

# KCPOA ACC DESIGN GUIDELINES

REVISED 2015

# KISSING CAMELS ESTATES

Design Guidelines January 2010  
Revisions 9/1/2012, 8/15/2013, 7/28/2015

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# PREFACE

Welcome to Kissing Camels Estates. You will find that it is a very special place.

Located high on a mesa, there are views in almost every direction. The front range of the Rocky Mountains, including Pikes Peak and the red rocks of the Garden of the Gods, dominate the western vista. Sparkling city lights and the flat plains of Colorado are eastward and the lush fairways of the 27-hole golf course wind through the Estates. This wonderful variety of vistas is much of the appeal here and will surely play an important role in the design of your new home. Another design influence will be rolling terrain of the Estates which adds to the Character of its several neighborhoods as well as to the individual homes in them.

As you consider the design of your new home, a little knowledge of the history of Kissing Camels Estates can give you a sense of the spirit of this place. It all began in 1950 when Al Hill purchased the Westland Ranches upon which he constructed the elegant Garden of the Gods Club completed in 1951. This was followed by the completion of the 18-hole Kissing Camels golf course and its clubhouse in 1961. The first home at Kissing Camels Estates came along in the early 1950's and single family residences, patio homes, and townhomes have been built to this day. With the addition of nine spectacular new holes to the golf course in 1999, the number of lots available for home sites was greatly increased. Unlike most developments, Kissing Camels Estates has a long history and ranges from established neighborhoods with beautiful mature strands of indigenous trees to wide open land.

The total area of Kissing Camels Estates exceeds 775 acres of which some 260 acres are devoted to the golf course. The Recreation Center, built in 1990, covers 10 acres and over 79 acres are devoted to open space.

The neighborhoods of Kissing Camels Estates are sewn together with a street system designed to optimize the views from each lot. A main entrance gate and guardhouse, new in 2003, and the beautiful mature landscaping on Kissing Camels Drive, Hill Circle, and many of the older streets serve as "role models" for the landscaping of the properties within the Estates.

## **These Design Guidelines**

This edition of the "Design Guidelines" has been developed by your Architectural Control Committee to help make your construction, renovation, or landscape project as convenient and pleasant as possible. They set certain standards for an attractive exterior and enhance the value of our real estate.

Design guidelines serve to protect us in two important ways. By setting certain standards for the exterior design of homes in the Estates, they help make our community more beautiful and increase our pride and pleasure of home ownership. On a more practical side, they also enhance the value of our real estate.

These Design Guidelines are published under specific authority given to the Executive Board of KCPOA under Sections 5.2.9, 8.12, 9.2 and 9.3 of the Amended and Restated Declarations of Covenants, Conditions, Restrictions and Reservations for Kissing Camels recorded in the Office of the Clerk and Recorder of El Paso County on February 26 2004 under Reception No. 204032677 which governs all development, construction, landscape and improvements on real property within Kissing Camels Estates.

If you will be a new resident of the Estates, or you already live here and are planning to improve your property, we stand ready to be of help. Please do not hesitate to call on us.

## **The Architectural Control Committee**

## **1.0 Design Guidelines**

### **1.1 *General***

Article 1 of the “Amended and Restated Declaration of Covenant, Conditions, Restrictions and Reservations for Kissing Camels Estates” (Covenants) calls for the preparation of Design Guidelines which apply to any construction or landscape in Kissing Camels Estates<sup>1</sup>, including any alteration of any previously approved improvement to property. Any modifications visible from the outside shall be subject to approval. Refer to 9.2 of the Amended Declaration dated February 26, 2004.

No approval shall be required for repainting and resurfacing of exterior surfaces, and rebuilding of improvements in strict accordance with the original approved color scheme or approved plans.

For purposes of brevity, some provisions of the Covenants are omitted from this document and incorporated into it by reference. It is important that you are fully acquainted with the covenant before starting your project.

### **1.2 *Amendments***

These guidelines may be amended from time to time. Generally, no improvement to property existing at the time of such amendment will be deemed in violation. Homes which existed on November 2003 are grandfathered by the covenants so long as such improvement existed in compliance with any previously applicable covenant. Refer to 9.5 of the Amended Declaration dated February 26, 2004.

### **1.3 *Variations from Guidelines***

A written application for variances from these guidelines may be requested of the ACC when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, which shall determine, in its sole judgment, if said request shall be granted. Inability to obtain approval of any governmental agency, the issuance of any permit, the cost of compliance, or the terms of any financing shall not be considered a hardship warranting a variance. Committee action will be reported to the owner in writing. Refer to 9.21 of the Amended Declaration dated February 26, 2004.

If the ACC grants a “preliminary variance approval” for a requested variance, then:

1. Written notification to the adjacent property owners regarding the “preliminary variance approval” will be provided by the ACC.
2. The adjacent property owners will have a two (2) week time period to provide a written response to the ACC regarding potential issues relating to the “preliminary variance approval”. The neighbors may request a meeting with the ACC to better understand or voice concerns with the preliminary variance.
3. If no objections to the preliminary variance have been timely received, the ACC will render its decision after consideration of all factors for granting a variance contained in Section 9.21 of the Covenants.

### **1.4 *Maintenance after Construction***

Refer to the Covenants for maintenance requirements subsequent to the completion of construction of your residence.

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<sup>1</sup> This does not apply to Sub Associations within KCPOA that have their own ACC Guidelines and Committees, unless it is a new-build custom home that is not a preapproved plan for that Sub Association.

**1.5 Covenant Policy – Fine Schedule**

In summary, the following is the fine schedule for construction and landscape related issues.

Initial Fines for each Violation or Failure to cure a violation:

Failure to contain debris in approved receptacle	\$100
Inadequate Construction Fencing	\$100
Inadequate Silt Fencing	\$300
Construction debris off property	\$200
Construction activity after hours	\$200
Construction of a variance without an approval	\$500
Starting Construction without Approval	\$1000

Please refer to the Covenant Control Policy (2009), Fine Schedule #2.

