

## **Riva Chase**

### **Explanation of Residential Rules and Regulations**

Riva Chase was developed with the intent of creating a residential community in which the attractiveness of the individual lots, residences, common areas, and facilities is ensured by an established set of Covenants and Restrictions, which govern the community's activities. The responsibility for *ensuring* compliance with the applicable covenants, declarations, rules and regulations has been delegated to the Riva Chase Homeowner's Association (HOA) and the Association's Architectural Control Committee (ACC).

Any owner of any lot or residence within Riva Chase automatically becomes a member of the Riva Chase Homeowners' Association and thereby becomes subject to and bound by all rules, regulations, fees and dues established by the Covenants, Supplementary Declarations, and valid Amendments thereto and the Association's Rules and Regulations. *Property owners should consult these documents prior to making any changes or additions to their home or property and must contact the ACC for advice and approval.*

In recognition of the fact that the community is now essentially "built out" and the large majority of the lots have been landscaped, the Association has decided to restructure the Architectural Control Committee (ACC) so as to enhance its ability to fairly and effectively administer the applicable rules and regulations. The effective date is December 10, 2009.

The Riva Chase Rules and Regulations have been divided into two sub-sections:

1. The Residential Rules and Regulations "Compliance Section":  
This section will address the 'every day' rules, regulations and problems that occur in a developed community. These Rules and Regulations are set forth in the following section of this document.  
These Residential Rules and Regulations are promulgated under and are subject to the Covenants. To the extent of any inconsistency between the provisions hereof and those of the Covenants, the provisions of the Covenants shall prevail.
2. The Architectural Rules and Construction Regulations Section:  
This section will address matters pertaining to the construction of new homes, any major remodeling projects on existing homes, the initial landscaping of any property and other projects.

The Architectural Control Committee reserves the right to revise the Rules and Regulations as changing conditions and priorities dictate in order to maintain the maximum aesthetic benefits of the community while enhancing property values. The process for establishing the ACC and defining the specific duties and powers conferred to it is defined in the Master and Supplementary Declarations, Conditions, Restrictions, as amended "Covenants" and *By-Laws*.

The ACC and the Riva Chase HOA initially approved these Standards on February 21, 2001. The ACC and Riva Chase HOA made revisions noted in *italics* and approved these Rules and Regulations on December 10, 2009.

Initially approved 2/21/01  
Approved with Revisions 12/10/09

# **RIVA CHASE**

## **Residential Rules and Regulations** *Compliance Section* **2009**

*A Quick Reference Guide for Enjoyable Living*

**Riva Chase is a Covenant Controlled Community**

\* A complete set of recorded “Declaration of Covenants, Conditions and Restrictions”, “Supplementary Declaration of Covenants, Conditions and Restrictions” and Amendments of Riva Chase are supplied at real estate closings.

## RIVA CHASE

### Residential Rules and Regulations

#### I. Exterior Appearance:

##### A. General Standards

1. All improvements upon a lot shall, at all times, be maintained in good condition and repair. The owner shall cause all dwellings and other improvements to be refinished, resurfaced, or repaired periodically as effects of damage, deterioration or weather become apparent.
2. Appearance, color, type of paint or stain or other external surface conditions shall not be changed without prior written approval of the Architectural Control Committee. ACC permission is not required if the dwelling is being refinished with the same color and type of paint and/or stain. *However, the ACC should be notified of these repairs and maintenance projects in order to address potential questions from other homeowners.*

##### B. Antennas

1. No radio, short wave or television antennas shall be installed without the ACC's prior approval. However, in order to facilitate the installation of *satellite* 'dish' type antennas with diameters less than 24 inches, the ACC has pre-approved antennas of this design provided that they are either located at ground level or mounted less than six feet above ground level. Roof top mounting is discouraged.
2. *The ACC must be consulted as to the location or placement of satellite dishes to insure they are not placed so as to be a visual annoyance to neighbors or to affect the harmoniousness of the neighborhood.*
3. The dish color must be a muted tone.
4. In all cases, the homeowner should consider any adverse impact that the antenna installation may have on other residents and to the extent possible, mitigate this impact by concealing the view of the "dish" to *ensure little or no visibility from the street or other homeowners.*
5. *The Federal Communications Commission states "Some communities have written restrictions that provide a prioritized list of placement preferences so that residents can see where the association wants them to install the antenna. The residents should comply with the placement preferences provided the preferred placement does not impose unreasonable delay or expense or preclude reception of an acceptable quality signal."*

##### C. Air Conditioners, Heating, Cooling and Solar Systems

Under the provisions of Item 11 of the Declaration of Covenants, Conditions and Regulations, ACC approval is required for installation of any of the devices.

##### D. Mailboxes

1. Mailbox design must be approved by the ACC. Mailbox location should take into consideration snow plowing and shall conform to the U.S. Postal Service rural mail delivery requirements. Prior approval from Forest Hills Metro District of mailbox location is also required.
2. All mailboxes should be of substantial construction and should compliment the owner's house and blend in with the aesthetic setting of the surrounding landscape.
3. In an effort to accelerate replacement of deteriorated mailboxes, the ACC has pre-approved a number of different types of mailbox designs. The ACC will provide this information when requested.

