



**MAYBERRY, COLORADO SPRINGS  
METROPOLITAN DISTRICT CAB and NOS. 1-8**  
Regular Board Meeting  
614 N. Tejon St., Colorado Springs, CO 80903  
**Tuesday, September 26, 2023 – 8:00 AM**  
Or

**\*\* Please join the meeting from your computer, tablet or smartphone\*\***

<https://video.cloudoffice.avaya.com/join/725613070>

**You can also dial in using your phone.**

United States: [+1 \(213\) 463-4500](tel:+12134634500)

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**BOARD OF DIRECTORS**

<b>Board of Director</b>	<b>Title</b>	<b>Term Expiration</b>
John Mick	President	Term Expires May 2025 (1 & 3-8)/ May 2027 (2)
Jason Kvols	Treasurer	Term Expires May 2025 (1 & 3-8)/ May 2027 (2)
Lee Merritt	Secretary	Term Expires May 2027 (1 & 3-8)/ May 2025 (2)
Haleigh Kvols	Assistant Secretary	Term Expires May 2027 (1 & 3-8)
Roger Kowash	Assistant Secretary	Term Expires May 2027 (1 & 3-8)

**AGENDA**

- 1. ADMINISTRATIVE MATTERS:**
  - a. Call to order/Declaration of Quorum
  - b. Approval of Agenda
  - c. Approval of Minutes from August 22, 2023 (enclosure)
  
- 2. FINANCIALS:**
  - a. Acceptance of Unaudited Financial Statements and the schedule of cash position through August 31, 2023 (enclosure)
  - b. Ratification of Approved Payables (enclosure)
  - c. Assessed Valuation – Financial Analysis Report (enclosure)
  
- 3. MANAGEMENT MATTERS**
  
- 4. BUSINESS MATTERS**
  - a. Review and Approve the Mayberry Design Guidelines
  - b. Review Variance Request Procedure
  
- 5. LEGAL MATTERS**
  - a. Service Plan – Mill Levy Updates
  
- 6. PUBLIC COMMENT AND SIGN-IN SHEET:**  
(Limited to 3 minutes and only for items not on the agenda)
  
- 7. OTHER BUSINESS**
  - a. Next meeting October 24, 2023, at 8:00 AM
  
- 8. ADJOURNMENT**





**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
MAYBERRY, COLORADO SPRINGS METROPOLITAN DISTRICTS 1-8  
HELD AUGUST 22, 2023, AT 8:00 A.M.**

Pursuant to posted notice, the regular meeting of the Board of Directors of the Mayberry, Colorado Springs Metropolitan Districts 1-8 was held on Tuesday, August 22, 2023, at 8:00 a.m. at 614 N Tejon St., Colorado Springs, CO 80903, and via electronic means and telephone conference call.

Attendance

In attendance were Directors:

John Mick, President  
Jason Kvols, Treasurer  
Lee Merritt, Secretary (Excused)  
Roger Kowash, Assistant Secretary  
Haleigh Kvols, Assistant Secretary (Excused)

Also in attendance were:

Adam Noel, WSDM District Managers  
Kevin Walker, WSDM District Managers  
Rylee DeLong, WSDM District Managers  
Pete Susemihl, Susemihl, McDermott, & Downie, P.C.

**1. ADMINISTRATIVE MATTERS**

- a. Call to Order/Declaration of Quorum: Director Jason Kvols called the meeting to order at 8:05 a.m. and confirmed a quorum was present.
- b. Approval of Agenda: Director Kowash moved to approve the Agenda; seconded by Director Jason Kvols. Motion passed unanimously.
- c. Approval of Minutes from July 28, 2023: Director Jason Kvols moved to approve the July 28, 2023 Meeting Minutes; seconded by Director Kowash. Motion passed unanimously.

**2. FINANCIALS**

- a. Public Hearing on 2022 Budget Amendment: Director Jason Kvols moved to open the public hearing on the 2022 Budget Amendment; seconded by Director Kowash. Motion passed unanimously. With no public present for comment, Director Jason Kvols moved to close the public hearing at 8:07 a.m.
  - i. Consider the Adoption of CAB Resolution Amending the 2022 Budget: Pete Susemihl presented the CAB Resolution Amending the 2022 Budget. Director Jason Kvols moved to approve the CAB Resolution Amending the 2022 Budget as presented; seconded by Director Kowash. Motion passed unanimously.
- b. Review and consider approval of the 2022 Audit and Presentation: Mr. Noel presented the 2022 Audit with the changes from the 2022 Budget Amendment. Director Jason Kvols moved to approve the 2022 Audit; seconded by Director Kowash.. Motion passed unanimously.

- c. Acceptance of Unaudited Financial Statements and the schedule of cash position through July 31, 2023: Mr. Noel presented the unaudited financial statements and the schedule of cash position through July 31, 2023. After review, Director Jason Kvols moved to accept the unaudited financial statements; seconded by Director Kowash. Motion passed unanimously.
- d. Ratification of Approved Payables: The Board discussed the process for developer advances. The Board reviewed the payables and Director Jason Kvols discussed the potential of approximately \$85K to be billed from Earth X. Director Jason Kvols moved to approve the payables; seconded by Director Kowash. Motion passed unanimously.

**3. MANAGEMENT MATTERS:** There was no discussion.

**4. BUSINESS MATTERS**

- a. Discussion of Billing/Fee Progress: The Board discussed the billing and fee progress. Mr. Walker confirmed that WSDM could provide the monthly billing services for the landscape fee. The Board discussed and agreed that there would be a \$75 quarterly landscaping fee charged to the homeowners beginning October 1<sup>st</sup>, 2023. WSDM would bill the District \$400 per cycle, up to 50 homes; then an additional \$5 per home built in addition to the \$400.
- b. Review and Approve the Mayberry Design Guidelines: Director Jason Kvols tabled the review and approval of the Mayberry Design Guidelines until the September regular board meeting.

**5. LEGAL MATTERS**

- a. Service Plan – Mill Levy Updates: Tabled until the September regular board meeting.

**6. PUBLIC COMMENT:** There was no public comment.

**7. OTHER BUSINESS**

- a. Next meeting scheduled for October 31, 2023 at 8:00 a.m.

**8. ADJOURNMENT:** The Board unanimously adjourned the meeting at 8:40 a.m.

Respectfully Submitted,  
WSDM District Managers

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By: Recording Secretary



## Mayberry Colorado Springs Community Authority

## Balance Sheet

09/25/23

As of August 31, 2023

Accrual Basis

	Aug 31, 23
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
First National Bank	19,690.70
UMB 2021A Bond Fund 156046.2	303,020.78
UMB 2021A Surplus Fund 156046.3	1,002,462.80
UMB 2021A Cap Int Fund 156046.4	364,341.42
UMB 2021A Unre Proj Fd 156046.5	2.43
UMB Res Proj Fd 156046.6	203.93
UMB 2021B Res Proj Fd 156048.3	58.11
UMB 2021B Unre Proj Fd 156048.2	41,110.24
<b>Total Checking/Savings</b>	1,730,890.41
<b>Total Current Assets</b>	1,730,890.41
<b>Fixed Assets</b>	
<b>Construction in Progress</b>	
Asphalt	1,799,675.03
Sidewalks / Curb & Gutter	693,293.08
Engineering	995,392.92
Planning	735,558.23
Sanitary Sewer	507,371.92
Construction in Progress - Other	7,068,921.57
<b>Total Construction in Progress</b>	11,800,212.75
<b>Total Fixed Assets</b>	11,800,212.75
<b>TOTAL ASSETS</b>	<b>13,531,103.16</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Accounts Payable	240,900.97
<b>Total Accounts Payable</b>	240,900.97
<b>Other Current Liabilities</b>	
Interest Payable - Series 2021B	139,680.00
Interest Payable - Series 2021A	49,313.00
<b>Total Other Current Liabilities</b>	188,993.00
<b>Total Current Liabilities</b>	429,893.97
<b>Long Term Liabilities</b>	
Accum Amort Series 2021A Prem	-12,844.00
Series 2021A Premium	633,993.55
Series 2021A Bonds	11,835,000.00
Series 2021 B Subordinate Bond	3,351,000.00
<b>Total Long Term Liabilities</b>	15,807,149.55
<b>Total Liabilities</b>	16,237,043.52
<b>Equity</b>	
Retained Earnings	-2,382,360.75
Net Income	-323,579.61
<b>Total Equity</b>	-2,705,940.36
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>13,531,103.16</b>