## **2.0 Site Guidelines**

### **2.1 *Goals***

Site planning is the first step in the design of a home or an addition. Among the goals for a successful site plan are: minimizing grading, protection of surface drainage routes necessitated by the improvements, maximizing your privacy and that of your neighbors, consideration of view corridors and preserving the dominance of the natural setting by locating your house so it will rest comfortably on the land.

### **2.2 *Site Survey***

Prior to beginning the design of a house or addition you must have the lot surveyed and lot corners staked.

At a minimum, your site survey must be drawn to the scale of 1" =10'-0". It should indicate a north arrow, property lines, legal description, and topography at a contour interval of one foot, building setbacks, and all platted easements, including drainage easements, zone in which your lot is located, the minimum ground floor area, the foundation elevation of your house and the location and depth of all utility services. Refer to Appendix B for setbacks, floor area, foundation elevation, and other data.

### **2.3 *Lot Use***

No dwelling unit shall be used for any purpose other than a private single family dwelling. A home office activity may be permitted with little or no visual or traffic impact allowed. Refer to Article 8 Section 8.5, Initial Use Guidelines and Restriction – General, of the 2004 CC & R's.

Only one single family residence plus bona fide household help shall be maintained within any lot. Replatting must be in accordance with the Covenants. No temporary quarters may be used for living purposes. No other temporary building shall be placed on a lot. Temporary backyard camping activities are permitted. Playhouses shall comply in all respects with the terms and conditions of the guidelines.

### **2.4 *Utility Services***

All utilities shall be installed underground.

### **2.5 *Setback Areas***

All lots in the Estates are subject to the setback requirements in Appendix B. Structure foundations must not extend into setbacks. Window wells, roof eaves above the foundation, driveways, cantilevered fireplace structures, walkways and cantilever bow or bay windows (maximum nine feet in width and twenty four inches in depth) that are requested and extend into setbacks must have ACC approval. Uncovered ground level patios that are requested and extend into setbacks must have ACC Approval and will be considered depending on impact to adjacent lots privacy and approval.

All construction must also conform to the building code, zoning code, and subdivision regulations of the City of Colorado Springs.<sup>2</sup>

### **2.6 *Driveways***

Driveways, parking areas and garage layout shall be designed to minimize visibility of paved areas from the street and neighboring lots. No more than two 14' driveway entries will be permitted on each lot.

Approved materials for driveways include plain concrete, colored concrete, and patterned concrete, precast concrete pavers, stone and brick. Broom finished are allowed, smooth finishes are not.

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<sup>2</sup> Authority granted by Section 9.5 February 26, 2004 Amended Declaration of Covenants.



## **2.7 Paths, Outdoor Stairs, Courtyards and Terraces**

The organization of outdoor spaces is to be designed as one unified whole. The use of natural materials such as stone or tile is encouraged. It is preferable that concrete used is colored and textured to compliment the residence.

## **2.8 Walls and Fences**

Walls serve many purposes in the development of a residential lot. Consideration should be given to design as an integral part of the landscaping, home and neighboring properties. Relatively typical situations are described below.

1. Restrictions: No walls or fences shall be used as a perimeter property line designation. No walls or fences shall exceed six feet in height (measured from the ground surface inside the wall). No walls or fences shall extend beyond the property setback lines unless approved by the ACC and shall be treated as a variance requiring adjacent neighbor understanding and approval.
2. Screening walls can be used for patios, entrance courtyard, planter walls, and other appropriate exterior service areas (see 2.9). The walls are either directly attached to the residence or an integral part of the home or the landscape design. These walls should be constructed of the same materials as the residence such as stucco, natural or manufactured stone or brick. It is recommended that the top surfaces be covered with natural or manufactured stone to prevent deterioration caused by freeze-thaw expansion.
3. Retaining walls may be needed to accommodate grade changes, either within the lot or at the lot line. These walls are generally reinforced concrete, natural stone or masonry. Exposed surfaces of such walls must be faced with materials compatible to the residence, including stone, manufactured stone, face brick, or stucco. Retaining walls are limited in height by local building codes.
4. Minor changes in grade, not requiring retaining walls, should be constructed of native boulders, stone, interlocking blocks, and other materials will be considered as requested. Railroad ties and/or reinforced heavy timber are not acceptable for walls or any other site elements.
5. The concept of the Estates is to have an open, fence-free environment to maintain the harmony of the community, however, fences may be allowed in the backyards with ACC approval. Fenced areas should be limited in size, placed in a discrete location and with limited visual impact to neighboring properties. Fences bordering the golf course will be prohibited. Preferred fence materials are painted metal and wrought iron design. Consideration will be given to alternate materials if they blend with the neighboring properties. No fences of wood, vinyl, wire mesh, chain link design, or combinations of these are permitted. Fences infringing into setbacks will require ACC approvals and be subject to the ACC approval process.
6. Dog Runs are to be designed as an integral part of the overall landscaping plan and should be limited in size (approximately 200 SF +/-) so as to compliment the residence and consideration must be given to the neighboring properties and specific site issues. Preferred dog run location is immediately adjacent to the house. All above fence restrictions apply.
7. "Invisible Fences" are recommended for dog owners who prefer perimeter type fencing. The products provide a flexible area for the dog, relative low cost, ease of maintenance, and no visual impact on the neighboring properties.

## **2.9 Exterior Service Area**

Trash disposal areas, outdoor work areas, mechanical equipment, and outside equipment including antennae and satellite dishes are to be screened from off-site views by the use of architectural features or plant materials. See also 3.10.

Pool, spa equipment, and air conditioning units shall be located behind walls or in underground vaults to contain noise. Solid noise absorbing covers for equipment may be required after installation if it is discovered that the equipment is audible from adjacent properties.