E. Driveways and Vehicle Parking

1. Residents are required to have two guest parking spaces per site and have the right for one regularly parked vehicle outside on the site. *No parking is allowed off the paved driveway. No vehicle is to be permanently parked on the property.*
2. Jefferson County Uniform Fire Code (902.2.4.1) states that access roads must have a minimum of twenty feet clearance. This pertains to all roads except driveways. The residential roads in Riva Chase are generally twenty-four (24) feet wide, so this mandates that no vehicles be parked on the streets, particularly overnight or for extended periods.
3. No campers, mobile homes, trailers, boats or similar recreational equipment, and no tractors, horse trailers, commercial equipment or vehicles shall be kept or maintained on any lot or on any street, unless specifically approved in writing by the Architectural Control Committee. In the event such approval is granted it shall be conditional so as to forbid the parking of any such vehicles or equipment described herein in the open, and such approval shall require that the garage or extension of the garage be designed for such vehicles or equipment in a manner to adequately conceal such vehicles from public view.
4. Motorized bikes, motorcycles, RUV's, snowmobiles, etc. should not be ridden on the hiking paths or on the road to the District Waste Water Treatment Plant or water wells.
5. Posted speed limits should be observed by all classifications of vehicles at all times. *Homeowners should ensure that all their contractors and guests are aware of the speed limit and abide by it.*

F. Garage Doors

Garage doors shall be kept in a closed position so that the contents in the garage are concealed from view from any other lot or from the street. Garage doors may be kept open for short intervals for the purpose of receiving deliveries, moving in or out, or while performing yard or other maintenance work.

G. Lighting

1. In general, all exterior lighting must be approved as part of the initial construction of the home.

2. Site lighting should be designed so that the light source will not shine directly into the windows of a house on an adjacent property.

H. Woods Piles

1. The Covenants require that woodpiles be screened by adequate planting to conceal them from view of neighboring residences and the street.
2. Neatly stacked woodpiles of less than one cord in size and less than twenty-four (24) inches deep shall generally not require approval.

I. Trash Containers

1. Trash containers must be concealed from view by an enclosure or screen, which must be approved by the ACC.
2. Garbage cans, barrels, sacks or *bags* shall not be left at the roadside for more than twelve hours on trash day.
3. Trash cans should be covered and cardboard boxes tied together on windy trash days. Garbage should not be left outside overnight, as it can attract animals and wildlife.

J. Signs

1. The construction or maintenance on any lot of single or two-sided billboards, poster boards or advertising structures of any type is prohibited without advanced written permission of the Architectural Control Committee.
2. If requested, the ACC will give general pre-approval for temporary real estate "For Sale" and "Open House" signs on the property for the express purpose of selling real property. These signs shall conform to those that are *customary and typical* in the community.
3. "For Sale" signs must be removed within forty-eight (48) hours after the property is sold. No "SOLD" signs are permitted.
4. Normally only one "For Sale" sign will be permitted; however, if the property borders on different streets, two "For Sale" signs may be authorized.
5. No sign shall be placed on property owned by others without their prior permission.
6. "Open House" signs may be erected on the property on a daily basis. Such signs should not be erected before 8:00 a.m. and shall be removed before 6:00 p.m. of the same day.
7. Directional signs used to assist in the location of a property for an Open House or similar event designed to market the house are permitted. They must be removed by 6:00 p.m. the same day. The installation of these signs should be restricted to the minimum number necessary to direct prospective customers to the home that is for sale. *These signs shall conform to those that are customary and typical in the community.*
8. No advertising signs (landscaping, remodeling, home improvements, business signs, etc.) shall be allowed.
9. No others signs are allowed *without the* written consent and approval of the ACC.

10. Any violations of these sign standards may result in the confiscation and disposal of unauthorized signs by the ACC or its Agents.

## II. Landscaping

### A. General Standards

The initial landscaping plan must receive the prior written approval of the Architectural Control Committee and Forest Hills Metro District. The landscaping requirements and the approval process for the initial landscaping are spelled out in the “Architectural Standards and Construction Regulations 2009”; the Covenants; Supplementary Covenants and various amendments thereto. All landscaping should blend with the natural surroundings and require minimal water usage.

### B. Maintenance Landscaping

In recognition of the fact that Riva Chase is now essentially built-out and the majority of the lots have already been landscaped, the ACC has determined that minor landscaping projects, generally ‘maintenance’ in nature, may be undertaken without specific ACC approval. The criteria used in administering this ‘landscape maintenance’ category are as follows:

#### **Requires ACC approval:**

1. *ACC approval is required for planting of trees to ensure that neighbor’s properties are not adversely impacted.* Forest Hills Metro District (FHMD) must be consulted if the proposed tree planting would restrict a clear view of a street intersection or interfere with the District’s drainage system. FHMD’s approval is also required before digging any holes deeper than two (2) feet to ensure that they do not interfere with utility or power lines.
2. The total use of irrigation water should not exceed that specified by Forest Hills Metro District. (Refer to Article IV, “Restrictions on Water Use” of the Supplemental Covenants established by the Third Amendment, effective December 13, 1991.)

#### **Does NOT require ACC approval:**

1. Replacing existing plants, trees, or other plants with similar vegetation.
2. Reseeding and the planting of wildflower seeds, native grasses or annual or perennial plants.

### C. Trees

1. Trees infested with pine bark or beetle must be promptly removed and properly disposed of. Dwarf mistletoe infestations must be treated by a qualified arborist and, if necessary, be promptly removed and properly disposed of.
2. Homeowners are encouraged to have their trees trimmed and sprayed annually for pine bark and beetles.
3. Dead trees, timber and debris should be removed from the property *and the Riva Chase community*.

D. Fencing

No fencing of any kind is permitted without prior written approval of the ACC.

E. Major Landscaping Plans

All plans for major landscaping must receive the prior written approval of the ACC and FHMD and must comply with the "Landscaping Design Standards" spelled out in the ACC's "Architectural Rules and Construction Regulations 2009".

