home in color and size should be utilized.

**EXTERIOR ANTENNAS, SATELLITE DISHES.**

The Design Guidelines for The Gardens at Table Mountain recognize and adhere to all local, state and federal regulations concerning antennas and dishes. No one will be denied the use of a recognizable system. Large satellite dishes will be prohibited in favor of the smaller varieties unless otherwise

approved by the DRC. Inconspicuous location under the eaves is encouraged. Location above the eaves of the roofs is generally not necessary for dishes; however, locations over the home's entry or other conspicuous places will not be permitted. Connection cables should be hidden or located in a non-obtrusive location and should be colored to blend with the color of the home.

**FENCES, WALLS AND SCREENS.**

All fences, including privacy fences, security fences, and fences for screening purposes and location of fencing shall be subject to the approval of the DRC before installation is undertaken. No chain link or similar type fence is permitted on any Lot. Three (3) rail or 6' privacy are recommended. All fences shall be stained with Sherwin Williams Charred Walnut – SWHC-109.

**GARAGE SALES.**

No approval is necessary for garage sales provided the items for sale are personal household goods and have not been purchased for re-sale in bulk, at auction or estate sale, and such sale is held in such a manner so as to not disturb other residents of the area. Garage sale days are limited to two consecutive days and all advertising of said sale shall be removed no later than end of last sale day.

**GAZEBOS/GREENHOUSES/SUNROOMS.**

Approval is required prior to installation. Each submittal will be considered on its individual merit and intent.

**HOT TUBS, SPA, SAUNA, POOLS.**

Approval is required prior to the installation for any exterior hot tub, spa equipment, sauna, Jacuzzi or pool. The equipment must be designed as an integral part of the patio area and will only be permitted in back yards at ground level.

**LIGHTING.**

Lighting must be approved by the DRC and also must be in accordance with the following guidelines:

- No obnoxious lighting shall be installed.
- Walkway lighting must be directed to the ground

**PET ENCLOSURES AND HOUSES.**

Approval is required for all pet enclosures. Chain link material is NOT permitted anywhere in the community.

The maximum size of a pet house that may be installed is 12 square feet and may not be visible above the fence line. All other pet houses require approval prior to installation. Pet houses must be compatible with the home in material and color, and installed in the back yard only.

**PLAY EQUIPMENT GENERALLY.**

Play equipment such as sandboxes, playhouses and tents, putting greens shall not require approval of the DRC provided that such equipment is not more than 4 feet high and in good repair (including painting) and located in the back yard and a minimum of 6' feet from any property line. Equipment such as basketball goals, fort-style play structures, swing sets, climbing equipment, sport courts or any other



equipment higher than 4 feet shall require approval as to design, location, color, material and use. The storage and use of toys, play equipment and temporary recreational facilities (except temporary basketball equipment) shall be stored out of sight when not in use.

**RENEWABLE ENERGY GENERATION DEVICES AND ENERGY EFFICIENCY MEASURES.**

Approval is required prior to installation. All such devices must be integrated into the existing design of the home, and if roof mounted, shall be at the same pitch and angle of the existing roof. No exterior plumbing may be visible from the street or adjoining properties. All solar energy device must be installed by a professional. Please review Policy regarding renewal energy generation devices and energy efficiency measures prior to making a submittal to the DRC.

**RETAINING WALLS.**

Any retaining wall must be approved by the DRC before installation is initiated. Submittal shall include material samples and any retaining/landscape wall in excess of 36" in height is required to have a professional engineer's certificate, accompany the submittal. Retaining walls which divert ground water onto adjoining properties, or which otherwise substantially change the existing drainage pattern will not be approved.

**ROOFS.**

Approval is required before installation. All roofs shall be of the same or like composition of builder installed roofing material. Approval will be given for composition roof material only. No flat roofs will be constructed without approval of the DRC.

**SHEDS/STORAGE STRUCTURES**

Sheds and storage structures are not permitted.

**SIGNS, FLAGS, BANNERS AND ADVERTISING.**

Refer to Section 13.5 of the Declaration for restrictions on signs, flags, banners and advertising.

**SEASONAL/ PERMANENT DECORATIONS.**

Seasonal: Owners should be considerate of other residents when placing seasonal decorations and shall not erect or place any excessively bright or loud decorations on a Lot. Decorations, including holiday lights, may not be permanently attached to any Improvement or Lot.

Decorations should be specific to the season. Decorations during winter months (October to January) may be placed thirty (30) days prior to the holiday and must be removed thirty (30) days after the holiday, weather permitting. Decorations that are placed during other months (February to September) may not be displayed more than three (3) weeks prior or two (2) weeks after the holiday.

The DRC reserves the right to address any concerns which arise from seasonal decorations.

Permanent: Any permanent items such as yard statuary, benches, arbors, birdbaths, fountains, wall-mounted art, etc., are not allowed in the front area of the property. A birdhouse or birdfeeder, which is mounted on a pole may only be installed in the backyard, and will still require DRC approval.



**TRAMPOLINES/TREEHOUSES.**

All trampolines must be submitted to the DRC prior to being installed. Trampolines and safety nets should be normal colors. Gray or black structures will be preferred over other colors. Plans submitted must include size and height of trampoline and net, and location in the back yard.

Treehouses are not permitted.

**TRASH CONTAINERS.**

Trash containers shall only be placed at curbside for pick-up after 7:00 p.m., on the eve of trash day and shall be returned to a proper storage location by 9:00 p.m. the day of pick-up. Trash containers shall be stored out of sight at all times except on the day of pick-up, and shall be kept in a clean and sanitary condition.

**The Gardens at Table Mountain Homeowners Association, Inc.  
Design Review Request**

<b>Submit to:</b> <u>Table Mountain Metropolitan District</u> <u>191 University Blvd. #358, Denver, CO 80206</u> <u>Or email to: angela@teleos-services.com</u> <u>Or call 303-818-9365</u>	<b>Office use only:</b> Date Received: _____ Date to Committee: _____ Approval Date: _____
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Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Home #: \_\_\_\_\_ Cell #: \_\_\_\_\_

- Painting                     
  Landscaping                     
  Deck/Patio/Slab                     
  Fencing  
 Other: \_\_\_\_\_

**Description of Improvement.** Include picture, colors, drawing, brochure, and types of materials, dimensions or other information that will be helpful to understanding your request.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I understand that approval of the Association is required in advance to proceed. I also understand that the approval does not constitute approval of the local City/County building departments and that a Building Permit may be required. I agree to complete all proposed improvements promptly after receiving approval. I understand that any change in drainage and elevation is not permitted unless expressly approved by the DRC. I understand that any change in drainage and elevation may affect builder warranties and are not the responsibility of the Association. I agree to contact the builder directly for such matters.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**If you have not received written notice confirming receipt of this application within seven days following submission, please contact The Gardens at Table Mountain Homeowners Association at 720-398-7882 or info@teleos-services.com**

**Board/Committee Action:**

Approval as submitted Date: \_\_\_\_\_

Approval with the following conditions, below: Date: \_\_\_\_\_

Denied for the following reasons: Date: \_\_\_\_\_