Fixed BBQ's, outdoor kitchens or similar amenities must be located within the setback line.

## **2.10 Mailboxes**

The design of the mailbox must be included with the package submitted for final review by the ACC.

## **2.11 Basketball Backstops**

Fixed in place basketball backstops are not permitted. Folding backstops are acceptable so long as they are completely out of sight when not in use.

## **2.12 Play Structures**

Play structures are to be approved by the ACC for design, color, and placement prior to installation. Wood stain or subtle colors are required. Screening may be required. Placement must minimize the visual impact from neighboring properties and roadways.

## **2.13 Flag Poles**

Flag Poles are allowed for the display of the Flag of the United States of America. Pole height may not exceed 25'. The maximum flag size is 4' x 6'. Lighting the flag is optional. Telescoping poles are allowed. The flagpole must be installed per manufacturers' instructions. Submit flagpole description, specifications, and site plan with location noted. The site may also be staked for a site review. Please review standard practices for The American Flag Display and Maintenance. Ref: CRS REPORT FOR CONGRESS, John R. Luckey, 04/14/2008 <http://www.senate.gov/reference/resources/pdf/RL30243.pdf>. A modified copy of this document can also be found at [www.kcestatespoa.com](http://www.kcestatespoa.com).

### **3.0 Architectural Guidelines**

#### **3.1 *Design Objectives***

The overriding goal at the Estates is to create environments which are in harmony with the powerful vistas and the very specific microclimate of the mesa. The photographs at the conclusion of the site development and architectural sections convey a sense of design which relates to our mesa top. The massing, materials and color of the illustrated homes fit comfortably in their setting.

#### **3.2 *Compliance with Codes and Ordinances***

Designs and construction shall comply with all applicable ordinances and codes established and enforced by the City of Colorado Springs and the Regional Building Department.

#### **3.3 *Standards***

The Covenants for the Estates establish standards which are mandatory for each individual lot. These standards include:

1. Lot line setbacks
2. Number of stories<sup>3</sup>
3. Minimum square footage – street level
4. Maximum foundation elevations
5. Maximum height
6. Lot drainage plans

\* Appendix B contains these data.

#### **3.4 *Exterior Walls Materials***

Exterior materials shall be of brick, stone, stucco or other materials approved by the ACC.

#### **3.5 *Windows***

Metal, vinyl or wood windows complementing the color of the structure are permitted.

#### **3.6 *Roofs, Gutters and Downspouts***

All sloping roofs shall have a minimum pitch of 4:12 and be of tile, slate or asphalt as permitted by the ACC. Flat roofs must have parapet walls. Visible flat roofs shall be of a neutral color complimenting the color of the home. Gutters and down spouts shall be painted the same color as the adjoining surface. Premium metal gutters and downspouts (copper, etc.) may remain in natural finishes.

#### **3.7 *Exposed Concrete***

Exposed concrete on foundations or elsewhere shall be stuccoed or surfaced to blend with the dwelling.

#### **3.8 *Colors***

All colors must be subdued and in warm natural earth tones.

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<sup>3</sup> Variances Considered, but must not exceed maximum structure height. (See 3.16)<sup>3</sup>

### **3.9 Garages**

All residences shall include a minimum two (2) car entry, with a maximum four (4) car entry with any combination of single and double garage doors. Garages may be either attached to the dwelling or attached by a trellis, arbor or breezeway.

Garage doors shall be wood, composition, or painted or stained metal of a compatible design and shall be equipped with automatic garage door openers.

### **3.10 Screening of Equipment**

All roof, wall or ground mounted mechanical and electrical equipment shall be screened from view with permanent, attractive structures or evergreen landscaping. Equipment or screening that extends into lot setbacks must have ACC variance approval.

### **3.11 Exterior Metal**

All exterior metal shall blend with the color of the house.

### **3.12 Skylights**

Skylights on sloping roofs shall be made of bronze anodized frames and bronze tinted plastic.

### **3.13 Rebuilding or Restoration**

Any dwelling or improvement which may be wholly or partly destroyed must be promptly rebuilt or removed. If buildings are not to be rebuilt the lot shall be fully restored to a natural state within six months and mowed on a regular basis.

### **3.14 Awnings**

The design and color of awnings, whether original or a later addition must be approved by the ACC. All awnings or sunshades must be fully retractable and appropriately concealed when in a retracted position. Awnings shall be of a single neutral color which is fully compatible with the colors of the house. No patterned or striped awnings are permitted.

### **3.15 Antenna & Satellite Dishes**

Antennas and satellite dishes are allowed. When selecting the installation location, consideration should be given to the visibility for neighboring properties with possible wall or landscape screening, as needed

### **3.16 Loft Space**

A second story loft space may be permitted on single story homes with ACC approval as long as there are no two (2) story vertical walls and space fits within roof planes and does not exceed permitted structure height. Loft space shall not exceed 25% of main level footage and lofts must have ACC approval.

### **3.17 Top of Foundation**

Variances in Top of Foundation may be allowed for Zero Entry, to permit handicap entrance, improved drainage, or drops for grade changes, with ACC approval. However, the overall building height must not exceed the maximum permitted height calculated from the Top of Foundation as stated in the Design Guidelines Appendix B and variations which increase the foundation height do not exceed 30% of the foundation.

## **4.0 LANDSCAPE GUIDELINES**

**All landscape projects must be submitted and approved by ACC before work is allowed to begin. Projects started without ACC Approval may be subject to a fine per section 1.5 and work stoppage can be imposed until ACC approval is issued.**

### **4.1 *Existing Character of the Mesa***

The indigenous vegetation of the Mesa is indicative of the semi-arid climate, the elevation and the soils. Elevation of the development ranges from 6400 to 6600 feet, with an average annual precipitation of about 15 inches that occurs mostly from April to October, frequently in the form of thunderstorms. Winter desiccations from drying winds combined with extreme fluctuations in temperature are factors which contribute more to plant loss than the actual lowest temperature. These factors combined with high solar intensity and alkaline soil favor plant communities that include cool and warm season grasses combined with tough multi-stemmed shrubs and trees.