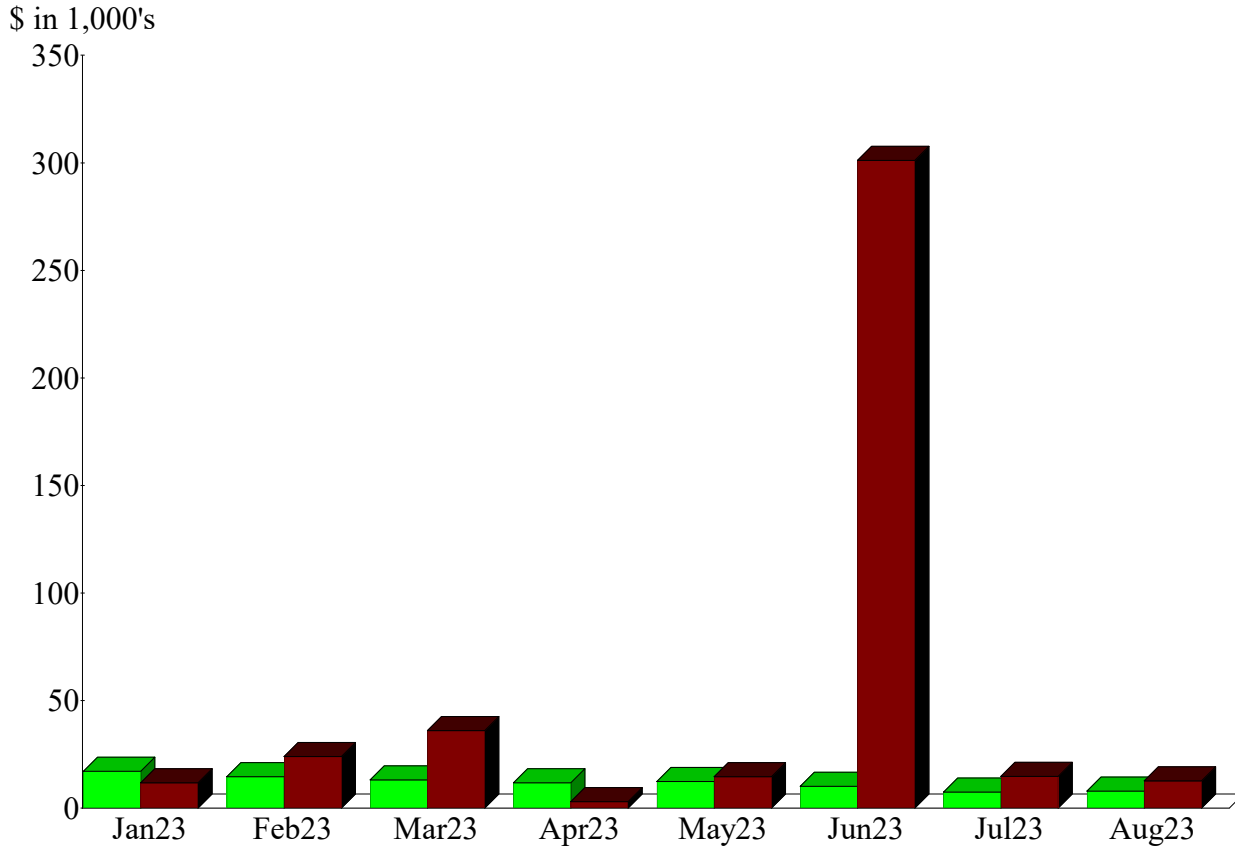
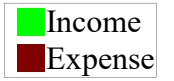
## Mayberry Colorado Springs Community Authority

### Profit & Loss Budget vs. Actual

January through August 2023

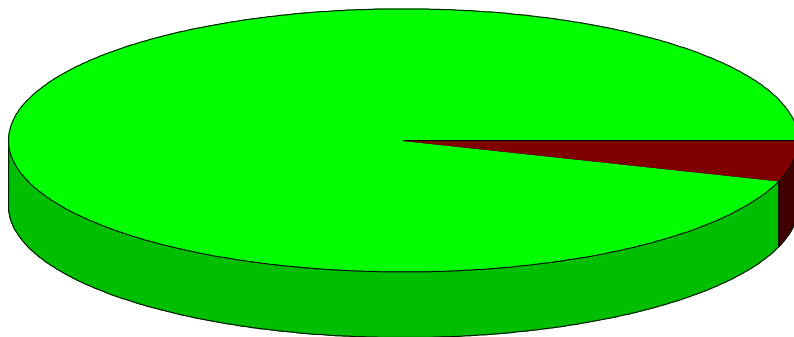
	TOTAL				
	Aug 23	Jan - Aug 23	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
Transfer in From MCSMD #2	0.00	0.00	356.00	-356.00	0.0%
Transfer in From MCSMD #3	0.00	0.00	5,378.00	-5,378.00	0.0%
<b>Total Income</b>	<u>0.00</u>	<u>0.00</u>	<u>5,734.00</u>	<u>-5,734.00</u>	<u>0.0%</u>
<b>Gross Profit</b>	0.00	0.00	5,734.00	-5,734.00	0.0%
<b>Expense</b>					
Inspections	350.00	2,525.00			
Bank Fee	410.51	11,948.24			
Capital Improvements	0.00	31,141.85	3,285,899.00	-3,254,757.15	0.95%
Legal	0.00	-657.50			
Accounting	0.00	9,325.00			
<b>Bond Expense</b>					
Bond Interest	0.00	295,875.00	591,750.00	-295,875.00	50.0%
Trustee Fee	0.00	0.00	3,000.00	-3,000.00	0.0%
<b>Total Bond Expense</b>	<u>0.00</u>	<u>295,875.00</u>	<u>594,750.00</u>	<u>-298,875.00</u>	<u>49.75%</u>
Construction Management	8,019.40	35,546.47			
District Management	3,405.00	19,635.00	10,000.00	9,635.00	196.35%
Fees & Licenses	0.00	713.00	1,000.00	-287.00	71.3%
Insurance	595.00	12,263.00			
<b>Total Expense</b>	<u>12,779.91</u>	<u>418,315.06</u>	<u>3,891,649.00</u>	<u>-3,473,333.94</u>	<u>10.75%</u>
<b>Net Ordinary Income</b>	<u>-12,779.91</u>	<u>-418,315.06</u>	<u>-3,885,915.00</u>	<u>3,467,599.94</u>	<u>10.77%</u>
<b>Other Income/Expense</b>					
<b>Other Income</b>					
Interest Income	0.00	4,654.61			
Interest Income Debt	7,963.88	90,080.84	32,000.00	58,080.84	281.5%
<b>Total Other Income</b>	<u>7,963.88</u>	<u>94,735.45</u>	<u>32,000.00</u>	<u>62,735.45</u>	<u>296.05%</u>
<b>Net Other Income</b>	<u>7,963.88</u>	<u>94,735.45</u>	<u>32,000.00</u>	<u>62,735.45</u>	<u>296.05%</u>
<b>Net Income</b>	<u><u>-4,816.03</u></u>	<u><u>-323,579.61</u></u>	<u><u>-3,853,915.00</u></u>	<u><u>3,530,335.39</u></u>	<u><u>8.4%</u></u>

Income and Expense by Month  
January through August 2023



Income Summary  
January through August 2023

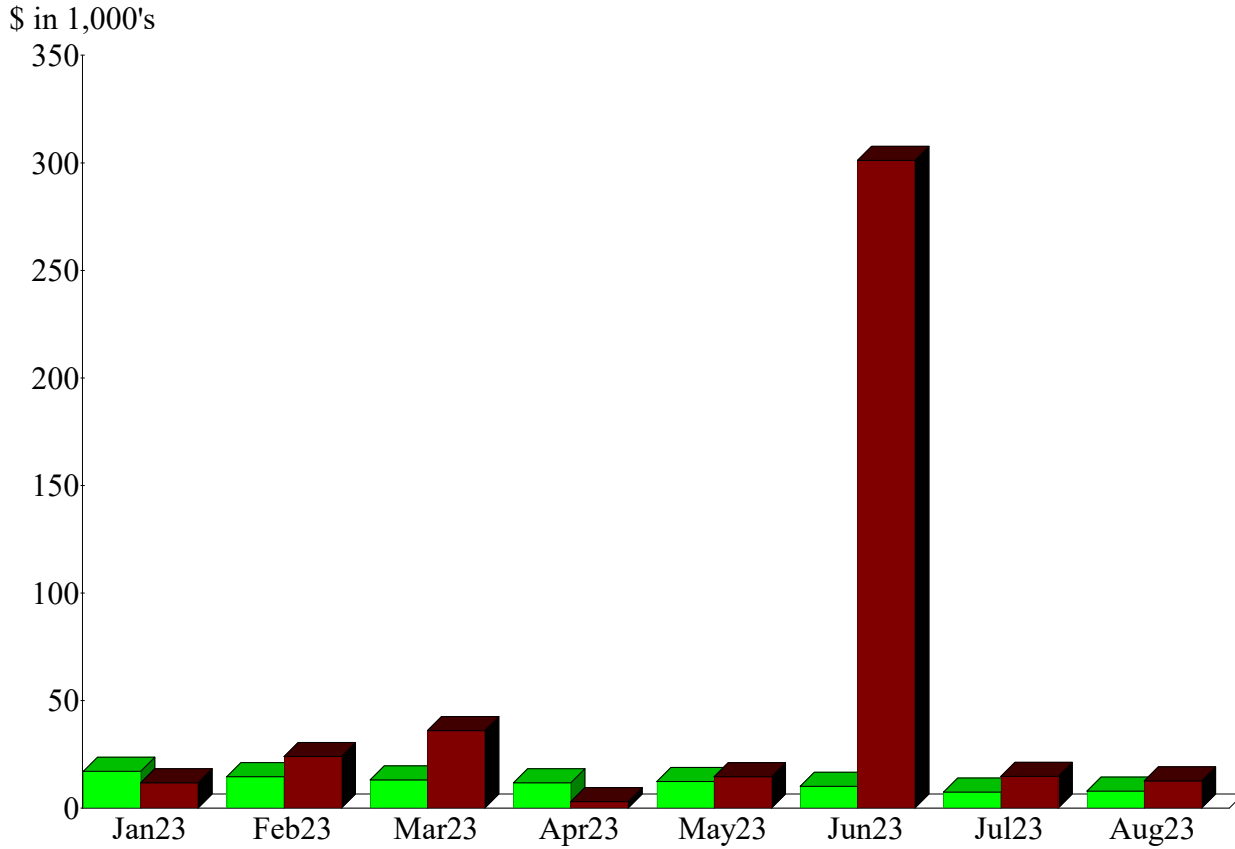
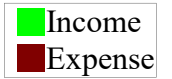
Interest Income Debt	95.09%
Interest Income	4.91
Total	\$94,735.45



