

**COBBLE CREEK GOLF COMMUNITY  
DESIGN REGULATIONS  
FOR ALL LOTS**

**These regulations are effective March 29, 2024.**

**These regulations shall apply to all new construction, new landscaping, and changes to existing homes and/or existing landscaping on all Cobble Creek lots submitted to the Cobble Creek Design Review Committee for approval on or after March 29, 2024.**

**All existing homes, existing landscaping and new construction approved by the Cobble Creek Design Review Committee before March 29, 2024 are “grandfathered” under the Cobble Creek Design Regulations in place at the time of approval by the Design Review Committee.**

**To contact the Cobble Creek Design Review Committee:  
[CobbleCreekDRC@gmail.com](mailto:CobbleCreekDRC@gmail.com)**

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## **COBBLE CREEK GOLF COMMUNITY DESIGN REGULATIONS FOR ALL LOTS**

THESE REGULATIONS REPLACE AND SUPERSEDE IN FULL ALL PREVIOUS DESIGN REGULATIONS FOR COBBLE CREEK GOLF COMMUNITY PHASE 1/PHASE 2/ENCLAVE/FILING NO. 3/SAN SOPHIA WEST INCLUDING, BUT NOT LIMITED TO, THOSE DATED:

- DECEMBER 1, 2003,
- JANUARY 1, 2004,
- MARCH 1, 2004,
- AUGUST 1, 2005,
- SEPTEMBER 1, 2005,
- JUNE 1, 2007,
- JUNE 17, 2009,
- MARCH 26, 2010.

### **1.0 OVERVIEW**

All home/lot owners should have a copy of the Amended and Restated Declaration of Covenants, Conditions and Restrictions of the Cobble Creek Golf Community dated May 19, 2015, and recorded in Montrose County, Colorado on May 28, 2015, at Reception No. 865507 (CCRs). These CCRs contain broad, general objectives regarding the architectural and design control in the Cobble Creek community. These objectives, simply stated, are to keep the community attractive for the enjoyment of homeowners and the protection of property values.

The CCR's provide for a Design Review Committee (hereafter referred to as DRC), whose mission is to review all improvements taking place in the community to work toward ensuring compatibility with the design objectives outlined in the CCRs.

The DRC, the Board and the Association are not liable for damage to any person or entity submitting a request(s) for approval or to any homeowner (previous or existing) within the Common Interest Community by reason of any loss, damage, or injury arising out of, or in any way connected with, the performance of the duties of the DRC unless due to the willful misconduct of the party to be held liable. In reviewing any matter, the DRC shall not be responsible for reviewing, nor shall its approval of an improvement be deemed approval of, the improvement from the standpoint of safety, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations.

1.1

These regulations are effective April 1, 2022, and shall apply to all new construction, new landscaping, and changes to existing homes and/or existing landscaping submitted to the DRC for approval on or after April 1, 2022.

**These regulations apply to all lots in Cobble Creek referred to herein below by:**

<u>PHASE</u>	<u>STREET NAME</u>	<u>ADDRESS #</u>	<u>LOT #</u>
Phase 1	Lone Tree Lane	ALL	A19 - A57
Phase 1	Cobble Drive	ALL	A1-A18, B1-B4, B13-B39, C1-C4, C23-C38, D12-D19, E19-E23
Phase 1	Buffalo Lane	ALL	A58 - A77
Phase 1	Mount Hayden Drive	ALL	C5-C22, D1-D11
Phase 1	Collins Way	ALL	E9-E18, F8-17
Phase 1 Patio	Mount Hayden Court (Patio Homes)	ALL	B5A - B12
Phase 1 Patio	Badger Court (Patio Homes)	ALL	C39 - C52
Phase 2	Grand Mesa Drive	ALL	1-35, 87-90, 120-146
Phase 2	San Sophia Drive	948-1034	49-54, 81-86
Phase 2 Patio	San Sophia Drive (Patio Homes)	1042 and UP	36 - 48
Enclave	Courthouse Peak Lane	800-929	157-164, 183-192
Enclave	Black Canyon Way	940-1059	91-100, 111-119
Enclave Patio	Black Canyon Way (Patio Homes)	900-934	101-110
Enclave Patio	McMasters Place (Patio Homes)	ALL	147 - 156
Enclave Patio	Courthouse Peak Lane (Patio Homes)	1000-1083	165 - 182
San Sophia West	San Sophia Drive West (Patio Homes)	940 and BELOW	SSW1 - SSW36

## 1.2 Guidelines for Improvements that Require DRC Approval

For the purposes of these regulations, an improvement ("Improvement(s)") is defined as all exterior improvements, structures, and any appurtenances thereto or components thereof of every type or kind, and all landscaping improvements or features. These include, but are not limited to, buildings, outbuildings, swimming pools, tennis courts, patios, patio covers, awnings, solar panels/collectors, antenna, satellite receivers, painting or other finish materials on any visible surface, roofing, additions, walkways, garages, driveways, fences, screening walls, retaining walls, planter boxes, stairs, decks, sculptures, artwork, windbreaks, exterior light fixtures, flagpoles, signs, exterior air conditioning, cooling, heating and water softening equipment.

**Homeowners should not base expectations of approval on previously existing homes within Cobble Creek since what may have been an acceptable design of the exterior in one instance may not be for another instance. Further, existing homes and/or features may have been approved under previous Design Regulations that have been amended or replaced by these regulations or may have been installed without DRC approval.**

## 1.3 Penalties for Non-Submittal and/or Non-Compliance with these Regulations

1. **Non-Submittal:** In the event a lot owner submits Improvement plans for DRC approval and subsequently commences construction of a home, landscaping, or any changes thereto prior to receiving DRC approval, that lot owner may be subject to a fine of up to \$1,000, which shall be subject to the provisions of Section 10.0 herein below.

In the event a lot owner commences construction of a home, landscaping, or any changes thereto without first submitting the Improvement for review by the DRC, that lot owner may be subject to a fine of up to \$1,000, which shall be subject to the provisions of Section 10.0 herein below.

If not paid, the fine may be assessed against the owner's property and collected in accordance with the provisions of Section 9 of the Cobble Creek Covenants, Conditions and Restrictions.

2. **Non-Compliance:** The DRC shall undertake periodic inspections of all work/installation/construction of projects submitted to the DRC

who will, in its sole discretion, determine whether each project is being completed in compliance with these regulations. The DRC shall notify the lot or homeowner in writing via email of any deviations from these regulations.

In the event an applicant does not undertake to correct the deviation(s) within the time frame outlined in the notice, the DRC, in its sole discretion, may take any of the following remedies:

- a) If the DRC, in its sole discretion, determines a previously approved project is in non-compliance with these regulations, the DRC may withhold partial or full refund of the applicant's Refundable Deposit as determined by the DRC per Section 9.0 of these regulations.
- b) The DRC may escalate the matter to the HOA Board with the possibility of placing a monetary lien on the property until the deviation is corrected.

## **2.0 DRC SUBMITTAL PROCEDURES**

Any decision of the DRC will be made within forty-five (45) days after receipt of all materials required by the DRC, unless such time period is extended by mutual agreement. However, in the event the DRC fails to take action within said forty-five (45) days after a request containing all the information outlined in Section 2.1 and 2.2 herein below has been submitted and received by the committee, the applicant shall notify the DRC in writing of said failure to take action. In the event the DRC fails to take action within fifteen (15) days after the date of said notice, the failure to take action within said fifteen (15) days shall be deemed an approval of the application.