Cool season lawns have traditionally been a primary landscape element. While water and maintenance issues render this type of landscape unsustainable, the cooling benefits combined with noise, dust control and glare reduction, as well as the unifying effect justify the inclusion of practical turf areas in the landscape. Therefore the inclusion of practical, properly installed and well-managed areas of turf grasses or other native grasses are encouraged in the landscape.

### **4.2 *Landscape Objectives***

1. A professional plan and design is recommended to retain the high quality appearance of the landscape in our community.
2. The new landscape should blend with existing landscapes, natural areas and the golf course. Landscapes are to blend with neighboring properties along property lines and fit the context of the surrounding neighborhood.
3. Promote the conservation of water and energy through the use of appropriate landscape solutions and efficient irrigation practices.
4. Xeric Landscape is recommended as an option to reduce water consumption and turf area reduction. See section 4.6 for more information.

### **4.3 *When is a Landscape Plan required?***

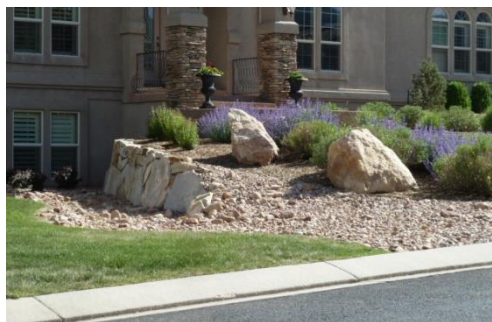
1. For new construction, full renovation or a major renovation, a Landscape plan submittal requires a professional landscape architect or contractor. The professional shall be well informed of local climate, soil, plant material, and irrigation practices and should be able to communicate their knowledge via landscape plan.
2. For a partial or smaller renovation project submit an application form, simple drawing, and photographs. Approved small project will have no review fees or impact fees.
3. All landscape projects shall be submitted for approval.

#### **4.4 Components of the Landscape Plan**

1. Landscape plans shall include property lines, setback lines, drainage easements, other easements, street location, footprint of house and any other existing improvements such as driveways, walkways, patios, and decks. Include pertinent notes regarding blending with neighboring properties. If modifying existing landscape, show existing trees/shrubs/beds.
2. Plans must be to scale 1" = 10'.
3. Plans shall be submitted in duplicate.
4. Plans shall specify basic landscape components including soil prep, turf, native areas, plants, edging, mulch, gravel, and paths.
5. Plans shall include all proposed plant locations, types, quantities and sizes, as well as ground cover materials and installation specifications. Provide a plant list with plant name, quantity, container size and height at maturity.
6. Plans shall include total square footage and percent of landscape in turf, gravel, mulch, irrigated native grass, etc.
7. Plans shall include coverage calculations to show plan meets guideline requirements.
8. Plans are to show drainage with 1' contours of existing and proposed swales and storm water management.
9. Plans are to show grading, layout and specifications for improvements such as walls, berms, and walks in addition to play/sports equipment, dog runs, hot tubs, trellises, lighting, gazebos, etc. structures not covered under the approved Architectural Plan Review.
10. All soil in which lawn, shrubs, trees and perennials are to be planted will be amended as recommended by the Landscape professional.
11. Samples of dyed organic mulch, gravel mulch, and/or cut sheets for lights, fences, stucco, wall stone and/or stone façade and other site-specific materials are required.
12. Supply photos of areas to be considered for approval.
13. Planning consideration should be given to reduce impact of wildfires.

#### **4.5 Grading and Slope**

1. Minimum landscape slope standards are adapted directly from CS Landscape Code and Policy Manual.
2. No high water turf grasses should be used on slopes greater than 5:1.
3. Coverage of slopes greater than 4:1 shall consist of groundcovers, native grass or shrubs.
4. No landscaped slope shall exceed 2:1 without terraces or retaining walls.
5. Bermed slopes shall not exceed 3:1 slope.
6. All other grading standards shall conform to those codified in Colorado Springs Code and Policy Manual Grading Standards. (7.4.313 E)



#### 4.6 Xeriscape

1. Xeric Landscaping is a blend of turf, native areas, and mulch beds with plant materials. Use of Xeriscaping is encouraged.
2. "The Seven Principles of Xeriscape", the landscape industry standards are as follows:
  - Design
  - Irrigation
  - Mulch
  - Soil Preparation
  - Appropriate Use of Turf
  - Low Water Use Plantings
  - Maintenance\*Additional information is available on the Internet.
3. Mulch beds and rock beds shall be contained by edging material such as metal, rock or concrete borders to prevent ground cover migration into drainage areas or streets.
4. Rocks beds and mulch beds must be interspersed with plant materials; drip irrigation is required. Plant Material spacing should be approximately 6-8 feet for dwarf size, approximately 8-10 feet for intermediate size, and approximately 10-12 feet for large size. (See also Section 4.9.4) Large fields of rock are not Xeric Landscaping and are not permitted.
5. Xeric Landscape requires regular maintenance and must be maintained weed free.
6. Professional Landscape design is recommended (See also Section 4.3.1)



#### **4.7 Turf Design**

1. Low water consumption turf grass varieties are encouraged.<sup>4</sup>
2. Use organic mulches to reduce surface evaporation and weeds.
3. Native grass lawns are encouraged – see the following section.
4. Artificial Turf is not allowed as a lawn replacement, but may be considered in areas not visible to contiguous neighbors and with ACC approval. Artificial Turf cannot be an element in the front yard area.

#### **4.8 Native Areas**

1. Healthy, weed free native grass areas shall be allowed.
2. Improve soil as recommended by a landscape professional.
3. All seeded areas that do not meet minimum standards must be re-seeded and re-mulched.
4. Maintenance of native areas is required. Native lawns and native grass areas are to be maintained in a weed free state at a uniform height of 4-6". Vacant lots mowed to maximum of 10 inches.