**III. Property Maintenance**

A. General Standards

1. Every owner of any lot and all improvements thereon shall, at his or her own expense, perform or cause to be performed all maintenance required to keep the property in good condition and repair. The owner shall cause all dwellings and other improvements, including, but not limited to; roofs, gutters, downspouts, exterior building surfaces, mailboxes, driveways, tennis courts, swimming pools, antennas, flag poles, walls, recreational equipment, landscaping, etc. to be refinished, resurfaced, or repaired periodically as effects of damage, deterioration, and weather become apparent. Appearance, color, type of paint or stain or other conditions shall not be changed without the prior written approval of the ACC.
2. ACC approval is not required for resurfacing or replacement of driveways, walls or steps from their original design. No changes shall be made to the materials used or their appearance or size without ACC approval.
3. In the event that the owner of any lot shall fail to maintain the premises and improvements located thereon in a manner satisfactory to the Architectural Control Committee, the Association shall have the right, upon thirty (30) days prior written notice to such Owner, through its agents or employees, to enter upon said lot and to repair, maintain or restore the same and the exterior of the buildings and other improvements erected thereon. The cost of such exterior maintenance shall be borne by the Owner, along with appropriate penalties and fines, as specified in the "*Supplementary Declarations, Article VI, Covenant for Maintenance Assessments, Section 5.*"

B. Screening of Equipment

All clotheslines, equipment, garbage cans, service yards, woodpiles or storage piles shall be kept screened as to conceal from view of neighboring residences and streets.

C. Trash Disposal

All trash, rubbish or garbage shall be regularly removed from the Lot and shall not be allowed to accumulate thereon.

#### **IV. Exterior Modifications**

- A. Accessory buildings or facilities such as detached garages, gazebos, greenhouses, tennis courts, pools, etc. shall adhere to the standards outlined in the ACC's Architectural Rules and Construction Regulations – 2009. **All such additions to the Lot must receive the prior written approval of the Architectural Control Committee prior to commencing any construction, addition or modification.**
- B. **No exterior alteration or structural addition shall be made without Prior Written Approval by the ACC.**
- C. No temporary house, trailer, tent or other outbuilding shall be placed on any lot.

#### **V. Recreational Equipment**

- A. The installation of any tennis courts, swimming pools, *trampolines*, children's play/swing sets *or any other recreational equipment* must receive the prior written approval of the Architectural Control Committee.
- B. Homeowners are encouraged to have their children use the playground and basketball courts located at the Riva Chase park rather than installing this equipment on their lot.
- C. If *trampolines*, swing sets/play sets are installed on the Owner's lot, they must be approved by the ACC and should be:
  - 1. Of substantial construction *and*
  - 2. Be of neutral colors (i.e. dark green, brown or beige)
- D. They shall be kept in good repair and should be removed as soon as the homeowner's children no longer use the equipment.

#### **VI. Pets and Wild Animals**

- A. No cows, pigs, horses, chickens, poultry, rabbits or other livestock shall be raised, grown, bred, maintained or cared for upon any lot, provided, however, that nothing contained herein shall be construed to prevent any owner of any lot from maintaining, keeping or caring for domestic household pets not for commercial purposes. No more than two (2) dogs and no more than two (2) cats shall be kept or maintained as pets on any lot or homeowner's property. Jefferson County ordinance (9.82.6.5.1.6) requires that all dogs must be kept on a leash whenever they are off the Owner's property. Said leash may not be more than ten (10) feet long and must be hand held.
- C. Neither the HOA nor FHMD is equipped to handle animal control problems. The Animal Control Division of the Jeffco Sheriff's Office (phone 303-271-5070) should be contacted regarding any animal control matters.

- D. Homeowners should refrain from feeding wild animals, including deer, elk, bears, mountain lions, coyotes, foxes and birds of the Corvidae family (crows, ravens, magpies, etc.)
- E. It is the Property Owner's responsibility to dispose of any wild animal carcasses found on the Owner's property. Neither the HOA, FHMD, Jefferson County nor the Division of Wildlife provides this service.
- F. ACC approval must be obtained prior to the installation of any dog runs.
- G. Fencing along property lines will not be allowed.
- H. "Invisible" underground electronic fences are permitted, but fencing flags must be removed no later than sixty (60) days after installation.

## **VII. Home Occupation**

- A. No trade, business, activity or home occupation as defined in the zoning ordinance of the County of Jefferson shall be conducted, carried on, or practiced on any lot or in a residence or dwelling constructed thereon. The Owner of said lot shall not suffer or permit any residence or dwelling erected thereon to be used or employed for any purpose that will constitute a nuisance in law or that will detract from the residential value of said lot or other lots of the Property.
- B. Home offices, as distinguished from home occupations, are permitted in Riva Chase, provided that they may only be utilized by the principal residents of the home (no outside employees).
- C. A home office shall not involve business visits to the dwelling by customers or clients.
- D. Gate access codes and gate openers should not be given to any commercial visitors.

## **VIII. Miscellaneous**

- A. No well of any kind or for any propose shall be commenced or drilled.
- B. No tanks that extend above the ground shall be erected, placed or permitted on any lot without the written approval of the Architectural Control Committee.
- C. No exterior fires shall be permitted except for barbecue fires contained within receptacles designed for that use.
- D. No removal of rocks, trees, plants or topsoil from any portion of the property other than the owner's lot is permitted.
- E. The use of spring, surface or augmentation water for any purpose is prohibited.
- F. Estate or Garage Sales are permitted only if approval has been granted by the ACC.

## **GENERAL TERMS AND PROVISIONS**

The Architectural Control Committee reserves the right to waive or vary any of the procedures or rules and regulations set forth herein at its discretion, for good cause shown.

The Association or any Owner shall have the right to enforce the Conditions, Covenants and Restrictions contained herein by any proceeding at law or in equity against any person or persons violating or attempting to violate any Covenant or Restriction, either to restrain violation or to recover damages, and against land to enforce any lien created by the Covenants. Failure by the Association or by any Owner to enforce any Covenant or restriction herein contained shall in no event be deemed a waiver of their right to do so thereafter.