A simple majority vote of the DRC will be required for approval or disapproval of proposed Improvements. All approvals and disapprovals shall be issued by the DRC in writing via email to the applicant. No verbal approvals shall be granted. Written records will be maintained of all applications submitted to the DRC and of all actions the DRC may have taken.

The DRC has adopted the following procedure to comply with the responsibility to review applications for approval:

### **2.1 New Construction**

The applicant is encouraged to submit a preliminary sketch of the



improvements the applicant wishes to construct to the DRC for general comments and direction. The preliminary sketch should be scaled so the DRC can perform measurements and should consist of a site plan and the front and rear elevations of the home. The purpose of the preliminary review is for the DRC to provide the applicant general guidance prior to the time the applicant expends significant funds on full plans.

**With respect to the formal application for new construction, the applicant, who must be the lot or homeowner, shall submit the following three (3) items to the DRC for review.**

1. **A DRC New Construction Application** signed and dated by the applicant requesting the approval, as explanation of the proposed construction, to include the name of the builder, and a certification that the applicant has read the CCRs, and these Cobble Creek Design Regulations and agrees to be bound by the provisions thereof and including the identification of all exterior building materials, including roof, walls, trim, window pop-outs, fascia, garage doors, entry doors, exterior lighting, etc. and their respective colors. *See attached* Cobble Creek DRC New Construction Application rev 3-2022.
2. **A Site/House Plan** to scale of 1" = 10', showing the location of the proposed construction and the property lines.
  - a) **Required Plan Inclusions:**
    - i. Elevations of each lot corner;
    - ii. An elevation relative to the lot corners taken at the back of the sidewalk at the midpoint of the lot;
    - iii. Notations of the slope of the finished driveway grade from the back of the sidewalk to the front of the garage slab;
    - iv. An elevation relative to the lot corners of the finished (first) floor of the house.
    - v. The site/house plan will include elevations of all four sides of the proposed construction. The front elevation shall include a calculation of the height of the house, as measured from the back of the sidewalk at the mid-point of the lot. The exterior location of all mechanical equipment and venting shall also be identified. The elevations shall be at a minimum scale of 1/4" = 1'.
    - vi. A floor plan of each floor of the home, also at a scale of 1/4" = 1'.

- b) **Drainage Plan** will be included on the site/house plan showing how the applicant plans to drain this lot to appropriate drainage areas. Drainage plans shall also show downspout locations, if applicable, and how water flow from downspouts will be treated. See Section 6.6.2 Drainage Requirements of these regulations.

### 3. Two checks:

- a) **Refundable Deposit: \$2500 check made payable to the Cobble Creek Design Review Committee.** The purpose of the deposit is to ensure compliance with provisions of these regulations. The deposit is reimbursable to the applicant if the construction process fully complies with the provisions in Section 9.0 of these regulations.
- b) **Non-Refundable Impact Fee: \$330 check made payable to Cobble Creek HOA.** The purpose of the \$330 fee is to provide the HOA with funds to clean roads and remove trash that cannot be attributed to a specific construction site or contractor and to cover costs of miscellaneous DRC expenses associated with the review process.

Contact the Cobble Creek DRC for local drop off location for submittals:  
[CobbleCreekDRC@gmail.com](mailto:CobbleCreekDRC@gmail.com) .

### 2.2 Renovation of Existing Exterior of Home or Existing Landscaping

1. All Cobble Creek homeowners who wish to make changes (Improvements) or renovations to either the exterior of their homes or to their existing landscaping must contact the DRC and receive approval before any installation. Upon initial review by the DRC, the homeowner will be notified of any further submittal requirements per Section 9.1.3 of these regulations. *See attached* Cobble Creek DRC Landscape Application rev 3-2022 and Cobble Creek DRC Renovation Application rev 3-2022

Contact the Cobble Creek DRC for local drop off location for submittals:  
[CobbleCreekDRC@gmail.com](mailto:CobbleCreekDRC@gmail.com) .

### 3.0 DRC REVIEW PROCEDURES

1. All submittals to the DRC as described above in Section 2.0 will be reviewed and either accepted as complete or returned to the applicant with a description of missing information. An accepted submittal will initiate the

DRC review period of forty-five (45) days.

2. The DRC will evaluate the proposal's compliance with the design guidelines for the proposed Improvement (see Section 5.0 of these regulations), as well as overall conformance with community ambiance.
3. Notification of the DRC's decision (approval, approval with conditions, or disapproval) will be delivered to the applicant on or before the expiration of the review period. Upon a conditional approval or full approval of the submittal, the DRC will issue an approval letter via email to the applicant. Upon receipt of the approval letter the applicant may commence construction.
4. A homeowner may exercise their right to appeal in the event of an adverse decision by the DRC. The first step of the appeal process is to make a written request, within thirty (30) days after receipt of the DRC's decision, to the DRC. In the event of an adverse action by the DRC on such appeal, the homeowner may then present an appeal in writing to the Executive Board of the HOA within thirty (30) days after the appeal decision is issued by the DRC.
5. Within thirty (30) days after completion of the Improvement, a representative of the DRC shall have the right to inspect the Improvement to verify compliance with the approved plan.
6. Approval of the DRC shall expire 180 days after the date of full approval. In the event construction activities do not commence within 180 days after the date of approval, said approval shall be deemed null and void and a new submittal shall be required. The new submittal will be reviewed under, and must comply with, the then existing Design Regulations.
7. In the event a lot or homeowner is deemed to be in non-compliance with the provisions of these Design Regulations or in the event the constructed Improvements do not comply with the approved plans, the DRC or the Executive Board of the Cobble Creek HOA (the Board) shall inform the homeowner of the non-compliance and subsequent actions may be taken that are in accordance with the provisions of Section 10.0 herein below.
8. Compliance with the Construction Rules and Regulations is under the purview of the DRC and the DRC has the authority per Section 9.0 of these regulations to withhold partial or full refund of the homeowner's deposit in the event of uncorrected violations of the Rules and Regulations. The applicant will be notified in writing via email of any non-compliance.

#### 4.0 **DRC REVIEW CRITERIA**

As stated in the CCRs, the DRC shall approve any proposed Improvement if it deems, in its reasonable judgment that all Improvements conform to and harmonize with the existing surroundings, residences, landscaping and structures.

The DRC evaluates all submissions on the merits of the application. Besides evaluation of the particular design proposal, consideration is given to the characteristics of the housing type and the individual site. **Applicants should not base expectations of approval on previously existing homes within Cobble Creek since what may have been an acceptable design of the exterior in one instance may not be for another instance. Further, existing homes and/or features may have been approved under previous Design Regulations that have been amended or replaced by these regulations or may have been installed without DRC approval.**

Judgments of acceptable design are based on the following criteria, which are presented in more specific terms in the Design Regulations Section 5.0 of these regulations. However, the DRC reserves the right to approve variances to the criteria and/or to disapprove submittals that may be in technical compliance with the criteria if it determines, in its sole discretion that such approvals or disapprovals are in the interest of existing lot and homeowners within the Cobble Creek community.

- **Compliance with Covenants.** All applications are reviewed to confirm that the proposed Improvement is in conformance with the CCRs.
- **Relation to the Natural Environment.** Fencing, in particular, can have damaging effects on the feeling of open space. Other factors, such as disruption of the natural topography and changes in the rate or direction of storm water run-off can also affect the natural environment.
- **Validity of Concept.** The basic idea must be sound and appropriate to its surroundings.
- **Design Compatibility.** The proposed Improvement must be compatible with the architectural characteristics of the applicant's home (in the case of an addition or remodel), adjacent houses, and the neighborhood setting. Compatibility is defined as complementary in architectural style, quality of workmanship, similar use of materials, color and construction details.