#### **4.9 Tree and Plant Selections**

1. Take into account climate and wildlife conflicts.
2. A minimum of three trees must be located in the front yard, spaced in a manner that will take into consideration the views of neighbors.
3. The future size of all trees must be considered when determining the location for planting. Large evergreens are not to be planted within 8' of any roadway, walkway or entrance or where their mature size may obstruct passage or view. In general, trees, which may exceed maximum roof heights, are discouraged.
4. Plant material sizes shall conform to the following minimums:
  - Evergreen Trees – minimum 5' tall
  - Deciduous trees – minimum 1 ½" caliper
  - Evergreen and deciduous shrubs – minimum 5 gallon container
  - Semi-woody perennials and grasses – minimum 4.5" container
  - Groundcover and perennials – minimum 4.5" container
5. KCE has many great examples of beautiful landscaping. Drive neighborhoods and identify what you like. Work with a landscape professional.

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<sup>4</sup> Per [Senate Bill 13-183](#) (SB 183) HOAs cannot require the installation of turf grass on any portion of a landscape.



#### **4.10 Irrigation**

1. Professionally designed irrigation systems are recommended. Design consideration should be given to micro climates areas such as shade/sun and slope/flat areas.
2. Irrigation shall be provided for all planted and native areas.
3. Rain sensors and water conservation measures are recommended.
4. Clear notes regarding irrigation types and zoning must be submitted with landscape plans.
5. Planting beds, native and turf areas shall have separate irrigation zones.
6. Water efficiently with a professionally designed irrigation system. Recommend using sensors, timers and check valves as applicable.

#### **4.11 Screening**

1. Screening masses should blend with the overall design and neighboring properties.
2. All utilities are to be screened from off-site view.

#### **4.12 Lot Coverage**

1. Organic plantings shall be at 50% coverage of the lot at a minimum.
2. No more than 50% of the landscape area may be inorganic material, such as rock, and shall be interspersed with organic materials and plantings. See also 4.6.4.
3. Large fields of rock are not allowed.
4. Beds of plant materials, turf, native grasses, and decorative grasses are encouraged.
5. Rock and organic mulches are to be used as soil dressing in beds rather than ground cover.
6. Rock is to blend with home and surroundings and the scale is to be matched to its use such as ¾ - 1 ½” for planted beds and larger sizes as appropriate for drainage ways and sloped areas.
7. Non-native dyed mulch such as Sunset Rose, Cherry Red and gravel colors such as white marble, and red or black lava rock are not allowed.



#### **4.13 Landscape Lighting**

1. Lighting regarding light wattage, fixture type and layout are to be included in landscape plan. For any proposed installation of more than 5 landscape lights a 'mock up' of lights and layout may be required.
2. Lighting shall stay within the borders of the property and shall not cast a glare onto adjacent properties.
3. No flood or spotlights are allowed.

#### **4.14 Vegetable Gardens**

1. Vegetable gardens are to be placed and managed in a non-intrusive manner and screened from neighboring properties.
2. Any fencing is to be non-intrusive, and plastic row-covers or hoop covers are discouraged if they can be viewed from off site.
3. At the end of the growing season garden areas are to be cleaned up and bare soil covered with mulch.
4. Any vegetable garden of more than 100 s. f. will require review from the ACC.
5. Vegetables and herbs may be planted in portable containers such as pots and planters. They can be placed as you desire.

#### **4.15 Hardscapes**

1. All planned hardscapes such as patios, BBQ grill islands, water features and ponds, outdoor fireplaces, fire pits and walls are to blend with the home and landscape plan.
2. Hardscape features must be included on the landscape plan.
3. Hardscape plans must be submitted and approved.

#### **4.16 Site Management**

During installation of the landscape all construction debris and equipment is to be kept in a tidy and organized manner. Loose dirt, construction materials, and construction litter are to be managed in such a way that there is minimal impact to neighbors. See also 7.8.

#### **4.17 Landscape Maintenance**

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, re-mulching, removal and replacement of dead or dying plant material, elimination of weeds and removal of trash.

#### **4.18 Submittal and Review Process**

1. Submit Design Review Application Form with Landscape plan. (Form Page 15)
2. Submit the Landscape Plan Checklist (Form Page 22).
3. For NEW home construction:
  - Preliminary landscape drawings are to be included with the Preliminary Construction Design Submittal for single-family residences.
  - Approximately 60 days before home construction is completed, a final landscape plan must be submitted for final approval.
4. A Final Walkthrough of the completed landscape will be done by an ACC representative or, at the discretion of the ACC, the landscape designer shall inspect the final completed landscape and submit a certification letter stating that the landscape has been installed per the approved landscape plan. Also see 6.9 Notice of Completion.

**Form: Landscape Plan Checklist**

Submit in duplicate with house plans.

**APPLICANT**

**REVIEWER**

- \_\_\_\_\_ 1. Plan scaled at 1"= 10'-0" with North Arrow \_\_\_\_\_
- \_\_\_\_\_ 2. Property lines and streets with street names. Notes regarding adjacent property materials (for example- lawn, native, mulch Gravel, existing tree) \_\_\_\_\_
- \_\_\_\_\_ 3. Show 1' contours existing & proposed to include swales for storm water management. \_\_\_\_\_
- \_\_\_\_\_ 4. Locations and plan for protection of vegetation to be retained. \_\_\_\_\_
- \_\_\_\_\_ 5. Retaining walls, screening walls and fences by type & height. \_\_\_\_\_
- \_\_\_\_\_ 6. All structures and light standards. \_\_\_\_\_
- \_\_\_\_\_ 7. Height and percent of grade of all berms, walls & slopes. \_\_\_\_\_
- \_\_\_\_\_ 8. Type, material and dimensions of all paths, walks and patios. \_\_\_\_\_
- \_\_\_\_\_ 9. Description of proposed soil preparation and amendments \_\_\_\_\_
- \_\_\_\_\_ 10. Plant schedule with botanic and/or common name, plant size and spacing \_\_\_\_\_
- \_\_\_\_\_ 11. Show all plants and materials at 3-5 year maturity width. \_\_\_\_\_
- \_\_\_\_\_ 12. Ground cover treatment by species of plant and/or type and depth of mulch/gravel. \_\_\_\_\_
- \_\_\_\_\_ 13. Location and plan to screen all utility areas \_\_\_\_\_
- \_\_\_\_\_ 14. Proposed percent of landscape in irrigated grass or unplanted gravel or mulch \_\_\_\_\_
- \_\_\_\_\_ 15. Name and types of irrigation equipment (spray, drip, etc.) and denote zoning \_\_\_\_\_