Neither the ACC, HOA nor its assigns shall be liable in damages to anyone submitting plans to them for approval, or to any owner by reason of a mistake in judgment, negligence, or nonfeasance arising out of, or in connection with the approval or disapproval or failure to approve any plans or specifications. Every owner or other person who submits plans to the ACC for approval agrees, by submission of such plans and specifications, that he will not bring action or suit against the ACC to recover such damages.

### **Grandfathering:**

As with any Covenant controlled community, it is very difficult for volunteer Homeowner's Association representatives to identify and stringently enforce all Covenant provisions. There may be situations in Riva Chase where improvements have been constructed or installed on residential lots in the past without securing written Architectural Control Committee approval or otherwise be in violation of the Declaration and Applicable Rules and Regulations. Colorado Revised Statutes 38-33.3-123 contains a one year statute of limitations for the enforcement of building restrictions or to compel the removal of any building or improvement because of Covenant violations. There are other situations which exist or have arisen in which improvements were approved under one set of architectural regulations, or in the interpretation thereof, prevailing at the time of approval, but were not or are not in conformity with the current regulations (or their interpretation). Once written approval from the ACC has been obtained for improvements, that approval is grandfathered for those specific improvements on that specific lot and the approval supersedes any subsequent changes in regulations or interpretations. ACC approvals are appurtenant to a lot and run with the land.

### **Complaint Procedures:**

Before submitting complaints to the ACC regarding Covenant violations or other problems in the community, homeowners are encouraged to discuss the problem *with their neighbors*. It is *preferred* that any complaint a homeowner desires to file against another resident or against the ACC be submitted in writing.

In the event that the complainant disagrees with the ACC's decision, the complainant may, within fifteen (15) days from receiving said decision, file a written request for an appeal. The request shall set forth with specificity the facts or exhibits upon which the complainant's protest relies.

### **Subject to the Covenants:**

Initially approved 2/21/01  
Approved with Revisions 12/10/09

These Residential Rules and Regulations are promulgated under and are subject to the Covenants. To the extent of any inconsistency between the provisions hereof and those of the Covenants, the provisions of the Covenants shall prevail.

**Severability:**

Invalidation of any one or any part of any one of these Standards, Conditions, Rules or Regulations by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

# RIVA CHASE

## Architectural Rules and *Construction Regulations Section* 2009

*Riva Chase* is a Quality Residential Development characterized by its natural terrain and location and visual prominence. It is the intent of these Architectural Rules and Construction Regulations to provide guidance to licensed architects, landscape designers, designers, builders and owners in developing appropriate architectural and site plans which are sensitive to these characteristics.

Riva Chase is a Covenant Controlled Community

\* A complete set of recorded “Declaration of Covenants, Conditions and Restrictions”, “Supplementary Declaration of Covenants, Conditions and Restrictions” and Amendments of Riva Chase are supplied at real estate closings.

## **Riva Chase**

### **Architectural Rules and Construction Regulations**

Riva Chase is a Quality Residential Development characterized by its natural terrain, location and visual prominence. It is the intent of these Architectural Rules and Construction Regulations to provide guidance to licensed architects, landscape designers, designers, builders and owners in developing appropriate architectural and site plans which are sensitive to these characteristics.

All plans and physical construction shall comply with the requirements of Forest Hills Metro District, Jefferson County Building Codes and Standards, Jefferson County Zoning Regulations and/or any other applicable Governmental Codes and Standards.

The Architectural Control Committee (ACC) reserves the right to revise these Rules and Regulations as changing conditions and priorities dictate, in order to maintain maximum aesthetic benefits to the community while enhancing property values.

#### **I. Architectural Review Process**

The process for establishing the ACC and defining the specific duties and powers conferred on it is defined in the Master and Supplementary Declaration of Covenants, Conditions and Restrictions, as amended ("Covenants"). The ACC has approved these Rules and Regulations.

All construction that is undertaken on a property, whether new building and site construction, *landscaping* or landscape planting, changes to existing facilities or any *exterior additions or modifications* shall be subject to review under these Rules and Regulations. The "Residential Rules and Regulations" govern the every day issues and ongoing maintenance activities of the community.

#### **II. Architectural Review Process Meeting Schedule**

The ACC meetings will be scheduled when requested by the applicants. Applicants are requested to call the Chairperson of the ACC a minimum of four (4) days in advance to schedule a presentation of plans.

#### **III. Pre-Design**

Prior to preparing plans for a proposed residence, it is required that the owner and/or the architect meet with the ACC to discuss proposed plans. This informal review will provide guidance, but will not result in any binding stipulations. No fee shall be charged.

#### **IV. Preliminary Plan Submittal**

Following the Pre-Design meeting, the owner and/or the architect may develop preliminary architectural and site plans. Incomplete plans will not be considered. They shall meet the following requirements:

- A. All plans shall be the same sheet size (24" x 36") and shall include the following:
1. A site plan of existing conditions, including topography with a two (2) foot contour interval, existing trees and shrubs, drainage-ways and other natural features. All legal restrictions, including right-of-ways, easements, property lines and required setbacks must be provided. All site information should extend to all property lines of the lot and beyond to include dimensions to drive access easements and any existing structures adjacent to the lot. A USGS survey is required at the time of the Preliminary Plan Submittal. The site plan shall indicate a benchmark relating building elevations to the USGS Survey. *Plans will need to be reviewed and approved by Forest Hills Metro District prior to final approval by the ACC.*
  2. The site plan shall show all proposed improvements, indicating items such as building location, driveway and parking areas with proposed driveway/parking grades, proposed grading at a two (2) foot contour interval with appropriate spot elevations, and drainage features, at a scale of 1" = 20' or larger for Estate lots and 1" = 10' or larger for Village lots. The site plan should show existing spot elevations to the nearest one-tenth (1/10) of a foot at each corner of the proposed structure and include top of slab, all finished floor and roof elevations.
  3. Detailed roof plans at a scale of 1/8" = 1' or larger and floor plans at a scale of 1/4" = 1' or larger.
  4. All exterior elevations at the same scale as the floor plans, indicating both existing and proposed grade lines, top of foundation, top of slab, all finished floor, and roof elevations. *Material Sample Board is required to be submitted with the Final Plans.*
  5. Indication of all exterior materials and colors (Refer to Attachment B, Pg. 3: "Architectural Review Color/Materials Selections").
  6. Any other proposed improvements visible to adjacent lot owners and/or the public.
  7. Consultation with the ACC should occur to determine the trees that will be required to be removed on the building site in accordance with the *Forest Service (303-202-4949)*
- B. *At the option of the ACC either: a computer generated, 3D perspective drawing showing each corner of the building including the proposed slope or a model will be required as a visual aid.*
- C. In order to assist the ACC, the owner shall provide accurate staking of all proposed building corners, driveway centerline at twenty (20) foot on center and lot corners, with existing and proposed grades. All stakes must extend at least 3' above grade and must be identified. *If deemed necessary; the ACC might require the staking of the actual height of the proposed structure.*
- D. The attached "Architectural Review Checklist" and "Application for Architectural Review" must be completed prior to the submission for review. (See Attachment B.) All documents shall be signed by the homeowner, architect, and/or builder as appropriate. No construction plans will be accepted for review without a signed Application form. *Proof of financing may be required at the time of Final Plan Submittal to the ACC and will include a letter of credit from a*

*financial institution, a bond or other documents establishing the ability of the owner to complete the proposed home building.*

**Procedures:**

1. After preparing the appropriate plans and “Architectural Review Checklist”, the owner shall submit four (4) sets of site plans and two (2) sets of building plans along with a **non-refundable** review fee of five hundred dollars (\$500) to the ACC. (*Check is to be made payable to “Riva Chase HOA”.*) Preliminary landscape plans may be submitted at the time of the Preliminary Review.
2. The ACC will then review the plans and staking and will provide a written response no later than 50 days after each submittal. Any other Riva Chase property owner wishing to review such plans may do so by contacting the ACC. Any comments which the property owner wishes the ACC to consider in its review process shall be submitted to the ACC Committee in writing. The ACC will post the property after the Preliminary Plan approval, to allow for comments.
3. Should the plans be approved, the owner may begin preparing Final Plans. In the event of disapproval, the plans shall be resubmitted, following the Preliminary Plan submittal procedure.

**V. Final Plan Submittal**

Following Preliminary Plan Approval, the owner and the architect may develop Final Architectural and Site Plans, suitable for construction. They should meet the following requirements:

- A. All plans shall be of the same sheet size (24” x 36”) and shall include an update of all plans submitted at the Preliminary Plan process with the following additions:
  1. Exterior details, including items such as chimneys, exterior stairs and decks, railing and supports.
  2. Samples of all exterior materials, finishes and colors, etc. (Refer to *Attachment B: Architectural Review Checklist.*) Samples shall be submitted on a color board, which must be clearly marked with the owner’s name, street address and lot number. All material samples must be identified with the manufacture’s name, color and/or mixture.
  3. The Landscape Plan shall be prepared by a qualified landscape designer and shall include the following:

(Additional fee of one hundred and fifty dollars (\$150) is required if landscape plans are submitted at a later date.)

    - a. Areas to be irrigated, if any, and systems to be used.
    - b. Seed mixtures and ground cover to be used on re-vegetated areas.
    - c. Any additional plant material, identified by common and botanic name and size. All plantings shall be indigenous to the area.
    - d. All walks, retaining walls, lighting, signs and other site amenities.

- e. Estimated amount of water consumption during irrigation season (May 1<sup>st</sup> to October 15<sup>th</sup>). The Landscape Plan shall contain the following note:  
“To the best of my knowledge, this new landscape plan will not require more than (Insert 18,000 gallons for Village Lots or 27,000 gallons for Estate Lots) of irrigation water consumption during the normal growing season of May 1<sup>st</sup> through October 15<sup>th</sup> to sustain the plant materials in a healthy living condition.”  
(Refer to Forest Hills Metro District “Statement of Irrigation Permit Policy”.)
- B. Any adjustments in site staking shall be made at this time.
- C. Updated Architectural Review Checklist as applicable. (See Attachment B.)
- D. Site plans need to be reviewed and approved by Forest Hills Metro District prior to final approval by the ACC.

**Procedures:**

1. After preparing the final detailed plans, the owner shall submit four (4) sets of Site Plans, two (2) sets of Building Plans and two (2) sets of Landscape Plans to the ACC. The Site *and Landscape* Plan must also be approved by Forest Hills Metro District (FHMD).
2. The ACC will then review the plans and staking and will provide a written response no later than 50 days after each submittal. When the plans are approved, the owner may apply for the appropriate building permit(s) and when approved, begin construction. In the event of disapproval, the plans shall be resubmitted following the Final Plan Submittal procedure. At the final submittal level, all resubmittals beyond the second disapproval will require an additional fee of \$250.
3. At the time of the Final Plan Approval, the Builder shall remit a Trash/Security Deposit of \$5,000 to the ACC. (*Check to be made payable to “Riva Chase HOA”.*) This deposit shall be drawn upon to remedy complaints of excessive trash/debris, which are not corrected by the Builder after proper notification by the ACC. This deposit, minus any assessed penalties, shall be returned to the Builder within 30 days after notification to the ACC by the Builder of issuance of Certificate of Occupancy. *If Certificate of Occupancy is not provided within one (1) year from the date of building start, which is defined as issuance of the Building Permit and excavation, the \$5,000 Trash/Security Deposit will be forfeited to the Riva Chase HOA/ACC.*
3. At the time of Final Plan Approval the builder or the homeowner shall remit a Landscape Deposit of \$1,500 to the ACC. (*Check to be made payable to “Riva Chase HOA”.*) This deposit will be forfeited in the event that the building site has not been landscaped within 12 months of the date of issuance of the building permit. It is incumbent upon the Builder/Homeowner to assure that proper erosion control methods are utilized during the construction period.