- **Location and Impact on Neighbors.** The proposed Improvement should relate favorably to the landscape, the existing structure, if any, and the neighborhood. Primary concerns are view corridors for view lots, access, drainage, sunlight, and ventilation.
- **Scale.** The size, in three dimensions, of the proposed Improvement should relate well to adjacent structures and surroundings. For example, a large addition to a small house may not be appropriate.
- **Color.** Color may be used to soften or intensify visual impact. Parts of an addition that are similar to the existing house, such as roofs and trim, must be complementary in color.
- **Materials.** In the case of an addition or a remodel, continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house. For instance, vertical siding on the original house must be reflected in any addition. For new homes, the material considerations are outlined in Sections 5.0 and 6.0 of these regulations.
- **Workmanship.** Workmanship is another standard which is applied to all exterior construction and alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can also cause safety hazards. The DRC and the HOA assume no responsibility for the safety of new construction by virtue of its review and decision on a proposed Improvement.
- **Timing.** Approved Improvements which remain incomplete for long periods of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. If an Improvement has not been completed within ten (10) months after the date of the authorization to commence construction from the DRC (or such shorter period as specified in writing by the DRC), or no meaningful work takes place for a continuous period of twenty-one (21) days, then the Improvement(s) will be considered to be in non-compliance with these regulations.

## **5.0 DESIGN REGULATIONS (See Section 6.0 for Construction Specifications)**

- 5.1 **Submittals for DRC Review** – The applicant must submit ALL of the following items to the DRC at least three (3) weeks prior to installation. Submittals may be made by providing a color photo and an address of existing home(s) in Cobble Creek where the material and color are used.

If the DRC cannot determine compliance with these regulations based on the photo submittal, a physical sample must be submitted.

- **Roof** – Note: All roof penetrations, such as flues, must be painted to match the roof color.
- **Soffits/Facia/Gutters/Downspouts**
- **Stucco**
- **Stone**
- **Windows**
- **Garage Doors**
- **Exterior Doors**
- **Exterior Lights** – Note requirement for shielded lights

5.2 **Construction Period:** Once work is commenced (site excavation) on any lot within the community, work must be performed on a continuous basis and construction must be completed within ten (10) months of the date of the approval letter provided by the DRC. If construction has not been completed within ten (10) months, or no meaningful work has taken place for a continuous period of twenty-one (21) days, the project shall be deemed in non-compliance and subject to penalties. The DRC may grant an extension to these timeframes if the lot owner makes a request in writing to the DRC citing what extenuating circumstances justify the extension.

5.3 **Roofs:** In most cases, single ridge construction is not allowed. This is particularly true with single story homes with square footages at or near the allowable minimum. Single ridge construction that is not acceptable includes homes with multiple gables and dormers, but whose primary ridge line is an unbroken or largely unbroken horizontal line as seen from any street or from the rear of the home. Gables and hip and valley systems are encouraged as the primary feature of elevations.

5.4 **Elevations:** To retain an aesthetic appearance, homes shall be constructed with similar character, primarily defined by exterior materials to be used to construct the homes. However, individualized elevations are acceptable and encouraged.

5.5 **Exterior House Color:**

1. Exterior house color options for all homes in Cobble Creek may be subdued variations of brown, tan, off-white hues, gold, gray, and green. Trim needs to complement the main exterior color.

2. DRC requires a color photo and an address of existing home(s) in Cobble Creek where the material and color are used. If the DRC cannot determine compliance with these regulations based on the photo submittal, an 8” x 10” sample that shows the material, finished texture and color proposed is required. If a different color is to be used for the trim that must also be submitted for DRC review. This applies to all new construction and repainting of existing homes.
3. The DRC has final approval for all exterior color requests. The review criteria in Section 4.0 of these regulations will be applied to determine appropriateness of color sample(s) submitted.

## 5.6 **Garages and Driveways:**

1. **Garage Requirements:** Unless otherwise approved by the DRC for unusual circumstances, a minimum of a two-car garage with a minimum interior width of twenty-five feet (25') shall be required for each home and must be constructed at the same time as the construction of the home and attached to the primary home. Three-car garages or two-car garages with cart bays are encouraged on lots that can accommodate such structures. For three-car garages, or two-car garages with a cart bay on the same exterior wall of the home, one of the garage doors shall be offset a minimum of two feet (2') from the other two doors.

**NOTE: 3-Car Garage for all Enclave traditional home lots:**

Courthouse Peak Lane lots 800-929 and Black Canyon Way lots 940-1059, unless otherwise approved by the DRC for unusual circumstances, shall have a minimum of a three-car garage or two-car garage with a cart bay.

2. **Garage Door Material:** Approved materials for the exterior doors of all garage or cart bays shall include wood (cedar or equal), copper, treated metal or other materials acceptable to the DRC. The applicant shall submit a specific design, identifying all materials to be used and which must be specifically approved in writing by the DRC. The use of cedar, copper, or other treated metals acceptable to the DRC as materials for exterior garage doors are encouraged, but standard aluminum and fiberglass doors seen throughout the community are also acceptable to the DRC on all lots in Cobble Creek EXCEPT in the Enclave and San Sophia West.

**NOTE: For all Enclave and San Sophia West Lots:** Standard aluminum or fiberglass garage doors are NOT approved materials. Further, regardless of the material comprising the door, doors that have the appearance of a standard aluminum or fiberglass door shall not be approved.

3. **Driveway Material:** At a minimum, all driveways to garages shall be constructed of concrete. However, the use of enhanced materials such as exposed aggregate, brick, stained or stamped concrete are encouraged. The use of such enhanced materials for driveways shall be noted on the plans submitted to the DRC.

5.7 **Site Grading / Garage Slope:** To ensure proper site drainage, the minimum driveway slope, as measured from the back of the sidewalk in front of the garage to the garage slab, shall be a minimum of 4% and a maximum of 8%. A variance to these slope requirements may be considered by the DRC if site conditions dictate. The applicant shall note the requested grade on the submittal and shall also state the reason for the variance request.

- 5.8 **Storage for Homeowner Yard Maintenance Equipment and Trash Receptacles:** Each home shall contain an enclosed storage area in which to store yard maintenance equipment, garden supplies, home maintenance equipment, trash receptacles and other such items. The required storage shall be accomplished by any of the following:
1. A non-heated room within the exterior walls of the home, located at the side or rear of the home and with exterior access. Said room shall appear to be part of the heated living area of the home and must be constructed of the same material as the exterior of the home.
  2. A specified area within the expanded width of the garage.
  3. Screening – See Section 5.10 below herein.

**In no event shall said maintenance items or trash receptacles be stored outside the home unless screened as described in Section 5.10.**

5.9 **Mechanical Equipment and Venting:** No heating, cooling or other mechanical equipment shall be mounted on the roof of any home. Where possible, flues and venting pipes shall be placed on the non-street side of the roof and shall not extend above the roofline, unless



required to extend above the roof line by local building codes. Roof vents and flues shall be painted (and maintained) the color of the roofing material and may be placed on the roof at locations that best serve their intended purpose. Further, where possible and subject to local building codes, a single vent shall be utilized for waste line venting (toilets, showers, washers, sinks, tubs). Such single venting may be accomplished by installing "breather valves" on lines connected to the primary vent. Flues and venting pipes shall be painted the same color as the surface to which they are affixed.

