



# WHISPERING PINES

DESIGN GUIDELINES  
&  
RESIDENTIAL SITE IMPROVEMENT  
REFERENCE GUIDE

DECEMBER 2023

## FIFTH AMENDMENT

**THE BOARD OF DIRECTORS HEREBY AMENDS THE FOLLOWING AMENDMENT TO THE GUIDELINES AS FOLLOWS. THESE ADDITIONS, DELETIONS AND REVISIONS SHALL SUPERSEDE AND PREVAIL OVER THE ORIGINAL GUIDELINES AND SUBSEQUENT AMENDMENTS. THOSE PROVISIONS CONTAINED IN THE ORIGINAL AND PRIOR AMENDMENTS THAT ARE NOT AMENDED HEREIN SHALL CONTINUE IN FULL FORCE.**

**PLEASE NOTE THE THIRTY-ONE (31) ESTATE LOTS AS IDENTIFIED IN THIS THIRD AMENDMENT ARE SUBJECT TO ADDITIONAL GUIDELINES, ATTACHED AS EXHIBIT A, TITLED ESTATE LOT DESIGN STANDARDS AND GUIDELINES.**

## WELCOME TO Whispering Pines

These Amended Design Guidelines are intended to assist homeowners in Whispering Pines ("Community") in making choices on landscaping and other improvements to their property, and as provided for in Article 6.1 of the Declaration of Covenants, Conditions and Restrictions for Whispering Pines, recorded on December 9, 2014, at Reception No. D4115551 in the Arapahoe County real estate records (the "Declaration"), with respect to Lots and residential sites within the Whispering Pines Community. The Whispering Pines Design Review Committee ("DRC") has jurisdiction over design and aesthetic aspects of the Community. The DRC was established by the Whispering Pines Metropolitan District #1 pursuant to Articles 4, 6, and any other applicable provisions of the Declaration. These guidelines have been prepared to assist you with basic information about the Community, its Design Review Committee ("DRC"), submittal policies and procedures for Improvements to Lots, and with other guidelines of the Community. We hope you will find this guide helpful and will refer to it when you are preparing a request for the DRC. These Design Guidelines shall also provide guidance to Owners regarding matters of particular concern to the DRC in considering applications submitted.

### **GOVERNING AUTHORITY**

The Whispering Pines Community is exempt from the provisions of the Colorado Common Interest Ownership Act, C.R.S. Sec. 38-33.3-101 *et seq.* because there is no mandatory homeowner's association or assessment created under the Declaration. Whispering Pines Metropolitan District No. 1 (the "District"), a body politic and political subdivision of the State of Colorado, is empowered to furnish covenant enforcement and design review services in the Community.

Each person residing within the Community has the obligation to abide by the covenants, conditions, restrictions, easements, reservations, rights-of-way, obligations, liabilities, and other provisions as set forth in the Declaration.

Any questions or concerns should be directed to the District Managers.

### DISTRICT MANAGERS:

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## **DESIGN REVIEW COMMITTEE Policies**

A spirit of cooperation between the (the "DRC" and the members of the Community will go far in creating a harmonious environment that benefits all homeowners. This will help protect your financial investment and provide compatibility of improvements.

All improvements you plan to make on your property **MUST BE SUBMITTED AND APPROVED** by the DRC prior to installation, with the exception of certain "pre-approved" items which may be listed in the following pages. The term "improvement" includes, but is not limited to, landscaping, fencing, patios, decks, pools, hot tubs, play and sports equipment, pet enclosures, deck covers, gazebos, storage facilities/sheds, room additions, and exterior materials and colors. All submissions are considered based on their individual merit - approval or denial in one instance does not necessarily mean the same decision in a different submittal and/or set of circumstances.

**Notice of Completion:** Upon completion of any approved Improvement, the applicant shall submit a written "Notice of Completion" to the District and/or the DRC requesting final approval.

The District and/or the DRC shall have the right to inspect any Improvement during or prior to completion to confirm compliance with the approved design request. However, the right of inspection shall terminate ninety (90) days after the District's and/or the DRC's receipt of the applicants Notice of Completion.

**PLEASE NOTE: On-site personnel, such as a salesperson and/or construction supervisor, do not have authority to approve ANY Improvements to Property - you must submit directly to the DRC as specified herein.**

## **SUBMITTAL PROCEDURES**

1. Please use the submittal form on the last page of this booklet to help you coordinate all information. Requests for approval should be mailed or emailed to the management company (address and email are on the submittal form and on the introductory page). The management company will forward requests to the DRC Committee, track them through the submittal process and return written information to you regarding the Committee's decision.
2. Plans and specifications should be detailed and include the following:
  - Plot plan showing the location of the improvement(s).
  - Lot #, Block # and square footage of lot.
  - Landscaping descriptions – identify species, size, number, height and caliper of trees; shrubs (and gallon size); mulch areas; flower beds; vegetable plots; and pathways, play equipment, etc.
  - Height, width, length, materials description, and color samples for any structures or equipment. No links to internet sites are permitted, photographs must be attached.
  - Paint samples must be at least 8" x 10".
  - Don't forget to include your name, address, phone number, email address and mailing address for you if different than that of the property.
  - **Incomplete applications will be returned to the applicant!**

3. **PLAN AHEAD!** The DRC strives to respond to requests quickly; however, the Committee normally meets once per month at irregular intervals, and it may take up to 45 days after the submittal is received for a response to be sent to you.

Decisions will be mailed to you in written format and will be one of four responses:

- Approved
- Approved with conditions
- Denied - Request for additional information
- Denied

**If you do not receive a written response within 30 days, the request is deemed DENIED. Please contact the management company as soon as possible to discuss the issue.**

**Any improvement installed without approval is subject to removal at the owner's sole expense. The owner may also be subject to fines or other legal action, to be determined by the District Board of Directors at its discretion.**

#### **DESIGN GUIDELINE SUMMARY**

The following is an alphabetical listing of Improvements which homeowners might wish to make along with specific information as to each of these types of Improvements. This list includes a limited number of "pre-approved" items for more commonly requested changes (for which prior approval is not required), as well as several items that are specifically prohibited. ***This is not intended to be an all-inclusive list of items requiring submission -- any item not included herein must be submitted for review and approved.***

**1.1 Goal of Guidelines:** Guidelines have been adopted by the Design Review Committee and are authorized by the Declaration. In the event any of the provisions within these Design Guidelines conflict with the Declaration of Covenants, Conditions and Restrictions for Whispering Pines, the provisions in the Declaration shall prevail.

Compliance with these Design Guidelines, the provisions of the Declaration and any applicable Supplemental Declaration will help preserve the inherent DRC architectural and aesthetic quality of the Whispering Pines community. It is important that the improvements to Property be made in harmony with, and not be detrimental to, the rest of the community. By following these Design Guidelines and obtaining required approvals for Improvements to Property from the Design Review Committee, homeowners will be protecting their financial investment and will help insure that improvements to Property are compatible with neighborhood standards established for Whispering Pines. If a question ever arises as to the correct interpretation of any term, phrases or language contained in these Design Guidelines, the Design Review Committee's interpretations thereof shall be final and binding.

**BE SAFE! IF YOU HAVE QUESTIONS, ASK FIRST!**

## **2.1 Accessory Structures**

Approval is required prior to installation.