Name of Landscape Designer/Architect and Company:

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## **5.0 Architectural Control Committee (ACC)**

### **5.1 *Appointments***

The Architectural Control Committee shall consist of at least three, but not more than five individuals. They shall have exclusive jurisdiction over all original construction, all modifications, additions, or alterations made on or to existing structures and landscaping of the adjacent open space on any portion of the property. The Executive Board of the Kissing Camels Property Owners Association shall appoint the members of the Architectural Control Committee who shall serve and may be removed in the Board's sole and absolute discretion.

### **5.2 *Meetings***

The ACC will decide on meeting and inspection times and locations. Dates and times of meetings will be posted on the KCPOA website ([www.kcestatespoa.com](http://www.kcestatespoa.com)). When an application package in acceptable form and content is received by the KCPOA Management Company, the appropriate plans will be given to the committee's architect and landscape designer for review. Their comments will be presented to the Committee in writing. Action on a complete application will be taken within 60 days and the owner will be notified of the Committees conclusion in writing.

### **5.3 *Amendment of Guidelines***

The ACC may, with the approval of the Executive Board, adopt, amend and repeal rules and regulations to be included into, or supplement the Design Guidelines. Each owner is responsible for obtaining a copy of the most recently revised guidelines prior to beginning design of any improvement to his or her property.

#### 5.4 Non-Liability

In addition to limitations on liability set forth in the Covenants, neither the KCPOA, the ACC nor any member of either body will be liable to any owner or any other person for any damage, loss or prejudice suffered or claimed on account of approving or disapproving any plans and specifications whether or not defective.

#### *Amended and Restated Declaration of Covenants, Conditions Restriction and Reservations for Kissing Camels Dated February 26, 2004*

Section 5.9 Limitation Upon Liability of Association. Notwithstanding the duty of the Association to maintain and repair parts of the Real Estate, the Association shall not be liable to Owners for injury or damage other than for the cost of maintenance and repair, caused by any latent condition of the Real Estate. Further, the Association shall not be liable for any such injury or damage caused by defects in design or workmanship or any other reason connected with any additions, alterations, improvements or other activities done by or on behalf of any Owner regardless of whether or not same shall have been approved by the Association. The Association's rights of review and approval of plans and other submission under this Declaration are intended solely for the benefit of the Association. Neither the Association nor any of its officers, directors, employees, agents, contractors, consultants or attorneys shall be liable to any Owner or any other Person by reason of mistake in judgement, failure to point out or correct deficiencies in any plans or other submissions, negligence, or any other misfeasance, malfeasance, or non-feasance arising out of or in connect with the approval or disapproval of any plans or submissions. Anyone submitting plans hereunder, by the submission of same, and any Owner, by acquiring title to his Unit, agrees not to seek damages from the Association arising out of the Association's review of any plan hereunder. Without limiting the generality of the foregoing, the Association shall not be responsible for reviewing, nor shall its review of any plans be deemed approval of any plans from the standpoint of structural safety, soundness, workmanship, materials, usefulness, conformity with building or other codes or industry standards, or compliance with governmental requirements. Further, each Owner (including the successors and assigns) agrees to indemnify and hold the Association harmless from and against any and all costs, claims (whether rightfully or wrongfully asserted) damages, expenses and liabilities whatsoever (including, without limitation, reasonable attorneys' fees and court costs at all trial and appellate levels), arising out of any review of plans by the Association here under. The Association also shall not be liable to any Owner or Related User of to any other Person or entity for any property damage, personal injury, death or other liability on the grounds that the Association did not obtain or maintain insurance (or carried insurance with any particular deductible amount) for any particular matter where: (i) such insurance is not required hereby; or (ii) the Association could not obtain such insurance at reasonable costs or upon reasonable terms. <sup>5</sup>

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<sup>5</sup> Section 5.9 of Amended Declaration 2.26.2004

## 6.0 **Design Review Process**

### 6.1 **General**

The ACC evaluates all development proposals on the basis of the Covenants and Design Guidelines. Some guidelines are broad standards and the interpretation of these standards is left up to the discretion of the ACC. Other guidelines such as building height or setbacks are more definitive or absolute design parameters, and in many cases parallel city and building code requirements (refer to Appendix B).

The design review process varies depending upon the nature of the proposed construction project. Articles 6.2 through 6.4 describe the process required for new single family residences. Article 6.5 addresses smaller, less complex construction projects. Finally, Articles 6.6 through 6.12 apply to all projects.

The owner is to obtain the services of an architect, a qualified landscape designer, a licensed geotechnical consultant and a licensed contractor as appropriate. The owner and consultants shall carefully review the Covenants and Design Guidelines prior to commencing with the design review process.

### 6.2 **Preliminary Design Submittal (new single family residence)**

In order to help smooth the way for approval of final designs, a preliminary design submittal is required. The package shall include two sets of the following drawings and/or materials and one set of drawings on PDF.