## **VI. Landscape Design Standards**

All landscaping within Riva Chase shall be designed to preserve the natural appearance of the Foothills environment. All man-made landscaping should ensure that the ecosystem is not altered and that unnecessary quantities of water will not be required to support the live plant materials. All landscape plans shall be prepared in accordance with the recommendations of *Forest Hills Metro District* and the Denver Water Board, "Landscaping for Water Conservation: Xeriscape". Any landscape elements that require substantial amounts of water, such as bluegrass lawns, ponds, etc. will be discouraged. *At a minimum, plans must be submitted which specify plans for re-vegetation of all areas disturbed during construction. The landscaping shall be completed in accordance with the Covenants and ACC Rules and Regulations.*

### **Design Standards:**

1. Minimize disruption of the natural terrain.
2. Re-vegetate areas disrupted by construction.
3. Use dry land grasses in lieu of high water consumption grass.
4. Use indigenous species of plant materials to preserve the natural appearance.
5. Preserve natural drainage channels. Treat all drainage areas with appropriate erosion control methods. Give special attention to drainage and erosion potential both on and off the property.
6. Provide for snow storage.
7. Preserve and protect existing trees and rock formations. Permission may be required by the ACC to remove any tree greater than five (5) feet tall. *Allowances will be made for thinning and to protect from pine beetle damage.*
8. Avoid placing planting materials in lines or uniform spacing.
9. All introduced plant materials shall conserve and complement the existing vegetation. Areas immediately adjacent to buildings may incorporate some ornamental plants, but should quickly transition to more naturalized materials. These naturalized material areas shall consist of grasses, groundcovers, shrubs and trees that are similar to those on-site or are analogous in appearance and *incorporate* low water requirements.
10. Take into consideration the effect that the landscape element may have on neighboring properties. Consider the impact that plant material may have when fully mature.
11. Irrigation systems, when needed, should efficiently distribute water to plants that require it. Temporary, drip or other low water consumption irrigation systems will be encouraged where appropriate. Each lot has been allocated one irrigation tap by Forest Hills Metro District. Contact the FHMD for specific water consumption requirements and regulations.

11. Use plant materials around homes that are compatible with people and transition out to the natural environment.
12. Ensure that site lighting will not be an annoyance to neighbors.
13. Fences will not be permitted. Pet runs may be approved *at the discretion of the ACC*.

## **VII. Changes and/or Additions to Approved Plans**

Following Final Plan approval, the owner and the architect/builder or the landscape designer must submit for ACC approval any changes and/or additions to the Approved Plans. The Architectural Plan, Site Plan and the Landscape Plan revisions shall meet all of the same requirements as outlined in the Preliminary and Final Plan submittal process.

### **Procedures:**

1. After preparing these Revised Detailed Plans, the owner shall submit four (4) sets of site, two (2) sets of landscape plans and/or two (2) set of building plans, as applicable, along with a review fee of \$250 to the ACC. (*Check to be made payable to "Riva Chase HOA".*)
2. The ACC will then review the plans and staking and will provide a written response no later than 50 days after submittal. Should the plans be approved, the owner must apply for the appropriate building permit(s) and when approved begin construction. In the event of disapproval, the resubmittals of plans shall again follow the landscape plans, changes and/or additions to approved plans procedure.

## **VIII. Construction Period**

The ACC may inspect all work in progress and will give notice of non-compliance. However, absence of such inspection or notification during the construction period does not constitute either approval by the ACC with work in progress or compliance with these Rules and Regulations.

Upon completion of any residence or other improvement(s) for which final approval was given by the ACC, the owner or the duly authorized representative shall give written notice of completion to the ACC. If it is found that construction was not done in strict compliance with the approved plans, the ACC will notify the owner in writing of such noncompliance and require the owner to remedy the discrepancies within a reasonable compliance period; *not to exceed 30 days from the date of notification.*

## **IX. Other Conditions**

Approval of plans by the ACC shall not be deemed to constitute compliance with the requirements of any local building, zoning, safety, health or fire codes and it shall be the responsibility of the owner or duly authorized representative submitting plans to assure such compliance. Nor shall approval waive any requirements on the part of the owner or his representative to comply with setbacks, height restrictions or requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the ACC and approved by local regulating authority.

**The Covenants shall remain in force as the legal restriction governing all construction.**

The HOA, ACC, or its assigns shall not be liable in damages to anyone submitting plans to the Committee for approval, or to any owner by reason of mistake in judgment, negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval or failure to approve any plans or specifications. Every owner or other person who submits plans to the ACC for approval agrees, by submission of such plans and specifications, that he/she will not bring action or suit against the ACC or Riva Chase HOA to recover damages.

Final approval of plans is valid for twelve (12) months. Construction must be started within six (6) months of final plan approval. A building start is defined as issuance of the Building Permit and excavation. Construction must be completed within this twelve (12) month period. If not, the \$5,000 Trash/Security Deposit will be forfeited to the Riva Chase HOA/ACC and plans must be resubmitted for review by the ACC with a submittal review fee of \$500 and an additional Trash/Security Deposit of \$5,000. A submittal of a different dwelling plan on the same lot requires the review process to begin with a Pre-Design procedure.

The ACC reserves the right to waive or vary any of the Procedures or Standards set forth herein at its discretion, for good cause shown.