5.10 **Screening:** All outdoor home equipment or facilities, including but not limited to HVAC equipment, shall be located on the ground and, wherever possible, on the side yard of the home. Said facilities must be screened from view from any street, the golf course and in some cases, the adjacent neighbor. Screening may be accomplished with enclosures constructed from materials approved elsewhere herein and/or landscaping acceptable to the DRC.

5.11 **Fencing:** **No chain link or similar fencing shall be allowed.** Since incompatible or uncoordinated fencing can detract from the appearance of the community, **all fencing must be approved by the DRC.** **Only the following types of fencing will be allowed.**

**The following types of fencing are allowed on all Cobble Creek lots:**

1. **Privacy Fencing.** Privacy fencing is defined as fencing used to enclose an activity area that is normally in the back yard of a residence and not visible from a street. A privacy fence or wall shall not be greater than six feet (6') high and shall only be used to provide screening for outdoor living areas (patios, hot tubs, BBQ areas, and other such uses) and shall not be used to provide de-facto perimeter fencing or be placed so the fencing impedes the views of neighbors. Privacy fences or walls cannot be located on or near property lines or be located within side yard setbacks, unless otherwise approved by the DRC. Privacy fencing/walls shall be constructed out of the primary siding material of the home.
2. **Courtyard Fencing:** Courtyard fencing is defined as fencing enclosing an outdoor use area that is often fully or partially visible from a street. Such fencing shall contain elements of the primary siding material of the home, but may contain ornamental elements

(i.e., decorative wrought iron) that complement the exterior of the home. Due to the possible variations of such ornamental elements, each submittal shall be subject to DRC approval without further guidelines.

3. **Screening Fencing:** Fencing installed to screen outdoor facilities such as utility boxes (to the extent allowed by the utility providers), wall mounted service panels and ground mounted mechanical equipment may be constructed out of the primary siding material for the home and may include a self-closing gate facing the street. Screening fencing shall be installed at least six feet (6') back from the front of the home and shall not be taller than six feet (6'). It shall not screen an area larger than necessary to perform the screening function. Also, in no event shall screening fencing enclose outdoor living areas.
4. **Patio/Deck Fencing:** Fencing for decks is characterized by a height not greater than forty-two inches (42") and consisting of stiles/pickets and capped by cap railing. Cap rails shall be made out of cedar, redwood or other "wood look alike" materials acceptable to the DRC. The stiles/pickets may be metal.
5. **Trellises:** Trellises are defined as linear structures designed to provide vertical support for vines and other climbing plants. Such trellises shall be made of metal "wood look alike" materials acceptable to the DRC and shall be allowed in side yards and rear yards only. Trellises are normally placed near the wall of the home and shall not be allowed in areas that adversely impact the view from a neighboring property. Trellises, in some cases, can be used in lieu of screening fencing.
6. **Pet Enclosures:** Pets shall be retained on the lot by electronic means or through fencing as described in this section. Netting/wire may be affixed to Lot Boundary Fencing on homeowner's lot only where permitted or by buried electronic means. Electronic Fencing may be installed inside the property line and the configuration must be approved by the DRC prior to installation. If netting/wire is utilized, the material must be approved by the DRC. Other than as outlined herein, no other type of Pet Enclosures shall be allowed on any Cobble Creek lot.

## 7. Fencing Allowed only on Traditional Home Lots

**Except for lots 42 through 48, no perimeter fencing shall be allowed on any Patio Home lots.**

**For Traditional Home lots in Phase 1, Phase 2 and the Enclave ONLY, the following types of fencing shall be allowed:**

- a) **Lot Boundary Fencing:** Lot boundary fences usually run along common lot lines separating two homeowners' yards. Ownership can be shared between the two homeowners and maintenance may be the shared responsibility of the two homeowners. Such agreements shall be negotiated solely between the two homeowners; however, the DRC and HOA Board shall be provided a copy of such agreement. All lot boundary fencing shall be 3-rail split rail fencing with specifications selected by the DRC. All lot boundary fences shall be submitted to the DRC for approval.

**NOTE: No perimeter fencing will be allowed on:**

**Phase 1 Lot A-77:** the back lot line or south side yard lot line.

**Phase 1 Lot A-76 through and including Lot A-68:** the back lot line or side yard lot line.

**Phase 1 Lot A-67:** the back lot line or east side yard lot line.

**Phase 1 Lot B-5A through Lot B-12:** no perimeter fence allowed.

**Phase 1 Lots C-39 through C-52:** the side yard lot line, however, 3-rail split rail fencing may be allowed on the back lot line only.

- b) **Wing Fencing:** Wing fences are those that connect a boundary fence to the side of the home. Wing fences must be installed at least six feet (6') back from the front of the home, or the front porch. Wing fencing shall be 3-rail split rail fencing with gates constructed out of the same material.
- c) **Gates:** As a general rule, gates shall be constructed out of the same materials as the applicable fencing, however, gates in perimeter or wing fencing may be constructed out of wood that is complementary to the split rail fence and the design shall be submitted to the DRC for approval. Gates in privacy fencing may be metal or, in some cases, wood, but the design shall be

submitted to the DRC for review and possible approval.

- d) **Golf Course Fencing:** All fencing adjacent to or fronting the golf course shall be 3-rail split rail fencing in a standard height and configuration as shall be determined by the DRC. Privacy may be provided by a landscape hedge on the homeowner's side of the fence.

## 8. San Sophia Drive Lot-Specific Fencing

- a) **Lots 42 through 48 ONLY on San Sophia Drive may have 3-rail split rail Boundary Fence and fence must be submitted for DRC approval prior to installation.**
  
- b) **San Sophia West Lots 1 through 19 ONLY may have the following rear lot Boundary Fencing:** Because these specific lots on the south side of San Sophia West back up to property that is not part of Cobble Creek and that property is bordered by a barbed wire fence, a rear boundary fence is permitted.
  - i. A fence along the rear property line only of the designated lots will be allowed.
  
  - ii. Such a fence must meet the following standards:
    - Material: Black wrought iron
    - Maximum Height – four feet (4')
  
  - iii. Specific plans and design for such fences must be approved by the DRC prior to installation.

5.12 **Landscape Irrigation Connection:** In recognition of the requirement in Cobble Creek (all lots) that new homes have an irrigation system to provide water to landscaped elements (e.g., grass, trees, plants), it is required that during the construction phase of new houses that an external water source connection, suitable for irrigation purposes, be installed on an exterior side or rear wall of the house. The exact location will be determined in consultation with the DRC representative for the project.

It is recognized that some patio home lots in Cobble Creek obtain irrigation water from a source other than city/domestic water supplies. This requirement is still applicable in those cases, as drip irrigation systems have fewer problems with particulate matter interfering with the flow of water when connected to a domestic water source.

5.13 **Builder Lots:** Lots on which builders have built a home for sale to the general public shall, upon completion of construction, be rock picked, graded according to final grading shown on the drainage plan and kept weed free during the period of builder ownership. Further, if the home remains unsold for six (6) months after completion of construction or is occupied by the builder or third party prior to a sale, the builder shall submit to the DRC a complete landscape plan for the home within fifteen (15) days after such occupancy. Upon receipt of DRC approval, the builder shall be required to landscape the lot in accordance with landscape provisions contained herein. Builders who do not comply with these provisions shall be automatically deemed to be in non-compliance and subject to provisions of Section 1.3 herein.