All structures, such as gazebos, greenhouses or play sets will be evaluated on their individual merit, intended use, location on lot and appearance. Samples, brochures, photographs, materials description, and a plot plan showing the proposed structure TO SCALE are required. Structures should be placed to avoid unreasonable impact into neighboring yards.

See also Dog Runs, Play Equipment and Sheds and Storage Structures.

## **2.2 Additions/Remodeling**

Approval is required prior to installation. Additions, expansion, or remodeling which will alter the exterior of any residence must include detailed plans, specifications, dimensions, and location. All plans for such improvements must match the overall theme of the residence. Those that do not will automatically be denied.

Certifications from licensed engineers and/or DRC may also be required and all appropriate city or county permits must be obtained.

## **2.3 Address Numbers**

Approval is not necessary if replacing existing 6" address numbers with 6" numbers in either bronze or nickel. Numbers may not exceed 6" in height. Approval is required to replace or relocate existing address numbers with anything of different shape, size, texture, etc. Stand-alone decorative and/or illuminated house number signs require DRC approval.

## **2.4 Advertising**

See Signage.

## **2.5 Antennas/Satellite Dishes**

No exterior radio antennas, television antennas or other antennas may be erected unless approved in writing by the DRC. Any facility for the transmission or reception of audio or visual signals shall be, to the extent reasonably possible, kept and maintained underground or within an enclosed structure. Notwithstanding the foregoing, neither the restrictions nor the requirements of this Section shall apply to those antennas (which may include some satellite dishes and other devices) that are specifically covered by the Telecommunications Act of 1996, as amended from time to time ("FCC Rule"). As to antennas which are specifically covered by the FCC Rule, the DRC has adopted the following reasonable restrictions governing installation, maintenance and use of the types of antennas that are permissible thereunder, and to the extent permitted by the Telecommunications Act of 1996, as amended, establishing

reasonable, non-discriminatory restrictions relating to appearance, safety, locations, and maintenance of same.

**A. Antenna size and type:** Direct broadcast satellite ("DBS") and multipoint distribution service antennas ("MMDS") antennas/dishes that are one (1) meter (39") or less in diameter and for personal use of a homeowner may be installed. DBS and MMDS antennas/dishes larger than one (1) meter are prohibited. All antennas/dishes not covered by the FCC Rule are prohibited.

**B. Installation Location.** All antennas/dishes shall be installed with emphasis on being as unobtrusive as possible to others in the community. To the extent that reception is not substantially degraded or installation costs unreasonably increased, all antennas/dishes shall be screened from view from any street and nearby lots to the maximum extent possible, and placement shall be made in the following order of preference: (i) "rear" yard or "side" yard behind and below the fence line; (ii) "rear" yard or "side" yard, mounted on the house, in the least visible location below roofline; (iii) "side" yard in front of wing fence, screened by and integrated into landscaping; (iv) "front" yard screened by and integrated into landscaping; (v) "rear" yard rooftop. If more than one (1) location on the property allows for adequate reception without imposing unreasonable expense or delay, the order of preference described above shall be used, and the least visible site shall be selected. Antennas/dishes shall NOT be attached to the fence, nor shall antennas/dishes be permitted to encroach upon common areas or any other Owner's property.

If selected installation site is not in the "rear" or "side" yard behind and below the fence line, the Owner shall complete a notification form and deliver it to the District, along with a statement signed by the Owner and the installer of the antenna/dish stating that all positions described in preference orders (i)-(v) listed above have been tried in order of rank, and that the site of installation is the first site whereby an acceptable quality signal can be received. For example, if an acceptable quality signal is available from a site in the "rear" yard behind and below the fence line, as described in location (i), locations listed in (ii) through (v) are not acceptable.

**C. Installation Method.** All installations must comply with all applicable building codes and other governmental regulations and must be secured so they do not jeopardize the safety of residents or cause damage to adjacent property(ies). All antennas/dishes shall be no larger than is necessary for reception of a quality signal. Any mast installation must strictly comply with the FCC guidelines. Owners are responsible for all costs associated with the antenna/dish, including but not limited to installation, replacement, repair, maintenance, relocation, and/or removal of same.

All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Antennas/dishes, masts, and any visible wiring may be required to be painted to match the color of the structure to which they are attached, at the Owner's expense

NOTE: Antenna registration and/or approval with the DRC should in no way be construed as a representation, guarantee, or warranty that reception and/or transmission signals will be adequate or will remain undisturbed by vegetation or improvements located on surrounding properties.

All other antennas not addressed above, shall remain restricted on all residential sites and Committee approval is required prior to installation.

## **2.6 Artificial Turf**

Approval is required prior to the installation of artificial turf. Artificial turf is only allowed in back yards. The back yard must be enclosed on all sides and the turf must be sufficiently screened and/or buffered along the perimeter of the property in order to minimize visibility from the street or any common area tracts. Adequate base/drainage must be provided under the turf surface, and a plan showing the turf installation area and proposed drainage plan must be provided with the design review submission. A 12" X 12" sample of the proposed synthetic turf, together with product name, manufacturer, and component information supplied by the manufacturer, along with any material or use warnings that apply to the product must be provided with the design review submission. Recommended weight is at minimum 60-80 ounce. If approved, synthetic turf must be maintained in an attractive condition, and not allowed to fade, crack, or otherwise fall into disrepair. If synthetic turf is not maintained in accordance with community standards, the homeowner will be required to remove and replace the synthetic turf with new product or with natural turf.

## **2.7 Awnings & Overhangs**

Approval is required prior to installation. Awnings or overhangs should be an integral part of the house or patio design. The color must be the same as, or generally recognized as, a complementary color to the exterior of the residence. Must provide four (4) proposed swatches of fabric/material to be used and state if awning or overhang is retractable or permanent. Any awning or overhang must be kept in a neat, clean and attractive condition and retractable awnings "closed" when not in use.

## **2.8 Basketball Hoops**

Front yard permanent pole-mounted hoops are permitted with prior DRC approval. These must be a minimum, halfway up the driveway.

Backyard hoops will be evaluated based on lot size and location. Portable basketball units are defined as equipment that is commercially manufactured, with a large base for counterbalance, and/or wheels for mobility, and are engineered to be able to be moved. Approval is not required but the following guidelines must be met:

- For safety and access reasons, portable hoops may not be placed in the street or on the sidewalk.
- Portable units may be placed in the driveway when not in use if the following criteria are met: Location must be at least half (1/2) of the length of the driveway away from the street. The unit must be kept in this location when not in use or may be stored out of sight. This location shall not impede or obstruct the use of the garage or driveway and the unit shall be leveled so that the unit is balanced and standing upright.

Portable units may be moved to the side of the house or in another less visible place when not in use. Portable units shall not be allowed to fall into disrepair and must be maintained to preserve their original appearance. Ripped nets shall be promptly replaced. The use of concrete blocks, tires, sandbags or any other materials for counterweights is not permitted.

## **2.9 Birdbaths/Houses and Feeders**

Not permitted on Patio Villa Lots.

Approval will not be required if the following guidelines are met:

- Birdbath does not exceed 2 feet wide x 2 feet long 2 3 feet high in size
- Birdhouse and/or birdfeeder does not exceed 1-foot-wide x 1-foot-long x 2 feet high in size
- Birdfeed, birdbath or birdhouse is located inside or rear yard only

## **2.10 Boats**

See Vehicles.