**X. Architectural and Site Standards**

**A. Building Location and Setbacks**

The residence should be sited to take advantage of existing views and microclimatic conditions while respecting existing terrain, vegetation and adjacent land uses. Disruption of existing conditions shall be minimal. Where possible, all existing trees shall be preserved and existing drainage patterns shall be respected.

Specific setbacks for each lot have been identified and consultation with the ACC will help to determine if there is a specific building envelope for your lot.

**B. Grading and Drainage**

All site improvements should be designed to minimize the extent of grading required. Techniques for doing this include 'stepping' buildings down slopes, providing access across slopes instead of down them and using low retaining walls where necessary. Where grading is necessary, cut and fill slopes should be kept to a maximum of 3:1, with steeper slopes (if permitted by the ACC) when excessive disturbance of the ground would otherwise result. All graded slopes should be 'rolled' back into existing slopes, so that after re-vegetation no sharp contrast exists between existing and disturbed slopes. All areas which are to be preserved (trees, shrubs, rock outcrops, etc.) shall be marked and protected throughout the construction period. No grading shall extend beyond existing lot lines unless approved by the ACC and adjacent property owner.

In addition to minimizing the extent of disturbed land, disruption to existing drainage courses should be minimal. Where disruption must occur, reconstruction or realignment should occur in a naturalized manner allowing water to percolate and flow in a non-destructive course. If culverts or other drainage facilities are required, they should be detailed such that contrast with the existing environment is minimized.

C. Erosion Control

During all site construction, techniques for controlling erosion within the site and onto others shall be used. Methods include sedimentation basins, filtration materials such as hay bales or permeable geotextiles and slope stabilization fabrics or tackifiers. Proper re-vegetation shall begin as quickly as possible after soil disruption and should be well established within one year after disturbance.

D. Driveways and Parking

Access to each residence shall be via private drive or public road. The drive should be sited to minimize earthwork, without overly emphasizing the parking area or garage. Off-street parking is not allowed on public or private roads.

Residents are required to have two (2) guest parking spaces per site and have the right for one regularly parked vehicle outside on the site. No parking is allowed off the paved driveway. No vehicle is to be permanently parked on the property. Site planning should accommodate for the two (2) guest parking spaces within the driveway and accommodate the regularly parked vehicle in a manner to allow garage access.

Drive grades should not exceed 10% slopes, except where use of short pitches up to 12% may lessen site impacts and improve access. All driveways shall be asphalt or approved concrete.

E. Architectural Design

No mandatory architectural 'style' is required for this development. However, it is the intent of these rules and standards to encourage residences which are harmonious with the existing natural environment, suggesting design solutions which reduce the apparent visual mass, incorporate materials, colors and textures which generally blend with the landscape and develop proportions and details appropriate to the site.

F. Building Height

In order to minimize the visual prominence of structures, no building or solar device shall exceed 35 feet in height. The height is defined as the maximum elevation of the structure, less the average existing elevation of the four main corners of the inhabitable area of the structure. Items such as chimneys, flues, roof vents, etc. shall not be included in such measurement. On lots with excessive slopes, the ACC will review the height restriction on a case-by-case basis.

It is strongly suggested that the owner consider the qualities of the site, especially the visual and climatic exposure created by the combination of existing slopes, vegetation and orientation. Lower buildings are generally more appropriate on more exposed sites, while taller buildings can be incorporated into those sites which are less visible and/or more protected.

G. Roofs and Chimneys

The form of the roof and the materials used on it create a significant part of the visual impact of a building and will be carefully reviewed by the ACC. Gable, hip and shed roofs will generally be acceptable for residential construction; while gambrel, flat, mansard and A-frame

roofs will be discouraged. However, these roofs and other unique forms developed will be reviewed on their merits on a case-by-case basis.

Materials selected should be of a texture and color that harmonies with the environment. Class "A" roofing is mandatory. Generally approved roofing materials are finished metal and tile. Wood shake roofing is reviewed on a case-by-case basis. Composite or asphalt shingles are generally not accepted. Bright, shiny materials such as unfinished metal will not be allowed.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. should be carefully located and finished to complement other elements of the design. Unfinished and exposed metal detailing will not be allowed. The use of aesthetic chimneys is encouraged.

#### H. Walls and Openings

The walls of a building are an important part of its overall visual impact and should be carefully detailed. Siding and trim materials should be consistently used throughout the building. Location, type and size of window openings should be carefully considered for effect on proportions, continuity and illumination. The connection from walls to the foundation should be treated such that the foundation becomes a very minor element.

#### I. Exterior Materials

All materials and finishes should be harmonious with the surrounding environment, with natural wood, stone or stucco generally being acceptable. Use of manufactured siding and reflective/glazed materials is prohibited.

#### J. Color

Exterior finishes shall be in subdued earth tones, although brighter accents, used judiciously, may be permitted.

#### K. Foundation Walls

Foundation walls shall not be exposed, but shall be finished to blend with the other exterior materials.

#### L. Accessory, Utility and Solar Structures

All exterior utility equipment shall be incorporated into the main building. All utility connections shall be carefully coordinated to minimize site disruption.

All solar equipment shall also be incorporated into the structure and be architecturally compatible with the residence. Any rooftop mounted equipment is prohibited.

#### M. Fences and Screening

No fencing of any kind is permitted without the prior written approval of the ACC. The use of fences and screening will be prohibited except when used to aid in confining pets to selected areas. If approved by the ACC, such fences and screens shall be complementary in design to the main structure. Fencing along property lines will not be allowed.

N. Trash Containers

All areas used for storage of waste shall be screened from off-site views, using materials and forms complementary to the main structure. Any screening shall be approved in advance by the ACC.

O. Mailboxes

Mailbox design must be approved by the ACC. Mailbox location should take into consideration snow plowing and shall conform to the U.S. Postal Service rural mail delivery requirements. Prior approval from Forest Hills Metro District of mailbox location is also required.