1. Submit Preliminary Design Review Application Form (Page 22)
2. Submit Fee per the **Fee Schedule** (see 6.13)
3. Survey containing the information stated in Article 2.2.
4. Site Plan by a registered Civil Engineer or Surveyor must be drawn to scale 1"-10'-0", showing existing topography (1 foot contours), proposed grading and drainage, drainage easements, lot line setbacks, building footprint, finished floor grades, driveway width noted, parking area, fences/walls, roofs, patios, decks, pools and any other site amenities.
5. On Site Plan, show locations of concrete clean-out and material storage areas.
6. Floor and Roof Plans at a scale of 1/4" = 1'-0' including the extent of roof overhangs and ridge configurations.
7. Elevations at a scale of 1/4" = 1' including roof heights, existing and finish grades and notations of exterior materials.
8. Landscape Plan at a scale of 1"=10' locating planting materials, other site development and landscaping elements including a list of planting materials.
9. Sample Board, 4'x4', showing materials and color of roof, wall materials, exterior trim, window, exterior doors, stone/rock, fence/wall, exterior rails, and paving. The Sample Board shall be posted by the builder on-site when the foundation backfill has been completed and the ACC has approved.

### 6.3 **Preliminary Design Approval (new single family residence)**

Upon completion of its review of the preliminary design submittal, the ACC will advise the owner of comments and recommended revisions. Upon receipt of the preliminary design approval, the construction documents may be prepared based upon the approved or revised preliminary design documents.

#### **6.4 Final Design Submittal (new single family residence)**

Two sets of the final drawings and specifications including items in 6.2, 1 thru 7 and one set of drawings on PDF, must be submitted. Include a construction schedule with start and completion dates for both building and landscape construction. All construction must be completed within eighteen (18) months of final design approval.

#### **6.5 Design Review Process for Smaller Projects**

The review process for smaller projects varies by the nature of the project. Submittals must be in duplicate.

1. For additions to an existing residence, the submittal must include an application form and the appropriate fee (see article 6.2.1). The submittal must include a site plan, floor plan, elevations showing that the proposed addition is in harmony with the existing building and the proposed appropriate construction time table.
2. For smaller projects including exterior alterations, paint color changes and major landscape changes, the submittal must include sufficient information to fully describe the proposed project, an application form and appropriate fee (see article 6.2.1).

#### **6.6 Final Design Approval**

The construction documents are to be drawn using the plans with which received the "Preliminary Design Approval" as noted in section 6.3 above. The plans submitted for "final Design Approval" must be the stamped RBD (Regional Building Department) approved construction plans.

The ACC will issue final design approval in writing within seven working days of a vote for approval. If the decision of the ACC is to disapprove the proposal, a written statement of the basis for the disapproval will be provided to the owner. No work can begin without written approval and an RBD issued building permit.

#### **6.7 Subsequent Changes**

Landscaping or other changes in the intended improvements that differ from approved final documents must be submitted in writing to the ACC for review and approval prior to making changes.

#### **6.8 Observation of Work in Progress**

The ACC may check construction to determine compliance with approved final design documents. The owner or contractor must provide the ACC, in a timely manner (within 7-10 calendar days from date of completion of the work below), with a certified letter from a licensed engineer or land surveyor verifying the following items:

1. After the foundation is poured, provide verification of the top of foundation elevation and foundation position within the setbacks.
2. After the roof and tiles are installed, verification that construction is within approved setbacks and maximum finished roof height.
3. After final grading and prior to installation of the landscape, a grade certification will be submitted, along with verification of the drainage plan.

If instances of noncompliance are found, the ACC will issue a Notice to Comply with specific information within three working days of inspection. The owner and contractor are required to resolve discrepancies and may be liable for costs incurred by the KCPOA to enforce standards.

## **6.9 Notice of Completion**

After all improvements approved by the ACC have been completed, including sweeping of streets and completion of landscape, the owner will provide the ACC with a Notice of Completion. After an inspection, and if appropriate, the owner will be given a Notice of Acceptance. If it is found that the work was not done in compliance with the approved final design documents, the ACC will issue a Notice of Noncompliance with specific details within three working days. The owner is required to resolve discrepancies.

## **6.10 Variance/Waiver**

To obtain a waiver or variance the owner must demonstrate that the proposal is consistent with the overall objectives of these Design Guidelines and that the deviation will not adversely affect adjoining parcels or the community as a whole. The ACC has the sole authority to approve deviations from any of the Design Guidelines.

## **6.11 Appeal**

With any notice of noncompliance, the owner may appeal by giving written notice to the KCPOA Executive Board and ACC within thirty days after receipt of the notice. The Board shall hear the matter in accordance with the provisions of the By Laws for Notice and Hearing and decide if there has been such noncompliance, and if so, the nature thereof and the estimated costs of correcting or removing the same. The decision of the Executive Board shall be final and absolute.

## **6.12 Correction of Noncompliance**

The owner shall remedy the noncompliance within a period of forty-five days from the date the Executive board gives its ruling. If the owner fails to do so the Executive Board may, at its option, record a notice of noncompliance against the real property, or may otherwise remedy the noncompliance, and the owner shall reimburse the KCPOA, for all expenses incurred. If such expenses are not promptly repaid by the owner, the Executive Board may levy a sanction/fine against the owner for reimbursement.



### 6.13 Application and Impact Fee Schedule

Application Fees and Impact Fees are applicable to the following types of projects:

1. New Home Construction
2. Construction Additions
3. Exterior Home Projects
4. All Landscape Projects
5. Interior remodels are excluded from the Application Fee only.

The Application Fee is reimbursement of the actual costs involved for professional Review services of the project if required. Complexity of the project may require professional review which is at the discretion of the ACC. The ACC will discuss the possibility of the Application Fee with the homeowner when the need arises.

The Impact fees are based on the size and amount of work performed. Except for New Home Construction, proposals and quotes are to be submitted for the ACC to review the scope and cost of the work.