### **2.11 Business Activities**

Lots shall be used for residential use only, including uses which are customarily incident thereto and shall not be used at any time for business, commercial or professional purposes. Notwithstanding the foregoing, however, Owners may conduct business activities within their homes provided that all of the following conditions are satisfied, as determined by DRC:

- 1) The business conducted is clearly secondary to the residential use of the home and is conducted entirely within the home;
- 2) The existence of operation of the business is not detectable from outside of the home by sight, sound, smell or otherwise, or by the existence of signs indicating that a business is being conducted;
- 3) The business does not result in an undue volume of traffic or parking within the Community;
- 4) The business conforms to all zoning provisions and is lawful in nature; and
- 5) The business conforms to all District rules and regulations, policies and procedures.

### **2.12 Campers**

See Vehicles

### **2.13 Clotheslines**

Exterior clotheslines and permanent drying racks/devises are not allowed. Temporary or retractable clotheslines and hangers that are taken down after each use are permitted and must be approved by DRC.

All outdoor clothes poles, clotheslines, and other facilities for drying or airing of clothing or household goods shall be placed or screened by fence or shrubbery so as not to be visible from neighboring property or adjacent streets.

### **2.14 Decks**

Approval is required prior to installation. Decks must be redwood or wood look/textured composite material (Trex decking or comparable product). Wood decks shall be left their natural color, stained with a clear sealer, or may be stained in a color that is compatible with the color scheme of the home. Painted decks are not permitted. Wood-look materials must also be a color compatible with the color scheme of the home. Decks must appear to be an integral part of the residence, and, in general, no part of the stairs or landings will be allowed to extend into the side property area beyond the back corners of the home. Deck railing must also match that of the deck, existing railing on the house or the general scheme within the community. Deck skirting is not allowed on decks that are more than 2ft above finished grade. No freestanding decks will be approved.

Construction of decks over sloped areas is discouraged. The DRC may require that open areas under decks be closed from view or that the deck be tiered to conform more closely to the existing grade.

All decks must comply with the Arapahoe County Planned Development standards for minimum setbacks.

### **2.15 Deck Covers**

Approval is required prior to installation. Must be of material to match either the deck or the home in both material and color. Consideration must be given regarding line-of-sight views from neighboring properties.

### **2.16 Decorations, Seasonal**

No approval is required provided materials are in good taste, not installed earlier than 30 days prior to the holiday, and are removed within 30 days following the holiday. See also Flags.

- Figurines, lawn ornaments or other displays may not be mounted on roofs or located outside of lot fences
- Sensitivity to light levels should be applied when installing decorative holiday lighting. Exposed spotlights are prohibited

### **2.17 Decorations, Permanent**

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

### **2.18 Dog Runs**

See Pet Enclosures and Houses

### **2.19 Doors**

DRC approval is required prior to installation:

- Screen/Storm/Security doors: Must be a neutral color, or match existing color of home. Scrollwork and filigree are not permitted.
- Entry doors: must be stained or painted a color that is compatible with trim and siding color of home.

Unpainted aluminum doors are not permitted. See also Painting.

### **2.20 Drainage**

There shall be no interference with the established drainage pattern over any property within the Community except as approved in

writing by the DRC. Approval shall not be granted unless provision is made for adequate alternate drainage. The "established drainage pattern" shall mean the drainage pattern that exists at the time the overall grading of any property is completed and shall include any established drainage pattern shown on any plans approved by the DRC. The established drainage pattern may include the drainage pattern: (a) from District (or Association if a patio villa home) Properties over any Lot or Tract; (b) from any Lot or Tract over the District (or Association if a patio villa home) Properties; (c) from any property owned by any third party over any Lot or Tract; (d) from any Lot or Tract over property owned by any third party; or (e) from any Lot or Tract over another Lot or Tract.

**Each property owner is required to contain mud, silt, or other debris on his/her own property. Owners are not allowed to increase or decrease historical flows of water onto adjacent property.**

## 2.21 Driveways & Sidewalks

Extension, expansion or widening of a driveway is not allowed without DRC approval and evaluated on an individual basis. Parking in rear or side yard area is not permitted.

Sidewalk repair does not require prior approval; however, the repair must be completed to match existing sidewalk exactly. Sidewalk or walkway additions of any kind require prior approval of the DRC prior to installation.

## 2.22 Fences

- a. Except as set forth below, the district maintains the perimeter fences such as the six-foot solid privacy styles fences along Sampson Guld Way. **Privacy style fences are not allowed** anywhere else in the community. Forty-eight inch open 3 rail style fences are maintained.
- b. Fences installed by the Developers/Builders along or abutting property lines, along open space, and/or adjacent to roadways may not be removed, replaced, or altered from existing construction. No gates are allowed in any fencing to provide access from lots to open space areas or roadways, except for those installed by the Developers/Builders.
- c. Homeowners are not required to install fences along interior (side) lot lines. A homeowner may install forty-eight-inch open 3-rail natural wood fencing inside the homeowner's property line as to be and solely be the responsibility of the homeowner for the fence. Alternatively, the fence may be placed **on** the property line providing there is a written agreement between the owners to jointly maintain the fence. In this case, Colorado State law requires that each homeowner shall agree to maintain the fence,

including the side of the fence facing the homeowner's property. This agreement must be included in the application to the DRC.

Heavy gauge (2" X 4", 12 gauge) wire, if desired, must be professionally installed or installed by using the "stretch" method and must be placed on the interior of the fence. Fences must be constructed and installed in accordance with Fencing Exhibits (attached as Exhibit A) and as in Section 146-4.7 of the Aurora City Codes. **Approval from the DRC is required prior to installation of any fences.**

- d. **Approval is required prior** to installation for other types and/or locations of fences. No double fencing is permitted. Fences around hot tubs, animal enclosures, play areas, or other locations will be considered on a case-by-case basis.
  
- e. **Fence Maintenance:** The District owns and is responsible for the exterior 6' perimeter and split rail fences adjacent to common areas and playground/s owned and maintained by the District. This responsibility includes repair and or replacement, if not due to third-party negligence. In general, the obligation for repair/replacement is placed on the party who owns the fence (District or homeowner) depending upon the fence location (District property or homeowner's). Notwithstanding the foregoing, homeowners with perimeter fences are responsible for staining the portion of the fence that faces the homeowner's lot regardless of ownership. Fence damage caused by a willful act, negligence, or other misconduct is the responsibility of the party causing the damage.
  
- f. Maintenance of homeowner-installed fences is required, including replacing broken rails, etc., as well as re-staining of fencing every 4-5 years or as specified by the District. Homeowner-installed fences must be kept in a neat, clean, and attractive condition at all times.
  
- g. **Fence Stain Required:** All fences within a homeowner's property (except for the exterior of perimeter fencing) must be stained at the time of installation and during periodic maintenance using Diamond Vogel Nutmeg GS202 or "Whispering Pines Fence Stain (custom mixed)" available at most local paint outlets.

## 2.23 Firepits and Chimineas

- a. Firepits and Chimineas fall under the Fire Code in Section 307 of City of Aurora Codes and under the International Fire Code.
  
- b. Wood-burning firepits and chimineas are **not permitted**.
  