By Account

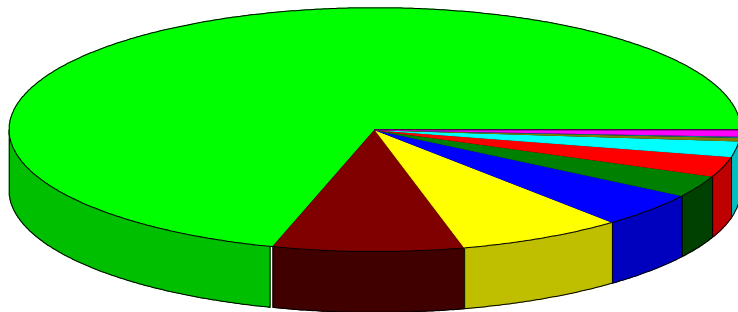


Income and Expense by Month  
January through August 2023



Expense Summary  
January through August 2023

Bond Expense	70.62%
Construction Management	8.48
Capital Improvements	7.43
District Management	4.69
Insurance	2.93
Bank Fee	2.85
Accounting	2.23
Inspections	0.60
Fees & Licenses	0.17
Legal	\$-657.50
<b>Sub-Total</b>	<b>\$418,315.06</b>



By Account



## Mayberry Colorado Springs Metro District #1

**Balance Sheet**

As of August 31, 2023

	<u>Aug 31, 23</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
First Bank Checking	14,375.02
<b>Total Checking/Savings</b>	<u>14,375.02</u>
<b>Total Current Assets</b>	<u>14,375.02</u>
<b>TOTAL ASSETS</b>	<b><u>14,375.02</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Accounts Payable	8,298.70
<b>Total Accounts Payable</b>	<u>8,298.70</u>
<b>Other Current Liabilities</b>	
Taxes Due to the CAB from D2	369.13
<b>Total Other Current Liabilities</b>	<u>369.13</u>
<b>Total Current Liabilities</b>	<u>8,667.83</u>
<b>Total Liabilities</b>	8,667.83
<b>Equity</b>	
Fund Balance - Debt	14,066.68
Fund Balance - O&M	3,834.78
Retained Earnings	-20,023.08
Net Income	7,828.81
<b>Total Equity</b>	<u>5,707.19</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>14,375.02</u></b>

## Mayberry Colorado Springs Metro District #1

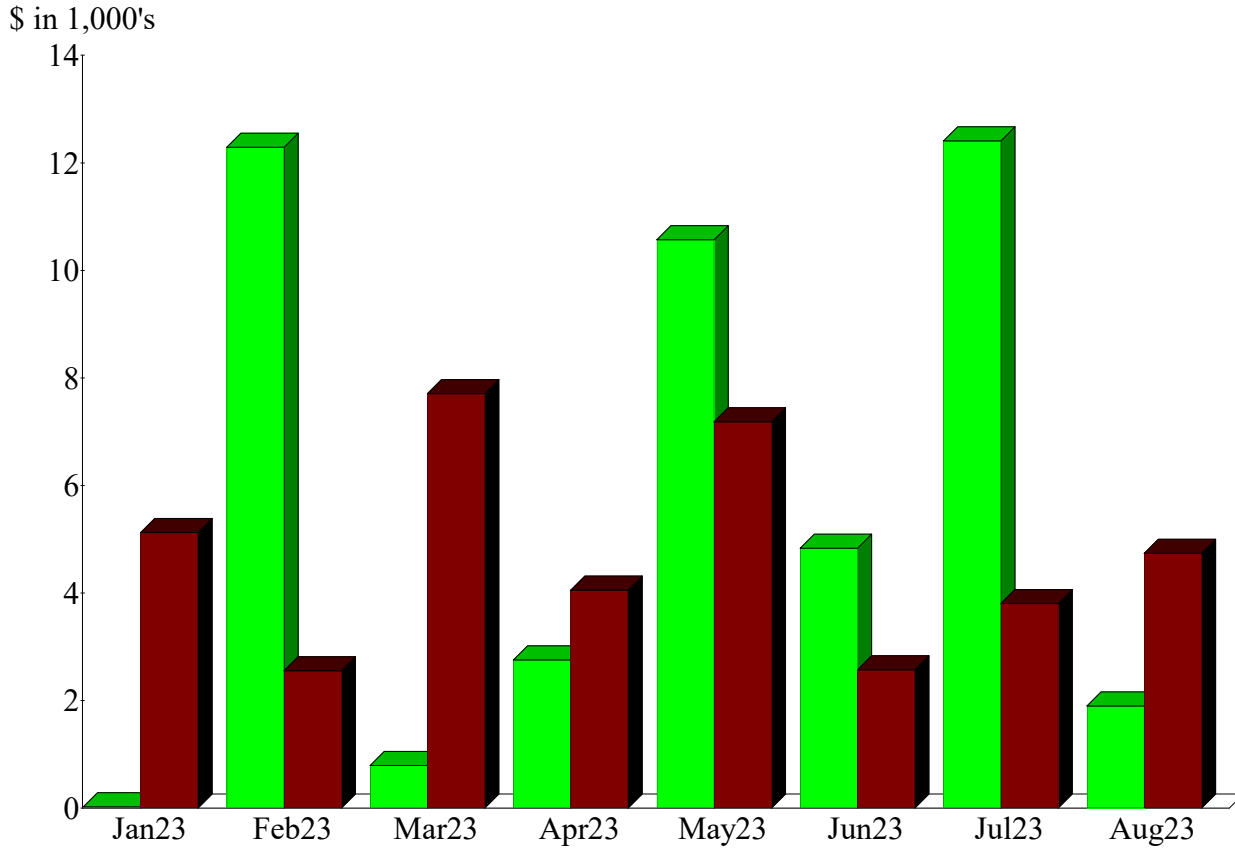
### Profit & Loss Budget vs. Actual

January through August 2023

	TOTAL				
	Aug 23	Jan - Aug 23	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
Taxes Due from District 2	7.32	15.18	143.00	-127.82	10.62%
Taxes Due from District 3	1,890.70	4,269.26	111,044.00	-106,774.74	3.85%
Developer Advance - O&M	0.00	41,297.27	70,000.00	-28,702.73	59.0%
<b>Total Income</b>	<u>1,898.02</u>	<u>45,581.71</u>	<u>181,187.00</u>	<u>-135,605.29</u>	<u>25.16%</u>
<b>Expense</b>					
Landscaping	1,718.70	4,313.60			
Audit	0.00	0.00	10,150.00	-10,150.00	0.0%
Bank Fees	0.00	15.00			
Contingency	0.00	0.00	5,000.00	-5,000.00	0.0%
Covenant Enforcement	0.00	0.00	1,000.00	-1,000.00	0.0%
District Management	2,302.60	12,390.10	42,000.00	-29,609.90	29.5%
Election Expense	0.00	7,033.27			
Engineering - O&M	0.00	0.00	5,000.00	-5,000.00	0.0%
Fees	0.00	-58.00			
Insurance	595.00	3,661.00	8,000.00	-4,339.00	45.76%
Legal	0.00	8,066.25	25,000.00	-16,933.75	32.27%
Miscellaneous	122.85	1,071.93	1,000.00	71.93	107.19%
SDA Dues	0.00	1,259.75	2,100.00	-840.25	59.99%
Trash	0.00	0.00	5,000.00	-5,000.00	0.0%
<b>Total Expense</b>	<u>4,739.15</u>	<u>37,752.90</u>	<u>104,250.00</u>	<u>-66,497.10</u>	<u>36.21%</u>
<b>Net Ordinary Income</b>	<u>-2,841.13</u>	<u>7,828.81</u>	<u>76,937.00</u>	<u>-69,108.19</u>	<u>10.18%</u>
<b>Net Income</b>	<u><u>-2,841.13</u></u>	<u><u>7,828.81</u></u>	<u><u>76,937.00</u></u>	<u><u>-69,108.19</u></u>	<u><u>10.18%</u></u>

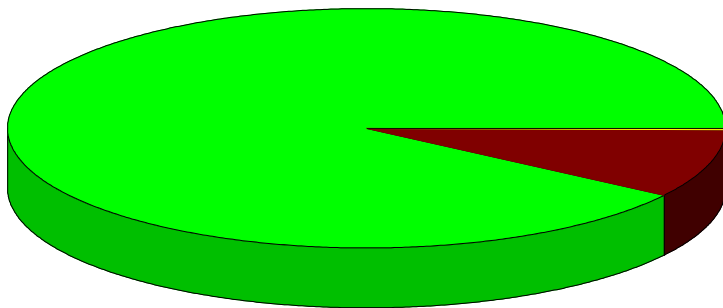
Income and Expense by Month  
January through August 2023