5.14 **Recreational Use Equipment:** No recreational use equipment of any kind, including but not limited to, basketball courts, swimming pools, swing sets and other play equipment may be installed in front yards of any lot. In-ground swimming pools may be installed in back yards; provided there is no encroachment on side setbacks, the pool is in compliance with all City of Montrose codes and the plans are approved by the DRC. Pool filtering systems and like equipment must be screened from view from adjacent properties in accordance with the screening provisions contained in Section 5.11.3 herein. Fencing around a pool shall be considered privacy fencing and subject to regulations regarding such fencing as provided in Section 5.11.3 herein.

With approval from the HOA Board, recreational equipment may be located in the rear yards, but shall be screened from view from the golf course or adjacent lots by privacy fencing or landscaping and shall be placed in locations that do not materially impede the view of a neighbor.

5.15 **Placement of Lawn Ornamentation, Signs and Similar Features on Lots in Cobble Creek:**

1. **Exterior Lawn Ornamentation:** Placement of any exterior “structural ornamentation” (including, but not limited to sculptures, wind sculptures, windmills, flagpoles, etc.) that exceed 40 inches (40”) in height must be approved by the DRC, both as to form and location.
2. **Flag Poles:** One (1) free-standing flagpole may be placed in backyards of homes, at a maximum height of 15 feet, to fly one flag of a maximum size of 3 feet by 5 feet. Flagpole installation requires backfill of concrete to withstand the high winds in the region. Location

of the flagpole and its flag may not impede a neighbor's corridor view. Acceptable pole colors are silver, bronze, black or white. The DRC must approve the location of any flagpole prior to installation.

Members are required to comply with the [U.S. Flag Code](#) when displaying an American flag, including the requirement that a flagpole flying an American flag during hours of darkness must be lit at night.

3. **Signs:**

**DEFINITIONS** – References to “signs” in this section refer to all informational and/or decorative objects including, but not limited to, banners, flags, signs, placards, etc.

**LANGUAGE** – No language or symbols deemed by the DRC, in its sole discretion, obscene or profane may be used on any sign or like object.

**BACKGROUND** – The Amended and Restated Declarations of Covenants and Restrictions of the Cobble Creek Golf Community filed May 28, 2015, assigns responsibility to the Cobble Creek Design Review Committee (3.6.13) to establish standards for signage and publish those in the Design Regulations for the Community.

- a) **Political Signs** – Covered by Cobble Creek Covenants 3.6.13 and Colorado State Statute, homeowners may install one political sign per political office or ballot issue that is contested in a pending election. The maximum dimension of each sign is limited to 36 inches by 48 inches (36” x 48”) or the maximum size allowed under city municipal code.
- b) **For Sale and For Rent signs** are permitted in the Cobble Creek Golf Community. One (1) sign may be placed on a lot containing a residence, or a vacant lot, provided they meet the following criteria:
  - i. The sign can be no larger than 24 inches by 36 inches (24” x 36”) and no more than 36 inches in height.
  - ii. If placed on a lot with a residence, the sign must be placed in the front of the lot, adjacent to the driveway and at the back of the sidewalk fronting the lot.
  - iii. If placed on a vacant lot, the sign must be placed within ten feet (10’) of the street.
  - iv. No signs are permitted at the side or back of any lot.
  - v. Signs must be removed within ten (10) days after completion of the sale or rental transaction.
- c) **Temporary Signage** – signs of a temporary nature (in place for no more than 72 hours) can be placed in the community provided they are no larger than the signs specified in “b) i.” above.

- d) **Signs Promoting the Cobble Creek Golf Community** (e.g., “Future Home of”) are permitted. Approval for such signage as to size, content and location must be obtained in advance from the Cobble Creek DRC.
- e) **Informational Signs** – Signs denoting the presence of a security system and signs warning of a potential danger (e.g., “Beware of Dog”) on the lot are explicitly allowed in the Cobble Creek Community on lots with residences.
  - i. These signs can be no more than 121 square inches in size and extend no more than 36 inches above the ground.
  - ii. These signs can only be placed in the front of a residence. Approval to place signs either on the side or back of a lot must be obtained from the DRC.
  - iii. Signs shall be no more than ten feet (10’) from front of house.
- f) **All other signs not specified above** must be approved in advance of placement by the DRC. Requests for approval must contain at a minimum: Content of sign, size of sign, location of sign, and length of time sign will be in place.

**5.16 Outbuildings – Applicable ONLY to Phase 1 lots F11, F12 and F13:**

1. Outbuildings are only allowed in Cobble Creek on these three (3) lots on Collins Way – F11, F12 and F13.
2. Designs for outbuilding must be reviewed by the DRC prior to construction as per Section 2.0 of these regulations.
3. The size of the outbuilding shall not be greater than 35% of the primary residence (heated square footage and garage). However, in no event shall the size of the outbuilding be greater than 1,200 square feet. Variances of the size may be considered by the DRC under unusual conditions and where the greater size, in the sole opinion of the DRC, does not detract from the overall appearance of the property.
4. The height of the outbuilding shall be less than the height of the primary home, but in no event higher than the primary home as measured from the back of the sidewalk at the mid-point of the lot.
5. The exterior elevation of the outbuilding must be compatible with the primary home and shall be subject to all design regulations applicable to the lot.
6. As a rule, the outbuilding shall be located behind the rear wall of the

primary home as measured or seen from the street. The DRC will consider variances to this guideline where the placement of the outbuilding, in the sole opinion of the DRC, does not detract from the overall appearance of the property.

**6.0 CONSTRUCTION SPECIFICATIONS:** The following requirements apply to all homes constructed on lots subject to these regulations:

**6.1 Minimum Square Footage:** The minimum living space shall be:

1. Phase 1 lots A1 through A77 shall be a minimum of 1,600 sq. ft.
2. Phase 1 all B, C, D, E & F lots shall be a minimum of 2,000 sq. ft.
3. Phase 2 Traditional home lots shall be a minimum of 2,200 sq. ft.
4. Phase 1 & Phase 2 Patio home lots shall be a minimum of 1,700 sq. ft.
5. Enclave Traditional home lots shall be a minimum of 2,800 sq. ft.
  - a) The DRC adopted the following Size of Enclave Home Variance July 9, 2018 for these lots ONLY: 91-92, 111-112, 114-115, 191-192, 157-163, 116-119. A maximum square footage variance request of 10% (2,520) will be considered with the following restrictions:
    - i. Single story construction
    - ii. Three-car garage with adequate storage space in addition to vehicles
    - iii. Enhanced roof pitch (6:12) thus making the roof line higher and the home appear larger
    - iv. Enhanced exterior features, such as the use of exposed aggregate for driveway and walkways.
6. Enclave Patio home lots shall be a minimum of 1,650 sq. ft.
7. San Sophia West lots a minimum of 1,700 sq. ft.

**6.2 Roof:**

1. **Roof Pitch:** the allowable roof pitch for Cobble Creeks lots are:
  - a) Phase 1 Traditional home lots shall be 5:12 to 12:12



- b) Phase 2 Traditional home lots shall be 4:12 to 12:12
- c) Phase 1 & Phase 2 Patio home lots shall be 4:12 to 8:12
- d) Enclave Traditional home lots shall be 5:12 to 12:12
  - i. At the discretion of the DRC, roof pitch of 4:12 may be approved where the home is of sufficient size (usually 3,000 square feet or more) and whose appearance is enhanced by less prominent roof lines and whose mass is mitigated for view purposes.
- e) Enclave Patio home lots shall be 4:12 to 6:12
- f) San Sophia West lots 1 through 19 shall be 4:12 to 8:12
- g) San Sophia West lots 20 through 36 shall be 4:12 to 10:12.

However, the roof pitches for minor roof elements may deviate from the above, if, in the opinion of the DRC, the overall appearance of the home is enhanced or not adversely affected.