- c. **Approval is required** for permanently installed natural gas and propane firepits. They must be located at least 15 feet from any

combustible material, including structures. These are limited to 3 feet in diameter and two feet in height. Consideration for approval will include, but is not limited to, location, material, design, size, and proximity to neighboring properties.

d. **No approval is required** for portable, commercially available propane gas firepits if they are located in the backyard and are at least 5 feet from any combustible material while in operation.

e. The safety of and liability for the firepits are the sole responsibility of the homeowner(s).

f. Any State or local government restrictions on open fires, firepits or similar structures or activities must be strictly adhered to at all times.

## 2.24 Flags and Flagpoles

Free standing flagpoles are not permitted.

Approval is not required for the display of flag(s) but installation and display must adhere to the following criteria:

- a. Flags shall be displayed on house-mounted flagpoles
- b. Bracket holders are required
- c. Flags shall not exceed 3 ft. by 5 ft.
- d. No more than 3 flags are permitted to be flown at a time
- e. Flags must be kept/displayed in a neat and attractive condition at all times

## 2.25 Garage Sales

No approval is required for garage sales provided the items for sale are personal household goods, and have not been purchased for resale in bulk, at auction or estate sale, and provided the sale is held in such a manner so as to not disturb other residents of the community. All garage sales must comply with applicable municipal requirements. The DRC reserves the right to place limitations on the number of times in one year that an individual property can be used for garage sales. Any signage advertising the garage sale must be taken down immediately following the event.

After the conclusion of the garage sale, no items can be left out on the driveway, sidewalk, or street unless the homeowner is having the items picked up within 48 hours following the garage sale. Under no circumstance can items remain visible for more than 48 hours. **All advertising signage must be taken down from the property and any other areas that were posted immediately following the conclusion of the garage sale.**

## 2.26 Garages

Garage doors shall not be altered without prior approval of the DRC. Garages are intended to be used for the parking and/or storage of

vehicles. No storage of any vehicles(s) shall be allowed other than in the garage areas.

See also Vehicles, Parking.

### **2.27 Gardens**

Approval is required, for flower and vegetable gardens and beds and should be shown on submittals of landscaping plan. Details regarding the material used for construction of "raised" garden/beds should be included with plans. The use of railroad ties is prohibited. Vegetable gardens are limited to back yards and height of mature plants shall not exceed 6 feet. All gardens shall be kept in a neat, weed-free condition.

Landscaping shall comply with requirements set forth by builders' warranty.

### **2.28 Gazebos**

Approval is required prior to installation for all freestanding structures. Each submittal will be considered on its individual merit and intent. See also Accessory Structures.

### **2.29 Grade Change**

See Drainage.

### **2.30 Greenhouses/Sunrooms**

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

### **2.31 Hot Tub, Spa, Sauna, etc.**

Approval is required prior to installation for any exterior hot tub, spa equipment, sauna or Jacuzzi. The equipment must be designed as an integral part of a deck or patio area and installed in such a way that it is not immediately visible to or will adversely impact neighbors by noise, drainage or other such problems. The equipment will only be permitted in back yards at ground level.

### **2.32 Landscaping**

The Owner of each Lot (other than Declarant or Builder) shall install landscaping within ninety (90) days after closing of acquisition of such lot ("Closing") by such Owner if such Closing occurs between March 31 and September 1 of any year and ninety (90) days after the April 1 immediately following Closing if such Closing occurs between September 1 and March 31 of any year (e.g. if Closing occurs on March 31, the ninety (90) day period commences running the following day, which is April 1). If any owner fails to install landscaping

within such ninety (90) day period, the Metropolitan District may impose a Fine on such Owner in the amount of Fifty Dollars (\$50.00) per day until the earlier of completion of the landscaping or thirty (30) days after the end of the initial ninety (90) day period. If such Owner fails to complete the landscaping within such additional thirty (30) day period, the Metropolitan District may enter upon such Lot and shall install landscaping, the cost of which shall be the personal obligation of Owner(s) of the Lot on which such work is performed by the Metropolitan District, including, without limitation, interest, and late charges and the Metropolitan District shall have a lien upon the Lot to secure such cost. Landscaping of a Lot must be completed within thirty (30) days after an Owner commences such landscaping.

When planning dead improvements, considerations should be given to plant materials that do not require excessive moisture around foundations. Neighbor's view should be considered when locating trees and shrubbery.

All unimproved areas at the time of conveyance must be landscaped using a combination of mulch and plant material (for example, irrigated turf, shrubs, trees, perennials or other plant material). Owners are encouraged to explore the City of Aurora Water Conservation Water-wise landscape design program standards for information regarding water-wise landscaping and to incorporate drought tolerant, low irrigation demand plants into their landscape plans. No more than 25% of the unimproved area may be "non-living" material such as rocks, concrete areas and mulch, unless approved in writing by the DRC.

Committee approval is **not required** in the following circumstances:

- A. If your initial landscape plan was approved by the Committee and you are simply replacing dead or dying landscape elements with the same type of landscape elements.
- B. Committee approval **is required** for any proposed improvements or alteration to Property, **for all initial landscaping improvements in the rear yard area**, and/or when the landscaping plan includes:
  - A. Retaining walls or grade changes.
  - B. Hardscape or paving, which may include, but not be limited to pavers, sidewalks, patios, stone paths, etc.
  - C. If the property is adjacent to open space (parks, common areas, etc.) or roadways.
  - D. If the landscape plan contains any proposed Improvement not specifically mentioned within these Design Guidelines, or if any

such desired Improvement is described herein as requiring approval prior to installation.

Landscaping must be kept at all times in a neat, healthy, weed-free, and attractive condition at all times.

Retaining Walls - See Section 2.40 below.

Approval is required prior to the installation of artificial turf. Artificial turf is only allowed in back yards. The back yard must be enclosed on all sides by 5' privacy fence and the turf must not be visible from the street or any common area tracts. For additional information, refer to Section 2.6 above.

Tree Lawn – Owners may replace dead plant material with like material. Any changes to existing Tree Lawn must be approved in writing by the DRC.

Water-wise or Xeriscape Landscapes are encouraged –Refer to Section 2.68 below.

See Exhibit B for plant material and other landscaping minimums/requirements.

### **2.33 Latticework**

Approval must be approved prior to installation. Each submittal will be considered based on its individual merit and intent.

### **2.34 Lights, Exterior Lights**

The purpose of the outdoor illumination standards is to:

- A. Provide adequate lighting for safety and security;
- B. Reduce light pollution, light trespass, glare, and sky-glow impacts;
- C. Encourage quality lighting design, light fixture shielding, uniform light intensities, maximum lighting levels within an on-property lines, and lighting controls;
- D. Promote efficient, cost-effective lighting, and to conserve energy; and
- E. Provide an environmentally sensitive nighttime environment that protects habitat.

In keeping with reducing light pollution to a minimum, the following should be considered:

- F. **All lights should have a clear purpose.** Before installing or replacing a light, determine if a light is needed. Consider how the use of light will impact the area, including wildlife and the environment. Consider using reflective paints or self-luminous markers for signs, curbs and steps to reduce the need for permanently installed outdoor lighting.