Income  
Expense



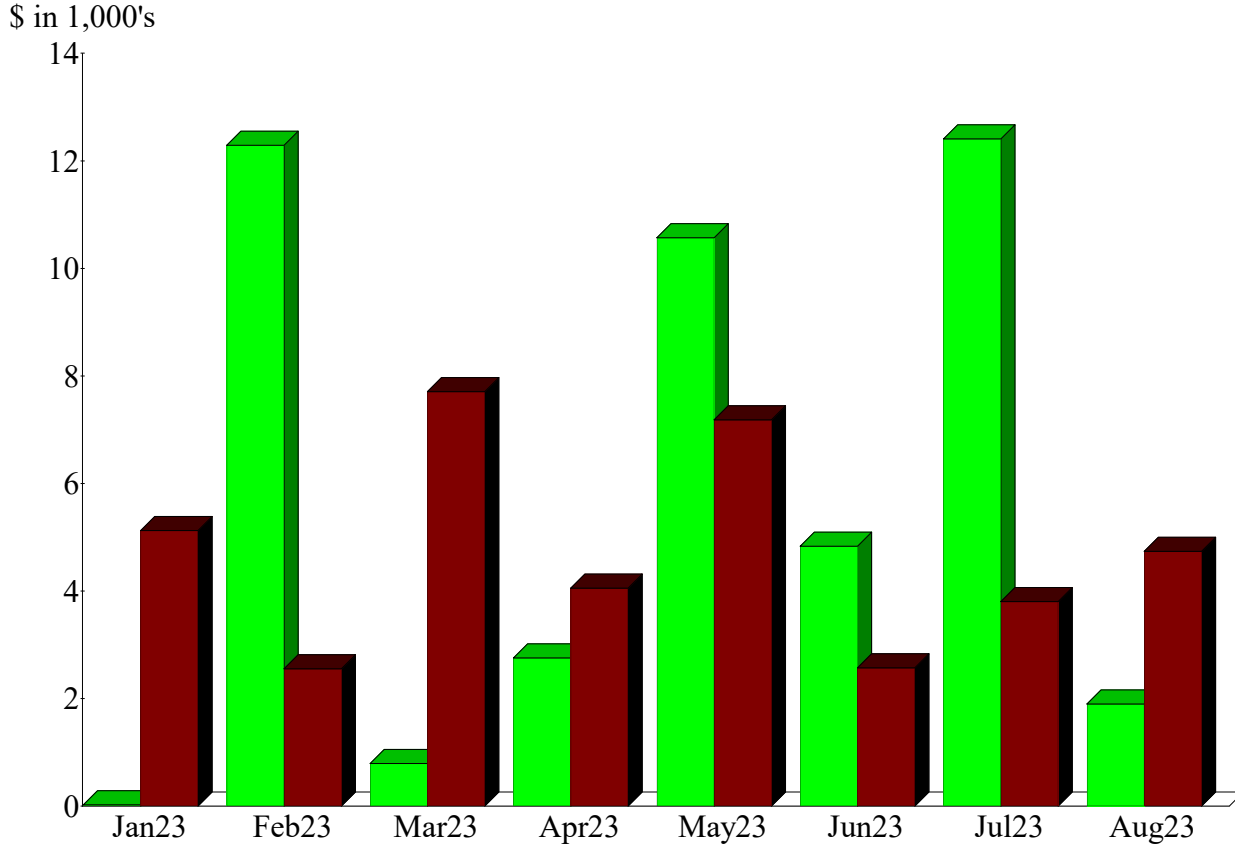
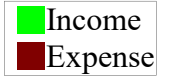
Income Summary  
January through August 2023

Developer Advance - O&M	90.60%
Taxes Due from District 3	9.37
Taxes Due from District 2	0.03
<b>Total</b>	<b>\$45,581.71</b>



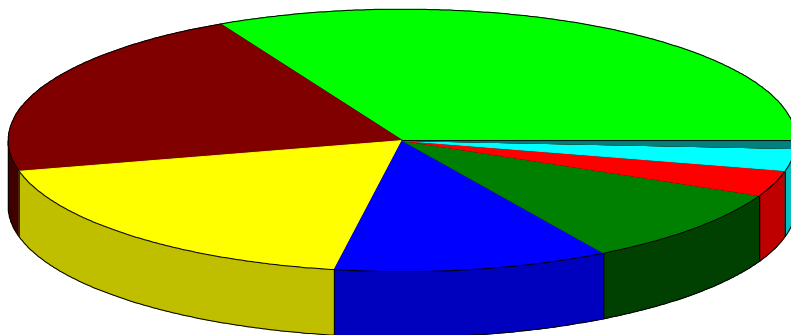
By Account

Income and Expense by Month  
January through August 2023



Expense Summary  
January through August 2023

District Management	32.77%
Legal	21.33
Election Expense	18.60
Landscaping	11.41
Insurance	9.68
SDA Dues	3.33
Miscellaneous	2.83
Fees	\$-58.00
Bank Fees	0.04
Sub-Total	\$37,752.90



By Account



**Mayberry Colorado Springs Community Authority Board**  
**BOND DRAW**  
9/21/2023

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>	<b>Comments</b>
Bailey Land Solutions	18541	8/28/2023	\$ 2,352.75	
Biggs Kofford	112001	7/24/2023	\$ 9,325.00	
CO Special Dist Prop & Liab Pool	24PL-228-1861	9/5/2023	\$ 1,400.00	
Development Services, Inc	2594	9/11/2023	\$ 1,037.25	
Development Services, Inc	2593	8/22/2023	\$ 8,019.40	
Freedom Ranch Excavating	230801	8/2/2023	\$ 6,940.00	
Kumar & Associates	22751	9/8/2023	\$ 246.50	
Martin Marietta	39769797	7/13/2023	\$ 133,860.13	
MJS Services	1385	8/21/2023	\$ 1,520.00	
Pate Construction Co	2202-12	8/11/2023	\$ 34,828.06	
Pate Construction Co	2202-000	9/6/2023	\$ 21,461.96	
Raw Land Detailing	35018	8/20/2023	\$ 350.00	
Risk Management	13013	9/5/2023	\$ 595.00	
WSDM District Managers	7653	8/31/2023	\$ 3,405.00	
		<b>TOTAL</b>	<b>\$ 225,341.05</b>	

Mayberry Colorado Springs Community Authority

Project Fund Balance 9/25/23	1,224.68
8/22 Draw	(225,341.05)
Project Fund Balance After Draw	<u>(224,116.37)</u>





**Mayberry Colorado Springs Metropolitan District No. 1**  
**GENERAL FUND ACCOUNT**  
9/21/2023

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>	<b>Comments</b>
CO Special Dist Prop & Liab Pool	24PL-60611-1399	9/5/2023	2076	District 1
CO Special Dist Prop & Liab Pool	24PL-136-1645	9/5/2023	\$ 2,076.00	District 2
CO Special Dist Prop & Liab Pool	24PL-204-2037	9/5/2023	\$ 2,076.00	District 3
CO Special Dist Prop & Liab Pool	24PL-205-2058	9/5/2023	\$ 2,076.00	District 4
CO Special Dist Prop & Liab Pool	24PL-209-2069	9/5/2023	\$ 2,076.00	District 8
EarthX	10026	9/21/2023	\$ 1,819.80	
EarthX	9762	8/15/2023	\$ 1,718.70	
TCW Risk Management	12583	8/30/2023	\$ 595.00	District 1
TCW Risk Management	13015	8/30/2023	\$ 595.00	District 2
TCW Risk Management	13016	8/30/2023	\$ 595.00	District 3
TCW Risk Management	13017	8/30/2023	\$ 595.00	District 4
	13018	8/30/2023	\$ 595.00	District 8
WSDM District Managers	7654	8/31/2023	\$ 2,302.60	
		TOTAL	\$ 19,196.10	

Balance Per Bank 9/25/23	10,807.00
September Payables	(19,196.10)
Balance After Payables	(8,389.10)

Mayberry Colorado Springs MD#1 Director

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**DESIGN GUIDELINES**  
**for the**  
**MAYBERRY, COLORADO SPRINGS**  
**METROPOLITAN DISTRICT NOS. 1-8**  
**as set forth by the**  
**Design Review Committee and the**  
**Mayberry Metropolitan District**

**ADOPTED** \_\_\_\_\_

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## ARTICLE I GENERAL INFORMATION

### **Section 1.1 The Purpose.**

Early in the planning process for this community, the Developers of the Mayberry Community, in El Paso County, Colorado, hereinafter (“Mayberry”) recognized the natural beauty of this site and commissioned a development plan that conserves many of its distinctive features. To ensure that a quality environment is both created and maintained, these Design Guidelines (the “Design Guidelines”) have been adopted. The Design Guidelines are a tool to be used by the designated Design Review Committee (referred to as the “DRC” hereafter) to guide development in a sensible, managed process while still allowing for individual freedom of expression.

The Design Guidelines pertain to all site and building development and have been adopted to provide a basis for consistency of development. As such, these guidelines are just that—guidelines; clear and concise enough to give a strong direction, yet flexible enough to be adapted to different sites and different development programs. It will be the express purpose of the DRC to interpret these guidelines consistently and reasonably.

The Design Guidelines provide a framework for site development and architectural appearance, with the goal to minimize harsh contrasts in the landscape, to conserve pleasing and significant natural systems, and to encourage unassuming architecture appropriate to this unique environment.

### **Section 1.2 Legal Authority.**

Authority for design review is grounded in the governing documents for this community, specifically the Service Plan for the Mayberry, Colorado Springs Metropolitan District Nos. 1-8 (the “MMD”) which shall have the authority to enforce any covenants or design criteria for the community. Property owners should refer to the recorded plat and development plans, the Articles, Bylaws, Design Guidelines, Rules, and Regulations (if any) and Resolutions adopted by the Board of the MMD. Under the terms of this document, the Board of the MMD hereby adopts these Design Guidelines as the basis for all design review. Should these guidelines be revised, such revisions shall then take precedence over previous versions of the guidelines. The MMD shall govern should any discrepancies occur between these Guidelines and other recorded documents.

### **Section 1.3 Supplemental Guidelines to City, County & State Regulations.**

These Design Guidelines are supplemental to regulations normally in effect for this property, including the applicable federal and state regulations as well as pertinent building codes. All construction shall comply with these Design Guidelines and all other applicable regulations including but not limited to the Pikes Peak Regional Building Department (PPRBD).

### **Section 1.4 Recommendation for Professional Guidance.**

It is strongly recommended that all persons proposing any construction subject to review under these Design Guidelines seek the assistance of a qualified design professional with skills appropriate to the task at hand, such as an architect, landscape architect, civil engineer, surveyor, etc.