2. **Roofing Material:** All roof penetrations, such as flues, must be painted to match the roof color. Any of the following roof material are acceptable for all Cobble Creek lots:
  - Asphalt Shingles – must be architectural grade with a minimum 25-year warranty.
  - Concrete Tile, Slate or other similar material acceptable to the DRC.
  - Stone-Coated Metal Roofing System. (An example is Decra Roofing Systems <https://www.decra.com/> ) Within the options offered, the systems that mimic shingles, tile or shake roofs are most likely to be approved. Note: non-stone-coated metal roofing panels can be approved for use ONLY on very small roof areas for either aesthetic or functional purposes.
  - Solar Roofing Systems – Federal/State law limit DRC oversight. Submittals with information on form, color, provisions for conduit etc. are required. See Section 6.12.
  - ACCEPTABLE ROOF COLORS – Charcoal, black, grey or brown hues are required. DRC will consider lighter shades of these than have historically been used in Cobble Creek.

6.3 **Elevation:** For all lots, the elevation of the first floor shall be no more than fourteen inches (14”) above the elevation of the garage slab.

#### 6.4 **Building Heights:**

Exceptions to these regulations may be granted to vary the design of the overall community and a variance approved in one location may not necessarily be approved in other locations.

1. **One-Story Construction:** The maximum building height for one-story construction is 32 feet 6 inches (32' 6") as measured from the back of the sidewalk at the center of the lot frontage (referred to as Base Elevation). This will be used for all single family homes in Phase 1, Phase 2 and Enclave.

a) **Only one-story construction shall be allowed on the following lots:**

- i. **All Patio Homes in Phase 1, Phase 2, and Enclave Patio Homes**
- ii. **San Sophia West Lots 1 through 19** (south side of street)
- iii. **Maximum height for Patio Homes is 24 feet 6 inches.**

2. **Two-Story Construction:** The maximum building height from the back of the sidewalk at the center of the lot frontage (hereafter referred to as Base Elevation) shall not be greater than 32 feet 6 inches (32' 6"). The second story square footage shall not be more than 50% of the ground floor square footage (including the garage). With such construction, the DRC shall focus particular attention to roof lines (the inclusion of gables, dormers, valleys, and hips) to ensure that the home contains elevations that are not "box like" in appearance. Said percentage of the second story living area shall be reviewed and approved by the DRC on a case-by-case basis. Exceptions may be granted to vary the design of the overall community and a variance approved in one location may not necessarily be approved in the other locations.

a) Two-story construction shall be allowed on the following lots:

- i. **All Traditional Homes in Phase 1, Phase 2, and the Enclave**
- ii. **San Sophia West Lots 20 through 36** (north side of street)

#### 6.5 **Building Setbacks:** *(See specific building setback requirements for each Cobble Creek Phase below.)*

##### **Phase 1 Traditional Homes lots A1 through A77 Building Setbacks:**

- i. Front yard: 20 feet
- ii. Rear yard: 25 feet
- iii. Side yards: 5 feet

**Phase 1 Traditional Homes lots B, C, D, E, & F (excluding Patio Home lots B5A-B12 and C39-C52) Building Setbacks:**

- i. Front yard: 20 feet
- ii. Rear yard: 25 feet
- iii. Side yards: 10 feet

**Phase 2 Traditional Homes Building Setbacks:**

- i. Front yard: 20 feet
- ii. Rear yard: 25 feet
- iii. Side yards: 10 feet

**Phase 1 Patio, Phase 2 Patio & Enclave Patio Homes Building Setbacks:**

- i. Front yard: 20 feet
- ii. Rear yard: 25 feet
- iii. Side yards: 5 feet

**Enclave Traditional Homes Building Setbacks:**

- i. Front yard: 20 feet
- ii. Rear yard: 25 feet
- iii. Side yards: 10 feet

**San Sophia West Building Setbacks:**

**For SSW Lots 1 through 19**

- iv. Front yard: 20 feet
- v. Rear yard: 25 feet
- vi. Side yards: 7.5 feet

**For SSW Lots 20 through 36:**

- i. Front yard: 20 feet
- ii. Rear yard: 25 feet
- iii. Side yards on West Side of Lot: 7.5 feet
- iv. Side yards on East Side of Lot: 10 feet

6.6 **Fascia, Gutters and Downspouts: Downspouts to disperse water from the** roof shall be mandatory. Fascia, gutters and downspouts may be aluminum, copper, or other material approved by the DRC, and shall be a

complementary color to the stucco color. *See CC Landscape Regulations Section 3.1.1 for greater detail on downspout and drainage requirements.*

1. **Overhangs and Fascia:** Roof overhangs shall extend at least 18" beyond the plane of the exterior walls and fascia shall be at least 6" in width. For homes under 1,800 square feet, roof overhangs of 16" may be considered upon review by the DRC.
2. **Drainage Requirements:** Per the Cobble Creek Covenants, Article 3: Section 3.6.16 Drainage and Erosion, each home or building shall be situated on the lot so that drainage of the lot is not discharged onto adjacent properties or other areas not designed for such drainage. Each lot owner shall maintain the grading on their lot at the slope and pitch fixed by the final grading plan approved by the DRC. In the event it is necessary or desirable to change the established drainage over any lot, the lot owner shall submit a plan to the DRC for its review and approval.

a) **Drainage For San Sophia West Lots**

FOR SSW LOTS 1-19: **Lots 1-19** shall direct drainage to San Sophia Drive. Overriding goal is for the height of finished first floor of these homes to be approximately equal to the height of the berm on the south side of these lots.

FOR SSW LOTS 20-36: **Lots 20-33** can direct drainage either to the street or rear of the lot to be in compliance with these Design Regulations. A drain line exists at the back of these lots and if drainage goes in that direction this line must be utilized. **Lots 34-36** can direct drainage to the street or water shall be retained on-site.

6.7 **Exterior Walls:**

1. **Masonry Requirements for ALL Cobble Creek Lots:**

- a) The primary exterior siding material shall be textured synthetic stucco, a minimum percentage (see lot-specific Sections below) of the square footage of front façade facing the street shall be stone, synthetic stone or other masonry material acceptable to the DRC (the "Masonry Requirement").
- b) Wherever masonry is used, a cap of either stone or the other siding

material (acceptable to the DRC) shall be used to transition between the masonry and the stucco siding material.

- c) Wherever the Masonry Requirement is used, when such material meets the corner of the front elevation, there shall be a minimum of a twenty-four inch (24") corner wrap to the side elevations.
- d) Applicants may request relief (in part or in total) of the Masonry Requirements for the home. In such instances the DRC will require other enhancements to the exterior of the home, including one or more of such enhancements as extraordinary window applications, decorative banding, driveway treatment and extraordinary landscaping with stone features.
- e) In some instances where the DRC feels that a particular architectural style conflicts with the Masonry Requirements, or feels that the Masonry Requirements would detract from, or not add to, otherwise attractive elevations, the Masonry Requirement may be waived or reduced by the DRC.
- f) Other allowed wall materials are natural wood, fiber-cement siding (Weatherboard or equal), or other maintenance-friendly wood products acceptable to the DRC. No aluminum sheet siding, vinyl siding, cement block, unfinished cinder block, stucco board, Celotex or plywood shall be allowed for exposed walls. Other materials may be used only if approved by the DRC.
- g) Wood and fiber-cement horizontal siding shall be applied, wherever possible, without seam in front elevations of homes and shall be installed in single pieces (No sheet applications containing multiple pieces). Seams on other elevations shall be caulked flush with siding material and the caulking shall be painted the same color as the siding material. No clamps shall be allowed for seams. Further, sided homes must contain casings around windows and doors and corner boards at the corners of the homes that are a minimum of six inches (6") in width and also contain gable accents. It is preferred that corner boards be the same color or a complementary color to the primary siding color and that window casings be a contrasting color to the primary siding color. However, each home will be reviewed on a case-by-case basis.

