

**Aesthetic Provisions Pertaining to
Water-Wise Landscaping for The Farm at Arapahoe County Homeowners
Association, Inc.**

The following Aesthetic Provisions Pertaining to Water-Wise Landscaping for Single Family Detached Common Interest Communities were adopted by Resolution of the Board of Directors of The Farm at Arapahoe County Homeowners Association, Inc. (the "Association") pursuant to Colorado law at a regular meeting of the Board.

Recitals:

A. Colorado Revised Statute 38-33.3-106.5 (the "Statute") became effective August 7, 2023. The Statute as revised by Senate Bill 23-178 generally prohibits unreasonable restrictions on Water-Wise Landscaping in Colorado Common Interest Communities.

B. The Statute as revised defines drought prevention measures or Water-Wise Landscaping to include:

1. Xeriscape; as more fully defined in Colorado Revised Statute, Section 38-33.3-103(33).
2. Nonvegetative Turf Grass; and
3. Drought-Tolerant or Nonvegetative Landscapes.

C. The Statute allows the Association to adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes or regulate the type, number, placement of drought-tolerant plantings and hardscapes that may be installed on a unit owner's property or other property for which the owner is responsible.

D. The aesthetic guidelines adopted by the Association must not:

1. Prohibit the use of nonvegetative turf grass in the backyard of a Lot Owners property.
2. Unreasonably require the use of hardscape on more than twenty percent of the landscaping area of a Lot Owner's property.
3. Prohibit a Lot Owner to implement a landscaping plan consisting of at least eighty percent drought-tolerant plantings; or
4. Prohibit vegetable gardens in the front, back, or side yard of the Lot Owner's property the criteria contained in the governing documents of the common interest community.

E. Xeriscape means the use of drought-tolerant vegetative plantings and associated hardscape in residential landscaping.

F. Vegetable Gardens means plots of ground or elevated soil bed in which pollinator plants, flowers, vegetables, herbs, fruit, leafy greens, and/or other edible plants are cultivated.

G. In accordance with the Association's Procedures for the Adoption and Amendment of Policies, Procedures, and Rules as required by 38-33.3-209.5 C.R.S., the Association desires to adopt these aesthetic provisions pertaining to drought-tolerant landscaping and vegetable gardens.

THEREFORE, IT IS RESOLVED:

The following provisions shall apply to installation and maintenance of xeriscape, nonvegetative turf grass, drought-tolerant or nonvegetative landscape, and vegetable gardens (together "Water-Wise Landscaping") on Lots in the community.

1. An Owner may install, change, or modify Water-Wise Landscaping and/or vegetable gardens on property the Owner owns or other property the Lot Owner is responsible for provided the following conditions are strictly met.

2. The Water-Wise Landscaping and vegetable gardens (including the installation and/or construction thereof) must comply with all applicable building codes, building requirements, and all applicable safety standards.

3. The Lot Owner must submit detailed Plans and Specifications for the Water-Wise Landscaping and/or vegetable gardens to the Modification Committee and obtain written approval from the Committee prior to installing, changing, or modifying the landscaping.

4. Detailed Plans and Specifications generally include, but are not necessarily limited to:

a. The type/species, number, size (both as planted and at maturity), and placement/location of all drought-tolerant plantings to be incorporated in the Water-Wise Landscaping.

b. The type, color, manufacturer, model, dimensions, and placement/location of the nonvegetative turf grass to be incorporated into the rear yard Water-Wise Landscaping.

c. The type, color, texture, placement/location of hardscape(s) to be incorporated into the Water-Wise Landscaping.

d. The plans and specifications of the vegetable garden(s) to include the size, location, and configuration of the plots and/or raised beds; all materials to be incorporated in any raised beds, the height, color, and texture of the raised beds, and what types of vegetation will be grown in each plot and/or each raised bed identified in the plans and specifications.

5. In passing upon plans and specifications for Water-Wise Landscaping and vegetable gardens, the Committee shall:

a. Preapprove any one of the three water-wise garden designs developed in accordance with Senate Bill 23-178 attached to these guidelines.

b. Follow the procedures as outlined in the guidelines above and any relevant design guidelines subsequently adopted by the Association.

c. Consider the factors enumerated in Article X of the recorded Declaration of Covenants, Conditions, and Restrictions for The Farm at Arapahoe County Homeowners Association, Inc. that are not inconsistent with these Aesthetic Provisions pertaining to Water-Wise Landscaping and the Provisions of Senate Bill 23-178.

d. Consider how the improvements harmonize with the existing structures and landscape of both the property to be improved and adjoining property, including but not limited to a scale and use of materials to promote designs which create a visual extension of the architecture of the residence and conform to the community wide standards; and

e. Consider bona fide drainage and safety requirements of an applicable building code or the drainage plans for the community.

6. The Lot Owner, at the owner's sole expense, shall be responsible for maintaining the Water-Wise Landscaping and vegetable gardens on the Owner's Lot in accordance with generally accepted husbandry, to provide a well maintained and healthy appearance.

These Aesthetic Provisions were adopted at an open meeting of the Board of Directors in accordance with Colorado law, this 8th day of August, 2023 Resolution of the Board of Directors of The Farm at Arapahoe County Homeowners Association, Inc.

By Kimberly Armitage

Its The Farm at Arapahoe County Board President