### **Section 1.5 Non-liability.**

DRC approval pursuant to these Design Guidelines does not approve or guarantee engineering design or compliance with law and applicable governmental ordinances or regulations (such as zoning or building ordinances), and does not reflect any representation by the DRC, its members, the Board, the Association or the Declarant to assume any liability or responsibility for an applicant's engineering design compliance with any applicable laws, governmental ordinances or regulations, or any other matter relating thereto, other than these Design Guidelines. All applicants are encouraged to contact the El Paso County Planning and Community Development Department and the PPRBD for information regarding applicable governmental requirements, regulations, and permit matters. Neither the DRC, its members, the Board, the Association, the Declarant, nor any of their successors, assigns, agents, employees, or officers, shall be liable to any Owner or other person for any damage, loss, or prejudice suffered or claimed on account of:

1. approval or disapproval of any plans,
2. performance of any work, whether or not pursuant to approved plans, drawings, and specifications; or
3. development of any property within the subdivision.

### **Section 1.6 Aesthetic Considerations.**

Aesthetic considerations relating to any improvement or other matter that is addressed in these Design Guidelines are within the scope of the design review process, and the DRC may deny or condition any application or request before it on the basis of aesthetic considerations, including the design theme for the development and specific areas within the development as well as the aesthetic consistency of a proposed improvement or other matter with the surrounding landscape.

### **Section 1.7 Administration of the Design Guidelines.**

In order to maximize aesthetic benefits to the neighborhood and to bolster property values, all proposed exterior home improvements and site improvements will be evaluated by the DRC using these Design Guidelines. It is the responsibility of the DRC to ensure that all proposed improvements meet or exceed the requirements of these Design Guidelines and to promote the highest quality design for this neighborhood. The DRC will aid the Builder and Owner in meeting these standards.

## ARTICLE II DESIGN REVIEW PROCEDURES

### **Section 2.1 Submission of Drawings and Plans.**

All Builders, Owners, contractors, subcontractors and/or their designated representatives shall comply with the following Design Review Procedures in order to gain approval for any improvement to property within the Mayberry Community. All construction that is to be undertaken in these neighborhoods, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements, including but not limited to, walks, driveways, drainage, fencing, lighting, landscape

planting or other exterior improvements, is subject to review and approval under these Design Guidelines. Unless otherwise specifically stated herein, drawings or plans for a proposed improvement must be submitted to the DRC and the written approval of the DRC must be obtained before the improvements are made. The DRC shall not charge any fees for review however any reasonable engineering, consulting or other fee incurred by the DRC for reviewing any proposed improvement will be assessed to the Owner requesting approval.

## **Section 2.2 Architectural Plan Review.**

For new building construction or major improvements, such as room additions, remodels or structural changes, the Builder or Owner shall submit to the DRC one (1) set of construction documents to include the following:

1. One set of architectural plans at a scale of 1/4" = 1'0", including:
  - a. Architectural elevations (front, sides, and rear).
  - b. Floor plans, including square footage for each floor.
  - c. Roof plans indicating pitches, ridges, valleys, and location of mounted equipment.
  - d. Indication of all proposed exterior materials including proposed colors.
  - e. Exterior details, including items such as chimneys, exterior stairs and decks, and railings.
  - f. Any other proposed improvements (i.e., decks, awnings, hot tubs, etc.)
2. Site Plan of the lot, at a scale of 1" = 20' or 1" = 30', including:
  - a. Lot lines and dimensions, building setbacks, street right-of-way, curb lines and easements.
  - b. Existing and proposed contour lines at 2' intervals extending to all property lines, existing or proposed street elevations, finish grade at building corners, and drainage swales may be required. Finish floor, and garage slab elevations also may be required.
  - c. Building footprint, including finish floor and garage elevation.
  - d. Walks, driveways, decks, accessory structures, dog runs or privacy fencing, retaining walls with top and bottom of wall elevations.
3. Upon a Builder receiving approval from the DRC for a particular Master Plan model, subsequent submissions to the DRC for the same model shall require the

DRC to only consider the location of the improvements upon the lot, compatibility of the model to the particular lot and proximity to the same model on other lots. Further, subject to the review set forth in this Section, 2.2, a Builder may seek pre-approval from the DRC for a particular model or models.

### **Section 2.3 Landscape Plan and Other Site Improvements Review.**

Approval shall be obtained prior to installation, modification, removal or replacement of any landscaping or any other site improvements including, but not limited to, pet enclosures, play & sports equipment, fencing, deck or patio additions, and site lighting. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, landscape architect, or drafters, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the DRC. The following guidelines should be utilized in preparing drawings or plans:

The drawing or plan should be done at a scale of 1" = 20' or 1" = 30' and should depict the property lines of the lot and the "footprint" of the home as located on the lot. Existing improvements, in addition to the home, should be shown on the drawing and identified. Such existing improvements include driveways, walkways, decks, trees, and shrubs.

1. All proposed plant locations, types, quantities, and sizes; location of artificial turf and other ground cover materials should be shown on the plan and labeled. The plan should exhibit grading and layout of all additional landscape improvements such as berms, walks and structures not covered under the approved Plot Plan Review.
2. Plans for any other site improvements, such as play/sports equipment, dog runs, hot tubs, trellises, retaining walls, lighting, gazebos, etc. should be shown on the plan with a description of the proposed improvement, including the materials and colors to be used. In the case of structural improvements (trellises, gazebos, etc.), an elevation drawn to scale of the proposed improvement is required.
3. In addition to lot specific landscape plans, builders may provide and receive advanced approval for lot typical plan. Due to the varied size and types of lots, a "typical plan" must cover the different conditions that will be encountered such as "Narrow front/wide rear," Wide Front/Narrow Rear," and "Corner Lots."

### **Section 2.4 Revisions and Additions to Approved Plans.**

Any revisions and/or additions to the approved architectural or landscape plans made by either the Builder or Owner must be resubmitted for approval by the DRC. The revised plans must follow the requirements outlined above. The DRC will then review the plans and provide a written response no later than 30 days after the submittal.

### **Section 2.5 Action by the DRC.**

The DRC will meet as needed to timely review all plans submitted for approval. The DRC may require submission of additional materials and may postpone action until all required materials have been

submitted. The DRC will contact the applicant, in writing or by phone, if additional materials are necessary or if the DRC needs additional information or has any suggestions for change. The DRC will approve or disapprove the plans in writing within sixty (60) days after receipt of all materials required by the DRC (unless the time is extended by agreement). If a written response by the DRC is not received within the 60-day period, the application will be deemed disapproved.

### **Section 2.6 Certification of Accuracy.**

The DRC, in its sole discretion, may require the Builder to provide a Certificate of Accuracy from a registered licensed surveyor (hired by the Builder) attesting to the accuracy of the following:

1. The building foundation is located as approved (+/- 6" tolerance) by the DRC in the final approved plans.
2. The building foundation elevation is as approved (+/- 6" tolerance) by the DRC in the final approved plans.
3. The certificate must be in the form of an improvement survey showing dimensions of foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of top of foundation walls. Points at which elevations are taken must be clearly identified and correlate with location of top of foundation as shown on the final approved plans.

### **Section 2.7 Review of Work in Progress.**

The DRC shall have primary authority to enforce the provisions of these Design Guidelines. The DRC may review all work in progress to the extent required to ensure that the construction or work complies with any and all approved plans and construction procedures. Absence of such reviews or notification during the construction period does not constitute either approval by the DRC of work in progress or compliance with these Design Guidelines. The DRC may withdraw approval of any project and require all activity at such project to be stopped if deviations from the approved plan or approved construction practices are not corrected or reconciled within ten (10) days after written notification to the Builder or Owner specifying such deviations or such longer period as the DRC may specify. Any DRC visits are in addition to standard inspections required by other jurisdictions throughout the construction process.

### **Section 2.8 Rights of Appeal.**

Any Builder or Owner aggrieved by a decision of the DRC may appeal the decision to the Board of the MMD in accordance with procedures to be established by the Board. Such appeal shall be in writing and shall be filed within 30 days after the decision of the DRC. If the decision of the DRC is overruled by the Board on any issue or question, the prior decision of the DRC shall be deemed modified to the extent specified by the Board and such decision, as so modified, shall thereafter be deemed the decision of the DRC. If not appealed, or as so modified or affirmed, the decision of the DRC shall be conclusive and binding on all interested parties.

**Section 2.9 Effect of Governmental and Other Regulations.**

Approval of plans by the DRC shall not be deemed to constitute compliance with the requirements of any local, zoning, safety, health, or fire codes, and it shall be the responsibility of the Builder, Owner or duly authorized representative submitting plans to assure compliance with all applicable rules and regulations. Nor shall any approval waive any requirements on the part of the Builder, Owner, or their representative to comply with setbacks, height restrictions, or other requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the DRC, where applicable.

**Section 2.10 Period of Plan Validation.**

Final approval of plans is valid for twelve (12) months unless otherwise agreed to by the DRC and the Builder or Owner in writing. Construction must begin within this period. If not, plans must be resubmitted for review by the DRC. A submittal proposing a different dwelling for the same home site requires resubmittal of plans following the requirements as outlined above.

ARTICLE III IMPROVEMENT STANDARDS

**Section 3.1 Building Setbacks.**

Building setbacks shall comply with the site-specific setbacks shown on the Development Plan for each specific filing. Where lot terrain dictates, the DRC may consider the Development Plan setback requirement as the minimum standard for any structure.

**Section 3.2 Maximum Building Coverage.**

In conformance with the applicable Development Plan for Mayberry, the maximum coverage of the Lot by structure(s) shall comply with local development standards.

**Section 3.3 Home Size.**

The following minimum standards must be met for house size (i.e., square footage of ground floor or footprint exclusive of open porches, basements, and garages)

Two story	600 square feet
Ranch	1000 square feet

Additionally, some filings may include minimum width requirements for the front elevation.