- G. **Lights should be directed only to where needed.** Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.
- H. **Lights should be no brighter than necessary.** Use the lowest light level required. Be mindful of surface conditions as some surfaces may reflect more light into the night sky than intended.
- I. **Lights should be used only when it is useful.** User controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.
- J. **Use warmer color lights where possible.** Limit the amount of shorter wavelength (blue violet) light to the least amount needed.

**The Whispering Pines Design Guidelines for lights include the following:**

**All exterior lighting and modifications to builder-installed lighting must be approved by the DRC in compliance with the following guidelines:**

- K. All lighting, including any security fixture, shall be directed downwards and the light "cone" contained within the property avoids a glare source to neighboring properties. Light spillover (light trespass) onto adjacent properties shall not exceed 0.1-foot candles measured at the property line per the City of Aurora Code.
- L. Lighting sources shall be white, color-correct types such as Halogen, metal halide or light emitting diode (LED). Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are not allowed. Colored light bulbs shall be used only a temporary basis as part of a holiday lighting/decorations and/or special event recognition and of short-term duration (maximum 60 days).
- M. **Hours of Operation.** Builder-installed exterior front lights are permitted to be illuminated between dusk and dawn for security providing they do not exceed the light spillover standard stated above in point 1.
- N. **Motion Sensor Lights:** Lights on a motion sensor should be pointed downward and be on for no more than 5 minutes. The motion sensor range should be directed to not extend beyond the home's property line/s to avoid being triggered by passing vehicles.
- O. **Landscaping Lights:** Landscape light hours are from dusk until midnight, except lights that are solar powered and cannot be placed on a timer are excluded from this time limitation. All lights shall not exceed the light spillover standard stated above. Homeowners that install landscape "spotlights" to highlight their trees and shrubs need to take great care to ensure that these lights are pointing at their trees and shrubs and not their neighbors.

- P. Walkway lighting must be directed to the ground and shall not exceed 24" in height.
- Q. String lights/patio décor lighting must be approved by the DRC on a case-by-case basis.
- R. Holiday lights: Holiday lighting shall not be installed more than 60 days prior to the holiday and shall be removed within 60 days following the holiday. Holiday lights shall be turned off no later than midnight.
- S. Permanently mounted architecture lights, such as "**Jelly Fish**" lights, must be approved by the DRC. Such lights shall require a "hidden" professional installation with little or not exposed wiring and no wiring glued/stapled onto eaves and fascia: Please visit the City of Aurora website and review the lighting Standards.

Follow all required light standards within the City's guidelines and the District's guidelines.

The City and/or the District may enforce any violations of the applicable guidelines.

The residents are responsible for making sure they are and remain compliant with the lighting standards, including any limitations on lumens (brightness).

Residents shall be responsible for any and all costs resulting from enforcement of the lighting standards and guidelines.

You can find these guidelines at the following website.

<https://aurora.municipal.codes/UDO/146-4.9>

- T. Lights shall face away from neighboring homes and greenbelts/natural areas. Flashing and quick color changes are not permitted. Repeated color changes must be gradual. The lights shall be turned off at midnight.

Overall, lighting and lighting fixtures shall adhere to the Arapahoe County Planned Development Standards. The City of Aurora Light Standards as stated in the City of Aurora Unified Development Ordinance, and as prove in this section.

### **2.35 Motor Homes**

See Recreational Vehicles

### **2.36 Painting**

Approval is required prior to painting. The DRC will take into consideration the color tone and brightness, DRC Architectural style, stone or brick accents, roofing colors, and compatibility with other colors. No adjacent properties shall be allowed to use the same color

scheme. **Repainting with the same colors as originally installed by Builder or Declarant does not require DRC approval.**

Color samples must be at least 8"x10" and marked clearly as to the areas in which they will be used. The submittal package must also include a color picture of the home that indicates the current color scheme, and pictures of adjacent properties. Exterior finishes shall be compatible with the generally established neighborhood theme. Accent and "punch" colors, such as front doors, shutters, etc. may be more pronounced; however, in no case shall bright, neon, fluorescent, or primary tones be allowed.

### **2.37 Patios**

Approval is required prior to installation. Materials compatible with the home in color and size such as pavers, flagstone, or concrete should be utilized. See also Additions/Expansions and Decks. The vertical surface of exposed concrete in excess of 12" must be finished and treated.

All patios must comply with the Arapahoe County Planned Development standards for minimum setbacks.

### **2.38 Patio Covers**

Approval is required prior to installation. See Deck Covers.

### **2.39 Pets**

No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot or Tract except (a) domesticated birds and fish and other small domestic animals permanently confined indoors and (b) an aggregate of not more than three domesticated animals (e.g., two cats and one dog) provided that they are not kept, bred or maintained for any commercial purpose. Subject to the foregoing exceptions, no animal of any kind shall be permitted that in the opinion of the DRC makes an unreasonable amount of noise or odor or is a nuisance. All household pets shall be controlled by their Owner and shall not be allowed off the Owner's Lot except when properly leashed and accompanied by the pet Owner or such Owner's representative. All Owners shall be responsible for immediate removal and proper disposal of any pet waste deposited on Common Areas. In addition, all Owners shall routinely remove and dispose of accumulations of pet waste deposited on any Lot so as to maintain an appealing appearance and control odors. Each Owner of a household pet shall be financially responsible and liable for any damage caused by said household pet. The DRC shall have the right, but not the obligation, to adopt and issue standards and requirements regarding the keeping, boarding and maintenance of

animals in the Community, provided that any such standards and requirements are consistent with the Declaration.

#### **2.40 Pet Enclosures & Houses**

Approval is required for all pet enclosures. The maximum permissible size of pet enclosure is 200 square feet. Acceptable fencing material shall meet the existing Whispering Pines fencing detail. Suggested method of pet containment is Open Rail fencing with heavy gauge wire (see fencing detail).

Chicken wire and chain link material is NOT permitted anywhere in the community.

Wood or recycled wood-look materials are recommended. If a side property line fence is intended to be used as one wall of the pet enclosure, and the fence is jointly owned by adjoining neighbors, written approval must be obtained from the adjoining neighbor and submitted with the request for the pet enclosure.

The maximum size of a pet house that may be installed is 16 square feet and may not be visible above the fence line. All other pet houses require approval prior to installation. Pet houses must be compatible with the home in material and color and installed in the back yard only.

#### **2.41 Play Equipment**

**Approval is required prior to installation. This includes fort-style play structures, swing sets, climbing equipment, sport courts, putting greens, etc.** Equipment shall be in the back yard and must be a minimum of 6' from any property line. Maximum allowable height of swing sets/play structures is 12 feet from ground with natural wood and/or earth-tone finishes. Additional landscape screening or setbacks may be required depending on location of play area and proximity to adjacent properties. See also Basketball Hoops and Trampolines.

**Sport courts will be evaluated on an individual basis.** Sport courts may not exceed 625 square feet, must be at least 15' from any property line, placed in back yards only, and finish materials shall be of a neutral color such as green or gray. The District reserves the right to deny any court for any reason and may require vertical landscaping improvements or other screening material.

#### **2.42 Recreational Vehicles**

No recreational vehicles ("RV", camper, trailer, motor home) or commercial vehicles (defined as a commercial vehicle by the Department of Motor Vehicles, or any vehicle with permanent advertising material) may be parked or stored in view at any time except during transport to or from the Lot, or for purposes of loading

or unloading, for a period not to exceed 24 hours. **Only upon prior written waiver** from the DRC, and or District, may a recreational vehicle belonging to an Owner's visitor be parked on the Owner's Lot or adjacent street for a period not to exceed 72 hours. The DRC and or District specifically reserves the right to limit the number of times in any one season in which a waiver is granted.