## 2. Lot-Specific Masonry Requirements:

### a) Phase 1, Phase 2 Traditional & Patio Homes:

- i. The primary exterior siding material shall be textured **synthetic stucco**, a minimum of **15%** of the square footage of front façade facing the street shall be stone, synthetic stone or other masonry material acceptable to the DRC.
- ii. **Brick or brick veneer is an approved material for compliance with the Masonry Requirement for ONLY Phase 1 lots.**
- iii. **Brick or brick veneer is NOT an approved material on any Phase 2 lots.**
- iv. For homes whose primary exterior siding is **not textured synthetic stucco**, a minimum of **25%** of the square footage of the façade facing the street shall be one of the materials comprising the Masonry Requirement.

### b) Enclave Traditional & Patio Homes:

- i. The primary exterior siding material shall be textured **synthetic stucco**, a minimum of **20%** of the square footage of front façade facing the street shall be stone, synthetic stone or other masonry material acceptable to the DRC.
- ii. **Brick or brick veneer is NOT an approved material on any Enclave lots.**
- iii. For homes whose primary exterior siding is **not textured synthetic stucco**, a minimum of **30%** of the square footage of the façade facing the street shall be one of the materials comprising the Masonry Requirement. The stone application shall not be straight wainscoting and shall have vertical elements.

### c) San Sophia West:

- i. The primary exterior siding material shall be textured synthetic stucco, a minimum of 20% of the square footage of front façade facing the street shall be stone, synthetic stone or other masonry material acceptable to the DRC.
- ii. **River rock, brick or brick veneer is not an approved**

**material.**

## 6.8 **Porches and Columns:**

1. **Front Porches** are defined as open air space under the roof at the front of the home, usually indented from adjacent wall lines. Porch depths shall be a minimum of 6 feet (6'). Phase 1 lots ONLY may have a porch depth of a minimum of four (4') feet.
2. **Columns** supporting front porches shall be a minimum of 8" in width, unless, in the opinion of the DRC, the architectural style or convention dictates smaller column widths. Columns may have a base feature of at least twelve inches (12") in width and extend at least 18" to 24" high from the footer so that the column has a more substantial appearance. Base features shall be the same material as the approved Masonry Requirement on the front façade of the home or, if approved by the DRC, stucco to match the primary siding of the home.

## 6.9 **Exterior Lighting**

1. All permanently installed external lighting fixtures must be shielded such that the light source (i.e., bulb) is not directly visible when viewed from the property line and the fixture has an opaque top to keep light from shining directly up. Light from such fixtures shall be directed in such a way that no spillover of light from external fixtures to adjacent properties shall occur. Homeowners shall submit external lighting fixture choices to the DRC prior to their installation.
2. At a minimum, lighting must be compliant with City of Montrose ordinance 11-9-3\* standards for Outdoor Lighting.
3. Adopted and Effective 03/29/2024, this regulation applies to exterior lighting on all new homes/structures approved after this date and to the replacement of exterior lighting fixtures on existing homes/structures undertaken after the effective date.
4. Landscape lighting must be Dark Sky compliant (shielded).

[\\*https://library.municode.com/co/montrose/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TITXILADERE\\_CH11-9OULI](https://library.municode.com/co/montrose/codes/code_of_ordinances?nodeId=PTIICOOR_TITXILADERE_CH11-9OULI)

\*The City of Montrose has consolidated their lighting standards and 11-9-3 replaces 4-13-3.

## **6.10 Pergolas, Decks and Similar Structures**

1. The DRC will review applications for construction of pergolas, decks and similar structures. Evaluation criteria, at a minimum, will include:
  - a) Location on the lot
    - i. Design aesthetics – e.g., size of structural element, manner in which elements are joined together, etc.
    - ii. Materials to be used – generally, due to the exposure to the harsh environmental conditions in our area, the DRC only approves non-wood material (e.g., Alumawood or similar material for pergolas) for these structures. Exceptions to this may be made based on location (e.g., amount of projected sun exposure) and/or size of structural elements (e.g., beams, posts, color, etc.) to be used.

## **6.11 Retractable Awnings, Solar Shades and Similar Exterior Features**

1. Retractable Shading/Privacy devices (referred to as awnings for the purposes of this regulation) attached to the exterior of the house must be approved by the DRC as to color, location on the home and general design. A solid color shall be used for the awning and shall either match or complement the color of the house. Generally, the DRC will not approve awnings on the “street side” of homes.
2. Depending on size and location of the awning, the DRC may require the installation and use of wind sensors to automatically retract awnings in the event of high winds - a common occurrence in Cobble Creek.
3. Solar shades that can be "stored" and are thus invisible when not in use, and which only go up/down and are solid color do not need DRC approval to be installed. The same applies to retractable patio umbrellas. All other “shading systems”, whether temporary or permanent, require DRC approval prior to installation.

## **6.12 Solar Panels**

Subject to House Bill 21-1229 and Colorado Revised Statutes 38-33.3-106.7, an HOA shall not effectively prohibit the installation or use of an energy efficiency measure, such as solar panels. An HOA may, however,



issue reasonable aesthetic provisions that govern the dimensions, placement, or external appearance of an energy efficiency measure. As such, the Cobble Creek DRC regulations include the following reasonable aesthetic provisions:

1. Match the frames for the panels to the color of the roof to the greatest extent possible.
2. Conceal the conduit from roof to electrical panels on the side of the house to the greatest extent possible and paint the conduit to match the stucco.

### 6.13 **Exterior Antennas**

1. Exterior antennas designed to acquire television, radio and internet “over-the-air” signals must be approved by the DRC prior to installation. Approval requests shall, at a minimum, include the size and shape of the antenna and its location on the house or lot.
2. Antenna size is limited to 1,600 square inches in surface area. The antenna shall be located in such a way that it is minimally visible from the street side of the lot.
3. Only antennas with the purposes specifically indicated in 6.13.1 above will be considered for approval. All other exterior antennas are prohibited in Cobble Creek.

## 7.0 CONSTRUCTION RULES AND REGULATIONS:

7.1 **Lot Owner Responsibility**: The Cobble Creek HOA, represented by the Design Review Committee (DRC), holds the property owner responsible for all aspects of the construction process, including, but not limited to, the items listed below. Both the HOA and City of Montrose covenants/ordinances apply to construction activities and the property owner is responsible for making sure these are followed. If the property owner delegates responsibility to another individual (e.g., the builder) then the DRC shall be informed in writing of this action so that it is clear who should be contacted should any issues related to construction arise during the building process.

Property owners shall inform their contractor (and all subcontractors) of these regulations and guidelines.