**Section 3.4 Streetscape Variety.**

Model Repetition: Within the development, repetition of models is permitted, subject to the requirements set forth by local municipality.

Exterior Color Repetition: Within the development, repetition of colors is permitted subject to the requirements set forth in this Section. In order to maintain architectural variety within the neighborhoods, the same body color may not be on two adjacent homes, left or right, nor may the same body color be on a home across the street if the lots overlap by more than 50%.

### **Section 3.5 Grading and Drainage.**

All buildings must be designed to fit the finish contours of the lot without altering the established drainage which exists at the time final grading of a Lot by the Declarant, or by a Builder, is completed. In the event that it is necessary to change the established drainage over any Lot, the Owner shall submit a plan to the DRC for its review and approval. No grading shall extend beyond existing property lines of the home site without expressed written permission of the DRC and the adjacent property owner.

### **Section 3.6 Erosion Control.**

During all site construction, techniques for controlling erosion within the home site and onto other sites shall be mandatory and strictly enforced by the DRC. Techniques include the use of sedimentation basins, filtration materials such as straw bales or permeable geotextiles, and slope stabilization fabrics or tackifiers.

### **Section 3.7 Parking.**

Parking on public streets shall be controlled by the governmental entity to which the same have been dedicated. Garages on the Lots must be used for parking of vehicles and may not be used for storage or other uses that prevents the parking of vehicles in the garage. Boats, trailers, campers (on or off supporting vehicles), tractors, commercial vehicles, mobile homes, motor homes, or recreational vehicle/truck shall not be parked or stored on any Lot unless approved by the DRC. The foregoing may be parked as a temporary expedience (herein defined as 'no longer than 48 hours') for loading or delivery of goods, services, or equipment.

The activity such as, but not limited to, maintenance, repair, rebuilding, or repainting of vehicles, boats, trailers, motor homes, etc. may be performed on any Lot unless done so within a fully enclosed garage or other building which screens the sight and sound of said activity from the street and from adjoining Lots.

### **Section 3.8 Garage Doors.**

Garage doors shall be kept closed except when being used to permit ingress and egress to or from the garage in an effort to deter unwanted neighborhood theft and maintain a pleasing appearance at the front of the residence unless the garage is being actively attended for cleaning.

## Ancillary Improvement Standards

All of the following ancillary improvements require DRC approval unless specifically noted otherwise:

### Section 3.9 Accessory Structures.

Accessory structures such as storage sheds, gazebos, and greenhouses shall be located in the rear yard or in a location not prominently visible to the street or adjacent homes and shall adhere to the standards of site development and architectural standards provided herein or otherwise by the MMD. Carports are prohibited. Requests for approval for accessory structures will be reviewed on a case-by-case basis, taking into consideration the exterior finish, colors, lot size, square footage of the home and proposed location of the accessory structure, etc. Gazebos must be an integral part of the landscape plan. Accessory structures are limited to one story as defined by PPRBD and shall not exceed 10' without DRC approval.

### Section 3.10 Air Conditioning Equipment.

Ground level and window air conditioning units, including swamp coolers, must be installed on the main level of the home only (unless otherwise approved), located only in a side or rear yard behind privacy fencing, and must be substantially screened from adjacent properties.

### Section 3.11 Awnings/Patio Covers/Shutters.

Awnings, patio covers, and shutter colors must be complementary to the exterior color of the home. Patio covers must be constructed of wood or material generally complementary to the home and be similar or complimentary in color. Where utilized, support posts for patio covers must be a minimum of 4"x 4" in size. Unacceptable awning treatments include thin wood lattice, metal, plastic, and untreated or striped fabric. Awnings must be maintained in like-new condition.

### Section 3.12 Exterior Lighting.

DRC approval is required to change or add any exterior lighting. In reviewing lighting requests, the DRC will consider the visibility, style, location, and quantity of the light fixtures. Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties.

### Section 3.13 Fencing.

For Mayberry Metropolitan Districts Nos. 1-8, all solid rear yard fencing shall be six (6) feet tall cedar wood fencing, unless otherwise specified in the development plan. Individual lot owners are responsible for the maintenance of their lot fencing and the inside of Community walls on their Lot.

### Section 3.14 Hot Tub/Jacuzzi.

Installation of hot tubs and Jacuzzis require prior DRC approval. They should be designed as an integral part of the deck or patio area and must be located in the side or rear yard area. It must be installed in such a way that it is at least partially screened from adjacent properties.



### **Section 3.15 Painting/Repainting.**

DRC approval is required for all exterior painting or repainting of the home and accessory improvements, except repainting in the same colors. The submittal must contain the manufacturer's paint chips with name and code number. Approval will take into consideration, but not be limited to, the color tone and brightness, the home's architecture, stone or brick accents, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties. All exterior finishes should be subdued earth tones such as gray, green, brown, muted blues or other similar colors. White, primary colors, and other bright colors shall be permitted as accent colors only. Downspouts must be painted to match the body or trim color of the home.

### **Section 3.16 Play and Sports Equipment.**

All play structures and equipment, both permanent and portable, are required to be approved by the DRC for design, size, and placement prior to installation. All play/sports equipment (i.e., trampolines, swing sets, basketball hoop and backboards, etc.) is to be placed to minimize its visual impact from adjacent properties. Play equipment should typically be located in rear yard areas and set back a minimum of ten (10) feet from property lines unless otherwise approved by the DRC.

Consideration shall be given to the location of play equipment so as not to create an undue disturbance on neighboring properties. Play equipment shall be of predominantly muted, earth tone colors (brown, black, dark green) and shall not exceed eight (8) feet in height unless otherwise approved by the DRC. Play equipment or items used for front or unenclosed rear or side yard play should be stored out of view when not in use. Out of view shall be defined as within the confines of the home or garage or within the confines of a fenced back yard.

Any type of play set, swing set or trampoline must be properly screened as a condition of approval in order to ensure that no unauthorized access is permitted. Properly screened shall be defined as within a completely fenced yard where the fencing is in compliance with the Association's design guidelines. Trampolines must be installed at grade level to minimize visual and auditory impact on neighboring Lots. No color, other than black or dark green shall be permitted on any play set, swing set or trampoline unless the color is screened from neighboring lots by a privacy fence around the back yard.

Requests for free standing, pole mounted backboards will be considered by the DRC in the front yard along the side of the driveway only or inside and rear yards areas subject to the following considerations: Proximity to the property lines, proximity to adjoining homes, landscaping, and vehicles. Portable freestanding basketball backboards are permitted only with DRC approval and may not be stored in the street.

Basketball backboards located in front yards must be permanently mounted on a pole on the exterior side of the driveway approximately halfway between the sidewalk and the front of the residence with a minimum setback of five (5) feet from property lines. Backboards may not be located along any sidewalk or street. Backboards attached to a residence are not permitted. Backboards are not permitted inside front yards. Backboards located in rear yards must be set back a minimum of 10' from property lines.

Pole supports shall be black in color (or as approved by the DRC on a case -by-case basis.) No radical or neon colors on backboards shall be permitted. Acceptable backboard colors are considered as white or clear for the backboard, white for the net and orange or black for the rim.

### **Section 3.17 Satellite Dishes/Antennae.**

In compliance with the Telecommunications Act of 1996, one satellite dish/antennae may be installed on a residential lot subject to the following conditions:

1. Intent of installation shall be registered with the DRC prior to installation (see Registration form in the Appendix).
2. The satellite dish/antennae measure one meter or less in diameter.
3. To the extent feasible, the satellite dish/antennae shall be placed in the rear or side yard in such a manner that it is screened from adjacent street(s) and neighboring properties.
4. The satellite dish/antennae shall be installed at the lowest possible placement, utilizing ground level sitting (unless a signal is unattainable).

### **Section 3.18 Screen/Security Doors and Windows.**

DRC approval is not required for the addition of screen doors or storm windows added to a home if the material and color matches or is similar to existing doors and windows on the home. The DRC must approve security treatments (but not security systems) for doors and windows.

### **Section 3.19 Signs/Address Numbers.**

One (1) temporary sign advertising the real property for sale which is no more than 3' x 4' in size, the style of which is compatible with the appearance of Mayberry, may be installed on the Lot without DRC approval. At no time may such signage be installed upon any common area or fencing.

All trade signs, which include, but are not limited to, landscaping, painting, remodeling, etc., may only be displayed while work is in progress and must be removed upon completion of the job. The DRC, on a case-by-case basis, shall consider a request for placement of one additional temporary sign due to unique circumstances. The DRC must approve all other signs, including address numbers and nameplate signs. The DRC, on a case-by-case basis, will consider lighted signs.

### **Section 3.20 Solar Equipment/Skylights.**

DRC approval is required for installation of all solar equipment and skylights. Solar equipment and skylights shall be incorporated onto the exterior of the home and be architecturally compatible with the home.

### **Section 3.21 Swimming Pools.**

Requests for swimming pools will be reviewed on a case-by-case basis by the DRC with consideration given to, but not necessarily limited to, the size of the yard area, setback from impact on neighboring properties and size of pool enclosure.

### **Section 3.22 Trash Receptacles.**

Owners are to store their trash containers in the garage, or secured and screened behind privacy fencing, except for the day of collection services. All containers are to have attached lid and be secured to prevent them from blowing away. Recycling containers must be maintained in a likewise manner.

### **Section 3.23 Yard Ornaments.**

Yard ornaments, including but not limited to, birdbaths, birdhouses, fountains, sculptures, statues, flags, and banners require DRC approval. Location of yard ornaments in the front yard is discouraged. Flagpoles shall be considered on a case-by-case basis. The patriotic display of a single flag in accordance with the Federal Flag Code and not exceeding 4' x 6' in size shall be permitted. Owners may not display more than one (1) political sign per ballot issue or office and not earlier than 45 days before and seven days after any election.