Other types of "recreational" vehicles or "recreational" equipment such as boats, jet skis, off-road motorcycles, snowmobiles, etc. are addressed under Vehicles.

#### **2.43 Retaining Walls**

Approval by DRC is required prior to obtaining building permits from **Arapahoe County**. Any retaining/landscape wall in excess of 36" in height is required to have a professional engineer's certificate, accompany the request.

The engineer's certificate must certify structural soundness and that historical water flows onto adjacent lots will not be impacted. See also Drainage.

**Retaining walls must be either brick, dry stack stone material, or architecturally finished concrete. Wood (i.e. railroad ties, etc.), unfinished concrete, or CMU blocks are not permitted. No other materials will be allowed.**

**Retaining walls should not be constructed in any existing drainage or utility easements.**

#### **2.44 Roofing**

Approval is required prior to installation. Roofing material shall be, at the minimum, 25-year materials. Recognizing that future technology may render other materials more compatible, different roofing products will be considered on a case-by-case basis. Composition roofs are prohibited.

#### **2.45 Sheds**

See Storage Structures.

#### **2.46 Siding, Exterior Material**

Approval is required prior to installation, or for any change, repair or replacement to any exterior materials on the home. Further, areas that were painted must remain painted and areas with masonry must be left as masonry in their original colors and texture. Requests for additional masonry will require approval.

## 2.47 Signs

Approval is not required for the display of sign(s) but installation must adhere to the following criteria:

- a. Signs may not be larger in size than 3 ft. x 4 ft.
- b. Signs may not exceed 4ft. from ground to top of sign unless the sign is in a window on the property
- c. Signs must be on the owner's property
- d. Signs must be set back from the property line a minimum of 4 ft. (in accordance with City of Aurora Sign Code)
- e. Signs may not be illuminated
- f. Signs for sale or lease must be removed 7 days after closing, transfer or lease of the property

## 2.48 Skylights

Approval is required prior to installation. Skylights must be installed as an integral design component of the roof, at the same pitch and angle of the existing roof. Bubble style skylights are not permitted.

## 2.49 Solar Energy Devices

Approval is required prior to installation. All such devices must be integrated into the existing design of the home, and if roof mounted, shall be at the same pitch and angle of the existing roof. No exterior plumbing may be visible from the street or adjoining properties. All solar energy devices must be installed by a professional.

## 2.50 Sheds and Storage Structures

Sheds and storage structures require prior approval and will be considered on a case-by-case basis. **Sheds or outbuildings shall be considered storage structures for the purposes of these Design Guidelines and the Declarations. Storage Structures are discouraged, however, and any proposed Storage Structure must meet the minimum following criteria:**

- Storage structures may not exceed 6' in height, including peak of roof.
- Sheds may not be larger than 48 square feet.
- A minimum 6' setback from any property line is required. Sheds should not be placed within the boundaries of a utility easement.
- Vertical landscape materials or other screening may be required to minimize the visual impact on adjoining properties.
- All storage sheds must utilize the same material, color, pitch and design of the home and shall be maintained in a clean, neat, and attractive condition at all times.
- Other restrictions may also be imposed based on the Committee's evaluation of the lot, grade, and visibility from the street or adjoining properties.

See also Additions & Remodeling.

**2.51 Swamp Coolers, AC**

All cooling devices, including air conditioning units, swamp coolers of evaporative units shall be installed at ground level or completely contained within the structure. Exterior window mounted swamp coolers, evaporative coolers, or air-conditioning units to be installed at street level must be located in a "side" or "rear" yard and must be approved by the DRC prior to installation, unless installed by the builder-developer. Rooftop installations are not allowed. Penetration of siding for installation of cooling devices is not permitted, other than what may be required for service lines.

**2.52 Satellite Dishes**

No satellite dishes in excess of 39" in diameter are permitted. See also Antennas.

**2.53 Swimming Pools**

Approval is required prior to installation (except as noted below).

All appropriate permits must be obtained from the governing municipality and all safety requirements met. Permanent above-ground pools are prohibited.

Inflatable or lightweight wading pools and splash pools not exceeding 12 feet in diameter, placed in the back yard, may be used without prior approval between the months of May and September.

**2.54 Swing sets**

See Play Equipment.

**2.55 Trampolines**

Approval is required prior to installation. The top surface of the trampoline shall not exceed 6 feet in height from ground level and shall be placed in the back yard at least 6 feet from any property line and must be screened from street and property lines. Safety netting or other containment materials may not exceed 10 feet in height from ground level. The trampoline must be kept in a neat, clean, and maintained condition.

**2.56 Trailers**

See Vehicles and Vehicles, Parking.

**2.57 Trash Containers**

Trash and recycle containers may be placed at the curbside for pickup after 4 PM the evening prior to the day of the pick-up and must be returned to a proper storage location by no later than 9:00 AM the day after the pick-up.

Trash and recycle containers must be stored out of sight at all other times.

Storing trash and recycle containers in the front of a property is not permitted.

Trash and recycle containers must be kept in a clean and sanitary condition.

#### **2.58 Tree Houses**

Tree houses are not permitted.

#### **2.59 Unsightly Conditions**

No unsightly articles or conditions shall be permitted to remain or accumulate on any lot. By way of example, but not limitation, such items could include rock or mulch piles, construction materials, abandoned toys, inoperable vehicles, dead or dying landscaping, peeling or faded paint, gardening equipment not in actual use, fencing in disrepair, etc.

Gravel, rock mulch, bark mulch, timbers, block, or other types of bulk landscaping material or construction material must be installed on the lot or moved to a location not visible from the street within 14 days of delivery.

#### **2.60 Vehicles**

Without limiting the generality of the following, all recreational vehicles must be 100% shielded from view in an approved garage, approved out-building or stored off-site at all times except when in actual use for the purpose intended or as provided in "Recreational Vehicles" section. Recreational vehicles include: mobile homes, recreational vehicles, graders, tractors, boats, campers, trailers, wagons, buses, sleighs, off-road motorcycles, motor scooters, all-terrain vehicles, snowmobiles, snow removal equipment, garden and maintenance equipment, and all commercial and business vehicles. A commercial vehicle is defined as any vehicle in excess of 3/4 ton, defined as such by the Department of Motor Vehicles, and/or any vehicle that has advertising material permanently affixed to its exterior.

#### **2.61 Vehicles, Parking**

Garages are intended to be used for the parking and/or storage of vehicles. No storage of any vehicle(s) shall be allowed other than in the garage areas. Owners are not allowed to have their vehicles perpetually parked outside in driveway areas without being regularly driven. Periodic movement of the vehicle for purpose of circumventing this standard shall not qualify the vehicle for exception from this standard. No vehicles shall be parked on landscaped areas (i.e., rock, sod, mulch, plants, etc.).



Owners and their invited guests are encouraged to park in garage spaces and/or on driveway areas. Owners and their invited guests should refrain from parking in the street in front of a neighboring property.