Mailbox design shall be of substantial construction, reflect the architectural element of the dwelling, compliment the owner's house and blend in with the aesthetic setting of the surrounding landscaping.

The ACC has pre-approved a number of different types of mailbox designs. The ACC will provide this information when requested.

P. Signage

No signs whatsoever shall be permitted within any lot without the written approval of the ACC. All signs within Riva Chase shall conform to the following:

1. The construction or maintenance on any lot of single or two-sided billboards, poster boards or advertising structures of any kind is prohibited without the *advanced written* permission of the Architectural Control Committee.
2. If requested, the ACC will give general pre-approval for temporary real estate 'For Sale' and 'Open House' signs on the property for the express purpose of selling real property. These signs shall conform to those that are 'customary and typical' in the community
3. 'For Sale' signs must be removed within forty-eight (48) hours after the property is sold. No "SOLD" signs are permitted.
4. Normally only one "For Sale" sign will be permitted, however, if the property borders on different streets, two "For Sale" signs may be authorized.
5. No sign shall be placed on property owned by others without their prior permission.
6. "Open House" signs may be erected on the property on a daily basis. Such signs should not be erected before 8:00 a.m. and shall be removed before 6:00 p.m. the same day.
7. Directional signs used to assist in the location of a property for an Open House or similar event designed to market the house are permitted. The installation of these signs should be restricted to the minimum number to direct prospective customers to the home that is for sale.
8. No advertising signs (landscaping, remodeling, home improvement, etc.) shall be allowed.
9. No other signs are allowed without the expressed written consent and approval of the ACC.
10. Any violations to these sign standards may result in the confiscation and disposal of unauthorized signs by the ACC or its Agents.

Q. Lighting

The use of 'sharp cut-off' design exterior lighting is encouraged. Light spill onto adjacent properties shall be minimized. Such fixtures, used for illumination of walks, driveways, address signage, etc. shall be compatible with the building. All exterior lighting shall be considered on a case-by-case basis by the ACC.

R. Antennas

No outside radio, short wave or television antennas are allowed without ACC approval. Satellite dishes should be 24 inches in diameter or less and of earth colors. Satellite dishes are allowed under Colorado Law; however, the placement location of all dishes must be pre-approved by the ACC. The ACC will consider any adverse impact that the antenna installation may have on other residents and to the extent possible, mitigate this impact by concealing the view of the "dish" *to ensure little or no visibility from the street or other homeowners.*

**XI. Construction Period Regulations**

In the interest of all owners and contractors, the following regulations shall be enforced during the construction period. These regulations shall be a part of the construction documents contract for each residence and all contractors and owners shall abide by these regulations.

A. OSHA

All applicable OSHA regulations and guidelines will be strictly observed at all times.

B. Construction Limits

The ACC may require the contractor to provide a detailed plan of construction limits prior to construction. The plan shall include size and location for construction material storage areas, limits of excavation, access areas, parking, chemical toilet location, dumpsters, fire extinguisher, utility trenching and a construction sign.

C. Construction Trailer, Sheds or Temporary Structures

No construction trailers, construction sales office, sheds or other temporary structures are permitted.

D. Excavation

Excess excavation materials shall be removed from the property and shall not be placed in common areas, roads or other lots (except as approved on a site-specific basis by the ACC). Excavation, except for utility trenching, shall be on the owner's site only. Contractors are expressly prohibited, during backfill and final grading, from spreading excess debris of material over the remainder of the lot.

E. Debris and Tree Removal

Daily cleanup of the construction site is mandatory. All trash and debris shall be stored in a fenced trash disposal area and shall be removed from the trash disposal areas on a weekly basis. All soil and debris flowing into the street(s) or open spaces from the construction site shall be cleaned on a weekly basis.

F. Vehicles and Parking

All vehicles will be parked so as not to inhibit traffic or damage surrounding natural landscape. Vehicles shall not be left on community roads overnight.

G. Pets

Contractors, subcontractors and employees are prohibited from bringing dogs and other pets to the construction site.

H. Blasting

If any blasting is to occur that will cause excessive noise or possible damage to surrounding areas, the contractor shall be responsible for giving 48 hours notice to the ACC and all residents in the proximity of the blasting site, along with any other necessary governmental agency.

I. Restoration and Repair

Damage to any property other than the owners shall be promptly repaired at the expense of the person or entity causing the damage.

J. Dust, Noise and Odor

Every effort should be made to control dust, noise and odor emitted from a construction area. The contractor will be responsible for watering, screening, oiling or otherwise controlling dust problem areas, as well as controlling noise and offensive odors from the lot.

**XII. The following items are prohibited in this community:**

1. Oil changing of vehicles and equipment.
2. Concrete equipment cleaning outside of construction areas.
3. Concrete equipment cleaning within the construction area (without the proper cleanup and restoration).
4. Dumping of excess concrete anywhere within the Riva Chase development.
5. Removing any rocks, trees, plants or topsoil from any portion of the property other than the owner's lot.
6. Careless treatment of trees or preservation areas.
7. Use of spring, surface or irrigation water for any purpose.
8. Signs other than ACC approved construction or real estate signs.
9. Careless use of cigarettes or flammable items.
10. Any open burning of construction debris.
11. Firearms

**Architectural Rules and Regulations Consistent with the Covenants**

Initially approved 2/21/01  
Approved with Revisions 12/10/09

These Architectural Rules and Regulations are promulgated under and are subject to the Covenants. To the extent of any inconsistency between the provisions hereof and those of the Covenants, the provisions of the Covenants shall prevail.

**Severability**

To the extent any provision hereof is determined by any court having jurisdiction thereof to be contrary to law or otherwise unenforceable, the remaining provisions shall remain in full force and effect.