## **Architectural Standards**

### **Section 3.24 Architectural Style.**

It is the intent of these standards to create an aesthetically cohesive landscape for the Mayberry Metropolitan District. These listed standards, implementation of standards, and review of standards are delegated to an elected Design Review Committee. The Design Review Committee is to be appointed by the Mayberry Metropolitan District and shall consist of three (3) regular members and up to two (2) alternate members, each of whom shall have the right to attend all meetings of the DRC. The Design Review Committee can recommend design guidelines to the Mayberry Metropolitan District Board and any plans of improvement in the Mayberry Community must be submitted to the Design Review Committee for approval. Each approval application has 60 days once submitted to be decided on by the Design Review Committee, in which the committee uses the design guidelines to decide upon each application without prior decisions for precedent. If approved, the improvement plan has must be commenced within twelve (12) months of the approval unless otherwise stated and must be completed within 90 days unless an extension is granted by the Design Review Committee. Once the improvement plan is completed, the Design Review Committee must be notified within five days, or a withdrawal of approval could be implemented. Throughout this process the Design Review Committee has no liability for damages, negligence, nonfeasance, or failure to comply with community, city, county, or state regulations accrued by the owner.

### **Section 3.25 Massing.**

In reviewing the forms of a proposed building, careful scrutiny will be given to the massing, proportions, and overall scale of the building in relation to the building site. The DRC will encourage designs that reduce building scale and increase individuality and diversity.

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

at doors and windows are strongly encouraged. Homes situated on highly exposed sites (i.e., corner lot, double fronted lot) may require additional architectural features on the elevations that are highly visible.

### **Section 3.26 Architectural Detailing.**

In order to add definition and break up flat planes of walls, the use of architectural elements to create shadow lines is encouraged to be incorporated in the design of the home. Architectural elements to accomplish this definition include recessed windows, deep eaves and offset wall planes window shutters, well-proportioned porches with brackets, trellises and arbors, decks, detailed fascia, belly bands, etc.

### **Section 3.27 Maximum Building Height.**

Building height and profile should be in scale with the surrounding structures and topography. The maximum building height shall be in conformance with local development standards.

### **Section 3.28 Exterior Materials.**

Use of bright, unfinished, colored, and reflective or mirrored surfaces or glass is not permitted. Exposed concrete foundation walls shall be minimized by grading, retaining walls or landscaping. The maximum width of masonry or wood lap siding is nine inches (9").

### **Section 3.29 Roof Form & Material.**

The roof form is the most prominent visual element of a home and central to define its architectural character. Therefore, the form and materials used to create a building's roof will be carefully reviewed by the DRC. Styles such as gable, hip and shed roofs will generally be acceptable for residential construction, while mansard, gambrel, flat and A-frame roofs are strongly discouraged. Care must be given when combining roof forms to maintain the integrity of the architectural forms. Well-detailed fascia and eaves treatment serve to frame the roof as a strong design element. Roofing materials must be considered with respect to harmony of color and texture with other materials on the home and adjacent properties.

Concrete tile or slates and composition shingles are acceptable roofing materials.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. must be carefully located and finished to complement other elements of the design.

Unfinished and exposed metal detailing should be painted. When possible, flues and vents should be located out of view of the front of the home.

### **Section 3.30 Decks.**

Decks must maintain the overall form and be a natural extension of the architecture. Deck supports must have a substantial scale that visually anchors them to the ground and should be a minimum of 4"x 4" in size.

### **Section 3.31 Patios, Decks and Paving Materials.**

Outdoor living areas are encouraged. Patios, decks, and other paving materials should be compatible and harmonious in color and texture with the structure and surrounding neighborhood and must be an integral part of the landscape architectural design.

### **Section 3.32 Retaining Walls.**

Retaining walls may be used to accommodate or create changes in grade. Walls must be properly anchored to withstand overturning forces and should incorporate weep holes into the wall design to permit water to be released behind them. Walls should not exceed four feet in height unless specifically approved and should be located so as to not alter existing drainage patterns.

The use of rock boulders, stone, and/or masonry is required.

### **Section 3.33 Vegetable Gardens.**

Vegetable gardens must be located in the fenced area of the home site so that both the garden and its accessory operating areas are substantially screened from view of adjacent homes and public areas.

### **Section 3.34 Landscaping.**

The District shall repair and maintain landscaping and supply irrigation water (which may be non-potable) for all landscaped areas outside of the fencing, whether the property is private or within a recorded easement or public right-of-way. Each owner shall not damage or degrade the front yard landscaping in any manner.

All portions of a Lot located within the Lot's fencing (referred to as the unimproved area of a Lot) shall be landscaped by the Owner; provided, however, that this obligation shall not apply to any Lots landscaped by Declarant, Builders, or their assignees. All landscaping shall be installed in accordance with landscaping plans submitted to and approved by the DRC, which plans shall be drawn to scale and shall set forth the location of landscaping, type of landscape materials, and be in accord with the requirements of this section. The DRC may impose a fee for review of homeowner changes, including modification to landscaping plan. The front and back yards of each Lot improved with a Home shall be fully landscaped no later than six (6) months (weather permitting) after the date of conveyance from a Builder or its assignee to an Owner.

The quantity of rear yard bushes, ornamental grasses or perennials is at the discretion of the builder or homeowner so long as the installation or replacement of more than five percent (5%) of the total organic landscaped area on said Lot with non-organic landscape materials has been reviewed and approved by the DRC.

The Metro District and/or the DRC, if it is elected, has the right to enforce the landscape requirements and may fine Owner an amount set by the Metro District or DRC, who fail to comply after thirty (30) days written notice that they are in violation of the landscape requirements. Owners may ask for a weather exemption to last no more than 6 months, if the time of year, such as winter, would not be appropriate for planting.

### **Section 3.35 Landscape Maintenance.**

All landscaping installed within an Owner's fenced portion of Lot shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal, and replacement of dead or dying plant material, elimination of weeds and undesirable grasses and removal of trash.

## **Miscellaneous Other Restrictions**

### **Section 3.36 Concrete Equipment.**

Concrete equipment cleaning or dumping shall be prohibited, except where provided (See Sect. 4.11)

### **Section 3.37 Pets.**

Domesticated birds or fish and other small domestic animals permanently confined indoors will be allowed. No other animals, except an aggregate of not more than four (4) pets consisting of not more than two (2) dogs, not more than two (2) cats, or any combination of other common household pets per Lot (which must be fenced or restrained at all times within the Lot), will be permitted within the Property. No animal of any kind shall be permitted which, in the opinion of the DRC, makes any unreasonable amount of noise or odor is a nuisance and as further outlined in the MMD.

### **Section 3.38 Animals.**

No animals shall be kept, bred, or maintained within the Property for any commercial purposes. Pets are not to be allowed to run freely throughout the community, whether unattended or under the direct control of its owner. When off an Owner's Lot, all Pets must be leashed with the leash in the hands of a responsible individual. Dogs, cats, and other animals found off the owner's or keeper's property are called strays and may be impounded. The owner or keeper may also be fined pursuant to the District's Covenants.

### **Section 3.39 Pet Waste.**

Pet owners are expected to pick up and properly dispose of any feces deposited by their dogs within the Community Area. Additional fines may be imposed according to the schedule of fines for each failure of a member (or any of their family, guests, or invitees) to pick up and properly dispose of any feces left in the Community Area by any dog owned by them or under their control. This assessment is intended to defray the actual cost incurred by the District in removing dog feces from the Community Area and to repair damaged caused to landscaping, etc.

### **Section 3.40 Subdividing of Lots.**

No lot may be subdivided into two or more lots.

**Section 3.41 Maintenance Equipment.**

All maintenance equipment shall be stored in an enclosed structure or otherwise adequately screened so as not to be visible from neighboring properties or adjoining streets.

**Section 3.42 Structure Encroachments.**

Encroachments of structures or any other item onto a District Property will not be allowed.

**Section 3.43 Encroachments.**

Encroachments onto District Properties will not be allowed.

ARTICLE IV  
CONSTRUCTION PERIOD REGULATIONS

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

**Section 4.1 OSHA.**

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

**Section 4.2 Construction Hours.**

Construction hours shall be between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

**Section 4.3 Construction Access.**

Declarant or the DRC may designate specific access points for exclusive and limited use by construction vehicles.

**Section 4.4 Excavation.**

Excess excavation material shall be removed from the property and shall not be placed in common areas or on roads. Excavation, except for utility trenching, shall be on the Owner's home site only. Contractors are prohibited from spreading excess debris or material over the remainder of the home site, roadway, other property, or any other home site without approval. Extreme care shall be taken by Builders and Owners to protect and preserve existing vegetation and other natural features on their lots.

**Section 4.5 Debris and Trash Removal.**

Regular cleanup of the construction home site is mandatory. All trash and debris shall be stored in a commercial trash container and shall be removed from the trash disposal area on a weekly basis or

when full. All soil and debris flowing into the street(s) or open spaces from the construction home site shall be cleaned as needed. All trash must be disposed of off home site on a weekly basis. A fine may be imposed by the DRC for noncompliance with these requirements.

#### **Section 4.6 Vehicles and Parking.**

All vehicles must be parked so as not to inhibit traffic or damage surrounding natural landscape. Construction worker vehicles and/or equipment shall not be left on community roads overnight. The DRC may designate, at time of plan review or during construction, specific areas for parking of construction workers vehicles and/or equipment.