No abandoned, non-licensed, or inoperative vehicles are allowed to be parked or stored on any visible portion of the property at any time except during transport to or from the property, and then only for a period not to exceed 24 hours.

**2.62 Vehicles, Repair**

Repairs of vehicles shall be performed only within the confines of closed garage (unless such repair creates a health or safety hazard); however, any such vehicle under repair shall not be allowed to become an unsightly article or nuisance.

**2.63 Waterfalls, Features**

Approval is required prior to installation. In all cases, water features may not exceed 4 feet in height, must use re-circulating systems and the design should minimize evaporative losses.

**2.64 Weather Vanes**

Approval is required prior to installation.

**2.65 Windows/Window Covering**

All windows shall be painted or stained wood, vinyl, composite or non-reflective metal framers and dividers. Reflective glass and reflective window tinting are not permitted.

**2.66 Wildlife Precautions**

Conflicts may arise between owners and wildlife within the District. Wildlife such as but not limited to coyotes, foxes, rabbits, raccoons, skunks, etc. adapt well to urban environments and often feed near homes, yards, trails and roads in order to survive in urban areas. In order to help minimize harmful interactions between wildlife, humans and pets within Whispering Pines. Owners shall (i) keep all pet food and pet food bowls inside; (ii) keep trash inside until pickup, and at such time as trash is placed outside for pickup it shall be placed in a container secured with a tight seal; and (iii) prevent unsupervised pets from running loose within Community (unsupervised pets permitted to run loose may encounter wildlife). It is highly advisable that pets kept outside be kept in a covered kennel (such covered kennel shall require approval by the DRC prior to installation). Owners should also be aware that split-rail or invisible fences do not protect pets from predators. In addition, Owners shall be subject to the rules adopted by the District from time to time regarding wildlife safety and precautions

### **2.67 Wood Storage**

Approval is required for amounts exceeding ½ cord. Firewood shall be neatly stacked and any amount in excess of ½ cord must be located within an approved screened enclosure or other appropriate accessory building and/or structure. Wood piles and enclosures may not exceed 4 feet in height.

### **2.68 Xeriscape**

Committee approval is required. Using drought tolerant plantings and other water conservation methods of landscaping is encouraged; however, a professionally designed xeriscaping plan must be approved prior to installation. Xeriscape plans must conform with the City of Aurora Water Conservation Water-wise landscape design program standards. "Xeriscape" means the combined application of the seven principles of landscape planning and design; soil analysis and improvement, hydro zoning of plants, use of practical turf areas, use of mulches, irrigation efficiency, and appropriate maintenance (as defined under C.R.S. 38-35.7-107(1)(a)(III)(A)).

### **DISCLAIMER:**

**The above provided design guideline items is not all inclusive of the guidelines and site restrictions as recorded for your community. Please refer to your governing documents for any additional information with regard to design review and covenant restrictions. If there are any conflicts between this guide and your governing documents, your governing document will supersede this guide.**

## EXHIBIT A

### ESTATE LOT DESIGN GUIDELINES AND STANDARDS

#### **2.41: Play equipment. This revision only applies to each of the 31 estate lots identified in Exhibit EX-1.**

- a. **DRC approval is required** prior to installation and applications will be considered on a case-by-case basis. These structures include fort-style play structures, swing sets, climbing equipment, sport courts, putting greens, pickle-ball courts, etc.
- b. Equipment may only be located in back yards and must be a minimum of 6' from any property line except for sports courts (please see d., below).
- c. Maximum allowable height of swing sets/play structures is 12 feet from ground with natural wood and/or earth-tone finishes.
- d. Applications for sport courts will be evaluated on an individual, case-by-case basis. Sport courts may not exceed 1800 square feet, must be at least 15' from any property line, placed in back yards only, must not interfere with drainage, and finish materials shall be of a neutral color such as green or gray.
- e. No play equipment may be lighted.
- f. Additional landscape screening or setbacks may be required by the DRC depending on location of play equipment and proximity to adjacent properties.

#### **2.8 Basketball Hoops This revision only applies to each of the 31 estate lots identified in Exhibit EX-1**

- a. Front yard pole-mounted backboard hoops will be considered on a case-by-case basis and **all require DRC approval**. Criteria will include, but not be limited to, proximity to surrounding properties and location of the pole.
- b. The DRC will consider on a case-by-case basis backyard hoops. Criteria to be considered by the DRC include, but are not limited to, setback requirements (at least 15 feet from any property line [section 2.41]), non-interference with drainage flows (section 2.20), and court size (refer to section 2.41).
- c. The court shall not be lighted.
- d. Permanently installed backboard hoop units attached above the garage or to any portion of the house are not allowed.
- e. Portable basketball units are defined as equipment that is commercially manufactured, with a large base for counter-balance, and/or wheels for mobility, and are engineered to be able to be moved. Approval is not required but the following guidelines must be met:

- For safety and access reasons, portable hoops cannot be placed in the street or on the sidewalk. This is per The City of Aurora Codes.

- Portable units may be placed in the driveway when not in use if the following criteria are met:

Location must be at least half (1/2) of the length of the driveway away from the street. The unit must be kept in this location when not in use or may be stored out of sight.

Storage in this location shall not impede or obstruct the use of the garage or driveway and the unit shall be leveled so that the unit is balanced and standing upright at all times.

- The use of concrete blocks, tires, bags of sand, or any other materials for counter-weight is not permitted.

f. All basketball hoops and portable units shall not be allowed to fall into disrepair and must be maintained to preserve their original appearance. Ripped nets shall be promptly replaced.

**2.50 Sheds and Storage Structures. This revision only applies to each of the 31 estate lots identified in Exhibit EX-1.**

- a. Sheds and Storage Structures are defined as incidental buildings used exclusively for storage, **require prior DRC approval**, and will be considered on a case-by-case basis. Any proposed storage structures/sheds must meet the following criteria:
- b. Materials, including roofing, color of siding and trim, must match the colors of the existing house.
- c. All storage sheds must be constructed of suitable building materials and shall be maintained in a clean, neat, and attractive condition at all times.
- d. Sheds/storage structures may not be larger than 192 sq ft with a peak height of no greater than 10'6" feet as measured from the ground.
- e. Only one shed/storage structure is permitted per property.
- f. A minimum 6' setback from any property line is required. Sheds shall not be placed within a utility easement.
- g. Foundations for sheds must be concrete slabs.
- h. Any utilities to accessory buildings require DRC approval, must be underground, and may require permitting from the City of Aurora.

- i. The DRC may require that sheds and storage structures be reasonably screened by vegetation to minimize views from other properties or from open space.

**PLEASE REFER TO EXHIBIT – 1 ATTACHED FOR DEFINITION AND IDENTIFICATION OF THE 31 ESTATE LOTS**

**EX-1**

**DEFINITION AND IDENTIFICATION OF ESTATE LOTS**

## EXHIBIT B

### PLANT MATERIAL AND LANDSCAPE MINIMUMS/REQUIREMENTS

To maintain the integrity and aesthetics of our community, the DRC has implemented size minimums and quantity requirements for the rear yard landscaping. Once approval is received and landscaping installed; all yard areas must be maintained and kept in a neat, attractive and well-groomed condition. Although not required, a professional landscape plan and installation is highly recommended. All owners are required to have landscape plans approved and all landscape complete within ninety (90) days from the date of close on the home. Please note that failure to comply with the given time frame may result in heavy fines and further action by the District.