## **7.2 Construction Debris and Storm Water Barriers**

1. By the time framing commences, the owner shall ensure that a dumpster is located on the construction site or in close proximity to it.
2. The dumpster must have a hard cover or tie-down tarp sufficient to keep trash from falling or blowing out. The dumpster shall be covered when construction activity is not underway (e.g., evenings, weekends, holidays).
3. The dumpster shall be emptied regularly and is deemed to be full when the contents reach the top of the side panels.
4. All construction debris that is vulnerable to being blown onto adjacent property shall be placed in the dumpster immediately.
5. The owner shall be responsible for ensuring that the builder/contractor maintains the construction site in a reasonably clean condition and that construction materials/debris are kept on the construction site itself and not on adjacent property or common areas.
6. All construction projects in Colorado are required to obtain a general permit for stormwater discharge activities from the Colorado Department of Public Health and Environment (CDPHE). The permit requires that construction projects take appropriate preventative measures (silt barriers, erosion control devices in street gutters, etc.) to ensure that properties adjacent to the building site, including streets and sidewalks, are protected from stormwater runoff debris (e.g., water, mud). Any mud or other debris that escapes these barriers must be cleaned up within one (1) day after it appears. The DRC will monitor projects to ensure compliance with this requirement.

## **7.3 Work Hours/Noise/Other**

1. In general, allowable construction work hours are defined as 7:00 AM to 7:00 PM. However, once the structure is fully enclosed work may take place outside those hours PROVIDED that noise generated by the work cannot be heard by the occupants of nearby homes. Further, within the allowable work hours, noise extraneous to the construction process (e.g., radios) shall not be audible to occupants of nearby homes.
2. The owner shall inform their contractor not to bring pets to the construction site. If pets are brought to the site, then they must be confined within a vehicle or otherwise not allowed to roam freely or engage in excessive barking.

#### **7.4 Project Completion Site Cleanup**

The owner shall inform the contractor that following the issuance of the Certificate of Occupancy Permit ALL construction materials, debris and equipment related to the building project shall be removed from the construction site. If, for some reason, this will not occur (e.g., items to be used for landscaping) then the DRC shall be explicitly informed in writing, and a timeline established for when removal will occur.

#### **7.5 Management of Excavated Dirt from Building Sites**

All new home construction projects are required to submit a plan to the DRC for managing the dirt that is excavated during the construction process. This plan will accompany the required new home construction materials (e.g., check list, floor plans, site plan, elevations etc.). The excavated dirt plan, at a minimum, shall include where dirt will be temporarily stored if that is to be within the Cobble Creek Community. No dirt can be stored anywhere within CC, including the construction site itself, longer than forty-five (45) days from the onset of excavation unless approved by the DRC.

#### **7.6 Penalties for Construction Without DRC Approval of Plans**

See Section 1.3 of these regulations

### **8.0 LANDSCAPING**

*See attachment:* Cobble Creek Landscape Regulations

### **9.0 REFUNDABLE DEPOSIT POLICY**

#### **BACKGROUND**

These Design Regulations (DRs) authorize the DRC to collect refundable deposits from home/lot owners who wish to undertake home (or other structure) construction and/or landscape installation projects in CC. The purpose is to help ensure that the DRs are followed through the completion of the project.

In the Fall of 2021, the DRC identified a need to create separate deposits: a construction deposit and a landscape deposit. This is due to the number of homes which are sold during or following construction, but before or without landscaping. In this case, the party(s) responsible for the construction deposit and for the landscape deposit may differ. To facilitate tracking, the DRC also determined the deposit amounts should be the same regardless of whether the home is a traditional or patio home. Two deposits – a construction and a landscape - are necessary to help ensure compliance with these regulations.

## 9.1 **Required Refundable Deposit**

1. **New Homes** (Traditional or Patio): All applications to construct new homes in Cobble Creek must be accompanied by a check for \$2,500. This deposit will be returned in full to the home/lot owner upon completion of the construction phase of the project, if all DR requirements have been met as determined by the DRC (see Section 9.2 below).
2. **Landscaping for New Homes**: All new home landscaping projects must be submitted to the DRC with a landscape application, a detailed landscape plan and a check for \$1,000. This deposit will be returned in full to the home/lot owner upon completion of the landscaping, if all DR requirements have been met as determined by the DRC (see Section 9.2 below).
3. **Renovation of Existing Landscaping or Exterior of Homes** – Per Section 2.2, the DRC will determine whether submitted Improvements are minor or significant. Minor Improvements do not require a deposit. Significant exterior home/landscape renovation projects (Improvements), as determined by the DRC, must be submitted to the DRC with a project application, a detailed project or landscape plan and a refundable deposit check for \$1,000. This deposit will be returned in full to the home/lot owner upon completion of the project, if all DR requirements have been met as determined by the DRC (see Sections 9.2 & 9.3 below).

## 9.2 **Implementation Criteria**

It is the expectation of the DRC that refundable deposits will be returned in full to the homeowner or lot owner. Reasons for not returning some/all of a deposit include the following:

1. Unapproved changes to submitted plans or failure to obtain approval for some plan elements.
2. Failure to comply with time deadline specified in these regulations for completion of approved home construction and/or landscape installation (Improvements). The DRC can grant exceptions to these specified deadlines, but only if requested in writing by the applicant. Such requests must be accompanied by an outline of reasons for the delay and a specific new completion date for the delayed project.

### **9.3 Penalty for Non-Compliance**

- a) **Projects not approved by the DRC, or those not implemented as approved by the DRC, will have deductions from the \$2,500 refundable deposit as be determined on a case-by-case basis by the DRC or HOA.**
- b) **Projects that go beyond the required deadline/completion date without approval will have \$200 per month (or any portion of a month) deducted from their refundable deposit each month until the project is completed.**

9.4 **Effective Date** – this Refundable Deposit Policy shall apply to all project applications received by the DRC on/after January 1, 2022.

### **10.0 VIOLATION NOTICES AND FINES:**

In those instances where the DRC has escalated the matter to the HOA Board, in the sole opinion of the HOA Board, the provisions of these Design Regulations and or provisions of the CCRs, are being violated, the HOA has adopted a policy that provides the HOA Board with the ability to apply monetary fines that may be enforced in accordance with the provisions of the CCRs.

### **ATTACHMENTS:**

1. Cobble Creek Landscape Regulations
2. Cobble Creek DRC New Construction Application rev 3-2022
3. Cobble Creek DRC Landscape Application rev 3-2022
4. Cobble Creek DRC Renovation Application rev 3-2022

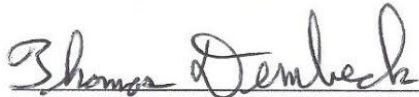
### **Document Changes:**

- 1/20/23 – Added new regulations for flagpoles, page 21.
- 4/05/23 – Added “B” to title Traditional Home lots, page 26.
- 8/8/23 – Updated 6.4.1 Building Heights, page 26.
- 3/29/24 – Updated 6.9 Exterior Lighting, page 31



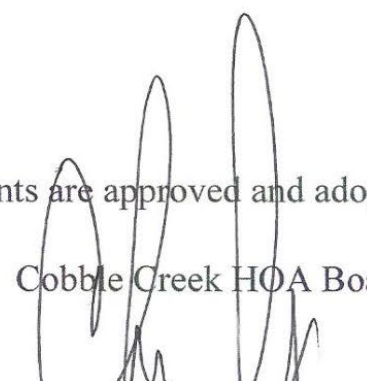


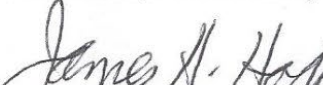
These Regulations and their attachments are approved and adopted on 8/8/2023

Cobble Creek DRC



Thomas Dembeck, DRC Chair

Cobble Creek HOA Board:

  
Christopher Cox, HOA President  
Richard Anderson, HOA Vice President  
Greg Horton, HOA Treasurer  
Donna Nash, HOA Secretary  
Jim Hoffman, HOA Member  
Sondra Lee, HOA Member  
Nancy Young, HOA Member