The Impact Fee is assessed for the construction traffic usage of the roads due to the construction project. The fees are used to off-set the costs involved for future maintenance of the roads within Kissing Camels Estates.

#### FEE SCHEDULE

DESCRIPTION	APPLICATION FEE *	IMPACT FEE
1. New Home Construction	0	\$2,500
2. Projects over \$50,000	0	\$2,500
3. Projects \$30,000-\$50,000	0	\$1,000
4. Projects \$10,000-\$30,000	0	\$500
5. Projects under \$10,000 w/dumpster	0	\$250
6. Projects under \$10,000 NO dumpster	0	0

Application Fee will consist only of the Fees charged by a Professional for this review process, if needed.

#### All Fees must be paid before Final Approval and Project Start.

- Applicable fees are for individual lots.

### 6.14 KCPOA Reserve Fund

A fee of \$2,000.00 per lot for contribution to the KCPOA Reserve Fund will be required. The fee must be paid to the KCPOA when the plat is accepted and recorded, before any site work can begin.

- Applicable fees are for individual lots.

**KISSING CAMELS PROPERTY OWNERS ASSOCIATION**

**Form: DESIGN REVIEW APPLICATION**

**Submit to:**

Bennett Shellenberger Realty  
Kissing Camels POA Architectural Control Committee  
c/o Bennett Shellenberger Realty  
3310 Mesa, Suite 154  
Colorado Springs, CO 80904

Stephanie Ammend, CMCA®  
KCPOA Community Manager  
(719) 623-2655 Direct  
(719) 471-1707 Fax  
[stephanie@bsr1890.com](mailto:stephanie@bsr1890.com)

**Homeowner:**

Name: \_\_\_\_\_

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

City, State, Zip: \_\_\_\_\_

Phone # \_\_\_\_\_ Email \_\_\_\_\_

**Site Information:**

Filing \_\_\_\_\_ Lot Number \_\_\_\_\_

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

**Project Type:**

Check the caption(s) which most accurately describes your proposed project.

- New Single Family residence
- Addition to existing residence
- Exterior alterations to existing residence
- Landscape changes to existing residence
- Other (please describe) \_\_\_\_\_

**This Submittal** - Check the most applicable:       Preliminary       Revision       Final

**Contractor**

Company \_\_\_\_\_ Name \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Architect**

Company \_\_\_\_\_ Name \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Landscape Architect**

Company \_\_\_\_\_ Name \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Landscape Contractor**

Company \_\_\_\_\_ Name \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Estimated Start Date: \_\_\_\_\_

Estimated Completion Date: \_\_\_\_\_

**Applicant:**

As the applicant (either as Owner or Owner's agent), I have read and understand the Design Guidelines and application provisions of the covenants concerning design and construction at Kissing Camels Estates

Signature

Print Name

Date

## 7.0 Construction and Builder Regulations

### 7.1 Purpose

These regulations are for construction efficiency and for neighborhood assurance that inconveniences from construction operations will be minimized.

### 7.2 Access to Construction Area

The Estates will designate an access route that the contractor, subcontractors and workers shall follow to the site. Identification tags will be provided after proof of proper vehicle insurance is provided and must be exhibited on all vehicles. Violations may result in revocation of commercial access. General Contractors and subcontractors must sign a copy of these regulations.

### 7.3 Daily Operations

Working hours shall be between 7:00 a.m. and 6:00 p.m. daily, Monday through Saturday, unless prior written approval is given by the KCPOA Board. Work will not be conducted on the following major Holidays:

New Year's Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Christmas Eve Day  
Christmas Day

### 7.4 Parking of Construction Vehicles

All vehicles shall be parked so as not to inhibit traffic or damage surrounding natural landscape or adjoining property. Vehicles are not to be left on community roads overnight. Trailers may be parked within the garage. For short term projects, trailers may be left in the driveway with Community Manager Approval.

### 7.5 Signage

One sign, 24" x 36" is allowed upon which the names and numbers of the architect and contractor may be shown along with a realtor, if appropriate.

### 7.6 Chemical Toilets

A chemical toilet shall be provided by the contractor and placed appropriately.

### 7.7 Dust, Noise and Odor

The contractor will be responsible for watering or screening dust problem areas and eliminating any odors. No pets or loud radios are allowed.

### 7.8 Material Storage/Construction and Work Debris

Excess dirt, construction debris, and/or assorted trash and refuse may not be left on any lot or right of way. Surrounding streets and properties shall be kept clean of debris and swept daily. Tracking mats are required. Debris and trash are to be confined to a trash receptacle daily and emptied regularly. Concrete may only be dumped in an approved concrete clean-out area, and must be contained in the approved area. Building materials may be stored temporarily on the lot during continuous construction. Onsite dumpsters shall be covered to control blowing debris.

**7.9 Excavation/Grading/Erosion Control**

Excess excavation material is to be taken away. During all site disruptions and grading operations, approved techniques for controlling erosion within the site and onto other sites shall be used.

**7.10 Street Cut & Repair**

Contractor will provide ACC with compaction tests and warranty repair for two years.

**7.11 Speeding & Noise Violations**

Contractors must respect the posted speed limit and noise restrictions. Failure to adhere is grounds for revocation of entry pass.

**7.12 Contractor Guidelines**

It is the responsibility of the contractor to enforce with his sub-contractors and workers minimum standards in their work areas: Smoking cannot be prohibited, but may be permitted if properly restricted and managed in a safe manner. Smoking debris must be properly disposed of in fireproof containers. Workers are to be restricted to the immediate work site and not permitted free access to the subdivision. Workers and supervisors found to be in violation of these guidelines will be given a written warning and, if violations continue, may be banned from working in the community.

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
Date

## **8.0 Appendices – See Separate Folder**

**Appendix A: Roof Shingles Examples**

**Appendix B: Covenant Standards**

**Appendix C: Benchmarks**

**Appendix D: Driveway Sketches**