#### **Section 4.7 Pets on Construction Sites.**

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

#### **Section 4.8 Blasting.**

If any blasting is to occur, the contractor shall be responsible for informing all resident in the proximity of the blasting home site.

#### **Section 4.9 Restoration and Repair.**

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

#### **Section 4.10 Dust, Noise and Odor.**

Every effort shall be made to control dust, noise (including the personal use of radios, CD, and tape players), and odor emitted from a construction area. The contractor will be responsible for watering, screening or oiling dust problem areas as well as controlling noise and offensive odors from the home site.

#### **Section 4.11 Prohibited Uses and Activities.**

The following items are prohibited in this community:

1. Concrete equipment cleaning or concrete dumping shall be confined to the home site and shall be removed prior to completion of home or a designated wash out area.
2. Removing any rocks, trees, plants, or topsoil from any portion of the property.
3. Careless use of cigarettes or flammable items.
4. Driving across any open space or non-designated construction areas.





# Mayberry Architectural Submission/Application Form

Homeowner (applicant): \_\_\_\_\_ Account #: \_\_\_\_\_

Property Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Tenant/ Renter (if applicable): \_\_\_\_\_

Other Homeowner (if applicable): \_\_\_\_\_

### Homeowner Contact Information:

Day Time Phone: \_\_\_\_\_ Nighttime Phone: \_\_\_\_\_

Mailing Address (if different than property address): \_\_\_\_\_

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

Email address: \_\_\_\_\_

### Tenant Contact Information (if applicable):

Day Time Phone: \_\_\_\_\_ Nighttime Phone: \_\_\_\_\_

Email address: \_\_\_\_\_

### Contractor Information (if applicable):

Contractor Name/ Company: \_\_\_\_\_

Contractor Phone: \_\_\_\_\_ Contractor Email: \_\_\_\_\_

Project Start Date: \_\_\_/\_\_\_/\_\_\_ Project End Date: \_\_\_/\_\_\_/\_\_\_

### Modification or Addition Requesting (check all that apply):

<input type="checkbox"/> Detached Structure/ Building	<input type="checkbox"/> Fence	<input type="checkbox"/> New Construction
<input type="checkbox"/> Paint	<input type="checkbox"/> Play Equipment	<input type="checkbox"/> Retaining Wall
<input type="checkbox"/> Satellite Dish	<input type="checkbox"/> Solar Panels	<input type="checkbox"/> Exterior Modification Patio/ Arbor/ Deck
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Ornamentation	<input type="checkbox"/>
<input type="checkbox"/> Pool/ Spa	<input type="checkbox"/> Shed	<input type="checkbox"/>

### Legal Description of Modification:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Make sure you have attached/ included all of the following information:

- A completed Submission Form (including signature below the Owner Acknowledgement notice on next page)
- A description of the project, including; height, width, depth, materials, colors, etc.
- A complete materials list of the project, including; paint samples and/or stain color

- A picture or drawing of the intended/ existing project (sketches, clippings, catalog illustrations and other data or links to websites)
- A site plan showing the location of the house along with any other structures on your lot and the proposed structure (including dimensions from the property line or other structures)

**Please send your request to:**

**Mayberry Metropolitan District**

C/o Walker Schooler District Managers

614 North Tejon St

Colorado Springs, CO 80903

**Phone:** (719) 447-1777

**Website:** <https://mayberrycospringsmd1-8.colorado.gov/>

**Email:** adam.n@wsdistricts.co

**\*\*For Office/ Committee Use Only:**

Date submission received: \_\_\_/\_\_\_/\_\_\_

Committee Approval/ Denial Date: \_\_\_/\_\_\_/\_\_\_

APPROVED

APPROVED W/  
STIPULATIONS

DENIED

DENIED – INSUFFICIENT

INFORMATION

Stipulations/ Comments/ Suggestions:

Authorized By:

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**Owners Acknowledgements:**

I understand:

- That no work on this request shall commence until I have received approval of the Design Review Committee (DRC)
- Any construction or alteration to the subject property prior to approval of the Design Review Committee is strictly prohibited. If I have commenced or completed any construction or alteration to the subject property and any part of this application is disapproved, I may be required to return the subject property to its original condition at MY OWN EXPENSE. If I refuse to do so and the District incurs any legal fees related to my construction and/or application, I will reimburse the District for all such legal expenses incurred.
- That any approval is contingent upon construction or alterations being completed in a neat and orderly manner
- That there are architectural requirements covered by the Covenants and a board review process as established by the Board of Directors
- All proposed improvements to the property must comply with city, county, state, and local codes. I understand that applications for all required building permits are my responsibility. Nothing herein shall be construed as a waiver of modification of any codes. My signature indicates that these standards are met to the best of my knowledge.
- That any variation from the original application must be resubmitted for approval
- That if approved, said alteration must be maintained per the Declaration of Covenants, Conditions and Restrictions for the Mayberry Community.
- This alteration will not detrimentally affect the proper drainage of any common areas or surrounding lots. I will be responsible at my expense to correct any drainage problems to such areas that may occur because of this work or alteration.

- *The Builder/Applicant acknowledges and agrees that the Committee and District assume no liability resulting from the approval or disapproval of any plans submitted. The Committee and the District assume no liability and make no representations regarding the adequacy or quality of any submitted plans or whether such plans comply with any or all governing authority requirements. The Committee's review, comments, and/or approvals do not relieve the Builder/Applicant of their responsibility and obligation to comply with the Master Declaration, Master Design Guidelines, or Subdivision Guidelines as applicable. The Builder/Applicant agrees to grant the District accesses to property at any reasonable hour to inspect for compliance issues.*
- *It is the duty of the owner and the contractor employed by the owner to determine that the proposed improvement is structurally, mechanically, and otherwise safe and that it is designed and constructed in compliance with applicable building codes, fire codes, other laws or regulations and sound practices. Your District, the DRC and any employee or member thereof, shall not be liable in damages or otherwise because of the approval or non-approval of any improvement.*

I certify that the above information is an accurate representation of the proposed improvements and that the work will conform to applicable codes, covenants, and standards. I also certify that the improvements will be completed in accordance with the approved application. I understand that construction is not to begin until approval has been received from the Design Review Committee. The Design Review Committee has permission to enter the property to make inspections, as they deem necessary.

**Owner/Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_/\_\_\_/\_\_\_  
**Co-Owner/Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_/\_\_\_/\_\_\_

**Informational Addendum:**

**REVIEW PROCESS** – Your District's governing documents stipulate the amount of time the DRC may take to render a decision. However, the DRC will make every reasonable effort to expedite the review process. Applications will be reviewed during the timeframe for completeness and the DRC may request additional information to help clarify your proposal.

**APPLICATION** – The application must be accompanied with necessary documents, photos, drawings, brochures, and information necessary to present to the DRC. Property owners must sign the application. Contractor’s signatures for property owners will not be accepted. Modifications are not permitted to commence until the modification has been reviewed and approved by the DRC.

**NOTIFICATION** - All owners will be notified in writing by mail (USPS) once the request has been approved or denied.

**APPEALS** – If your District allows appeals of a DRC decision, requests must be based on the District documents and timeframes stated by the documents.

**LANDSCAPE PLAN CHECKLIST:**

- \_\_\_\_\_ **Landscape Plan at 1'=20' or 1'=30' scale**
- \_\_\_\_\_ Lot lines, setbacks, easements, no-build areas
- \_\_\_\_\_ Building location, driveway, walks, patios, decks, stairs
- \_\_\_\_\_ Lawn or turf (type and location)
- \_\_\_\_\_ Proposed trees (types, sizes, and locations)
- \_\_\_\_\_ Proposed shrubs and live groundcover (types, sizes, quantity, and locations)
- \_\_\_\_\_ Mulch (type, size, and location)
- \_\_\_\_\_ Retaining walls (height, material, and location)
- \_\_\_\_\_ Berms or any other grade alterations

**ANCILLARY IMPROVEMENTS CHECKLIST:**

- \_\_\_\_\_ Privacy fencing (height, material, and location)
- \_\_\_\_\_ Dog run / Doghouse (size, materials, and location)
- \_\_\_\_\_ Play equipment (type, material, color, and location)
- \_\_\_\_\_ Sports equipment (type and location)
- \_\_\_\_\_ Accessory Structures – gazebo, storage shed, hot tub, etc. (elevation, size, and location)
- \_\_\_\_\_ Exterior lighting (type, size, and location)
- \_\_\_\_\_ Other (specify)

ARTICLE V  
Establishment of Schedule for Fines, Penalties and Charges

**Section 5.1 – Establishment of Fines, Penalties and Charges**

To facilitate compliance with the Declaration and these Design Guidelines, the DRC establishes the following list of Fines, Penalties and Charges that they may apply and collect to Owners who are in violation of the Declaration and Design Guidelines:

1st Notice of Violation (Courtesy Notice): Written notice to Homeowner giving nature of the alleged violation and request for compliance within thirty (30) days.

2nd Notice of Violation (First Fine): Written notice to Homeowner that the alleged violation has not been corrected, the imposition of a fine of \$50, and request for compliance within thirty (30) days.

3rd Notice of Violation (Second Fine): Written notice to Homeowner that the alleged violation has not been corrected, the imposition of a fine of \$75, and request for compliance within thirty (30) days.

4th Notice of Violation (Third Fine): Written notice to Homeowner that the alleged violation has not been corrected, the imposition of a fine of \$100, and request for compliance within thirty (30) days.

5th Notice of Violation (Continuous Monthly Fine): Written notice to Homeowner that the alleged violation has not been corrected, the imposition of a fine of \$100/month, and request for compliance within thirty (30) days.

**Section 5.2 – Update and Publication**

The DRC may from time-to-time update, modify, change, add to, or eliminate this list and will publish and advertise this list for general distribution to all Owners.