The Committee encourages the use of drought tolerant plant materials, referred to as xeriscape; for new installations or existing landscape changes. Creative landscapes are highly advised and the use of non-living materials such as mulch or rock can be an ideal way to achieve this. Mulches modify the extremes of soil temperature, improve soil by producing humus, reduce evaporative loss and reduce weed growth and soil erosion. Examples of acceptable mulch (ground cover) are listed below as well. All plants must meet the American Association of Nurserymen Standards. Automated irrigation systems are required for both front and rear yards.

#### Plant Material Size Requirements:

- Deciduous trees – 2.5" caliper
- Ornamental trees – 2.5" caliper
- Evergreen trees – 6' height
- Shrubs – 5-gallon container
- Mulch – 1 Cubic yard per 80 sq. ft. area and at a 4" depth.
- Rock or Stone Mulch – 1.5" minimum to cobble size, minimum 3" in depth.
- Groundcover (excluding mulch), annuals and perennials – 1 gallon.

#### Plant Material Minimums Based on Lot Size:

The planting densities on each lot should generally be a minimum of 1 shrub/25 square feet of landscape area.

All front yard and rear yard landscapes not within private zone of a residence are to be installed and maintained by the Homeowner. Below are the minimum plant quantities established for rear yard landscaping, based on lot size:

- Small (< 6000 sq. ft.) – 4 Shrubs, 1 Deciduous Tree.
- Standard (6001-7500 sq. ft.) – 8 Shrubs, 1 Deciduous Tree, 1 Evergreen Tree.
- Large (7501-9000 sq. ft.) – 14 Shrubs, 2 Deciduous Trees, 1 Evergreen Tree, 1 Ornamental Tree.
- Estate/Custom (> 9000 sq. ft.) – 24 Shrubs, 4 Deciduous Trees, 2 Evergreen Trees, 2 Ornamental Trees.

#### Irrigated Turf Maximums Based on Lot Size:

- All turf areas need to be irrigated and labeled on each plan.
- Bed areas will need to contain drip systems.

Ground Cover may consist of the following:

Rock or Stone Mulch – 1.5" minimum to cobble size, minimum 3" in depth.

Organic mulch of a 3" depth (wood or bark chips, pine needles, cones, sticks, straw or leaves).

Breathable (non-plastic) weed barrier under all ground cover.

Large Cobble of 3"-12" in diameter for designated drainage ways, 3:1 slopes and in water features.

The use of a single mulch material for the entire rear yard area is discouraged. Homeowners are encouraged to incorporate a variety of mulch material and edging/borders to break up large planting areas and create visual interest.

**FRONT YARD**

Front yards are installed by the builders per development and City guidelines and can be enhanced upon approval from the DRC.

\*Corner Lots may not contain any plant material that exceeds 30" in height at maturity, within sight lines triangles.

\*Trees within front and side yards must comply with the master development street tree program, and may not be removed without prior written approval from the DRC.

**REAR YARD**

All unimproved areas at the time of conveyance must be landscaped. Owners are encouraged to incorporate drought tolerant, low irrigation demand plants into their landscaping plans. No more than 25% of the unimproved area may be "non-living" material such as rocks, concrete areas and mulch.

**PLEASE REFER TO CITY OF AURORA'S ORDINANCE SECTION 146-1427 FOR ADDITIONAL COMPLIANCE CRITERIA.**

**NOTES:**

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## Whispering Pines Metropolitan District No. 1

### Application for Improvements and Modifications

In an effort to provide and protect each individual homeowner's rights and property values, it is required that any Owner or group of Owners considering improvement(s) and/or change(s) to their home or property submit an "**Application for Improvements and Modifications**" to the Design Review Committee (DRC). If any change is made that has not been approved, per the governing documents, the Owner may be required to change or remove an improvement. ***In addition, plans, sketches, drawings, illustrations, photographs, dimensions, and material samples should be attached to sufficiently describe the project in detail, links to internet sites are not permitted and will not be reviewed or approved.***

#### Homeowners Information:

Name	Date
Property Address	Email: <span style="float: right;">LOT#:</span>
Home Phone No.	Work Phone No.
Mailing Address (if different)	Alternative Contact Person/Number:

#### Please circle Type of Request:

- |                                       |                        |                     |                     |         |
|---------------------------------------|------------------------|---------------------|---------------------|---------|
| Back-yard Landscape<br>Fence          | AC Unit                | Awning              | Dog Run             | Door    |
| Front-yard Landscape<br>Pet enclosure | Gazebo/Pergola         | Lighting (exterior) | Paint Color Change  |         |
| Patio/Deck<br>Roofing                 | Play Equipment         | Pool/Spa            | Playhouse/Swing Set |         |
| Room Addition<br>Building             | Satellite Dish         | Skylight            | Solar Device        | Storage |
| Sport Hoop/Court                      | OTHER: Describe Below: |                     |                     |         |

Details:


**PAINTING:**

<i>Please state new paint color</i>	<i>Portion of house to be painted</i>
<b>Trim Color</b> (include soffit, fascia boards, and window trim)	<b>Accent Color</b> (Includes shutters, windows hood exterior doors)

**SHED OR STORAGE BUILDING:**

<b><i>Plot map must be included with Application showing location of building on map.</i></b>	Height of building	Dimensions of building
Square footage of building		State location/placement of building

**Where applicable, please include a sample of all improvements! (Example: Paint chip (8"X10" swab/swatch), roofing shingle, siding sample, solar screen/awning material sample, etc.). In signing this application, I certify that all the information provided by me in connection with my application, whether on this document or not, is true and complete. I understand that any misstatements, falsification or omission of information shall be grounds for denial of this application. I further understand that the Design Review Committee has thirty (30) days upon receipt to review my application and I agree not to begin property improvements or modifications until the Committee notifies me, in writing, of their decision. If no such written decision is received, the request is deemed denied. DRC approval does not substitute for any Local/County/State required permits. Owner is responsible for adhering to all Local/County/State guidelines. I have answered, truthfully, all questions pertaining to the proposed mentioned improvement or modification and have attached all samples, plans and permits required.**

<b>Homeowners Signature (REQUIRED)</b>	<b>Date</b>
<b>Improvement Start Date</b>	<b>Improvement Completion Date</b>

Please return application to: Whispering Pines Metropolitan District  
 c/o Evan Redmond  
 Teleos Management Group  
 191 University Blvd. #358  
 Denver, CO 80206  
 Phone: 720-618-4305

Email: [evan@teleos-services.com](mailto:evan@teleos-services.com)

**Special Note:** Please make sure that your plans are complete, and you have attached all required materials. Incomplete plans will be Denied and returned.

**Design Review Committee Use Only**

Recommendation of the Committee: ___ <b>Approved</b> <input type="checkbox"/> <b>Approved w/ Conditions</b> <input type="checkbox"/> <b>Denied</b>
<b>Comments/Conditions/Other:</b>

DRC Name:	Date
DRC Signature:	
<b>OFFICE USE ONLY</b>	
<b>DATE RECEIVED:</b>	<b>ACKNOWLEDGEMENT</b>
<b>LETTER:</b>	
<b>APPROVAL DATE:</b>	<b>APPROVAL LETTER</b>
<b>SENT:</b>	