



Mesa View Estates
Architectural Review
Guidelines and Rules

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Mesa View Estates

Architectural Review Guidelines And Rules

ARTICLE 1. Introduction

Section 1.1 **Context of our Community.** We are all members of the Sixth Avenue West Estates Association, also known as the Mesa View Estates Master Homeowners Association ("HOA"). Owners in the Mesa View Estates Community ("Community") benefit from living in a covenant-restricted neighborhood. Your HOA Board of Directors is charged with enforcing those covenants, and the Board delegates some of those responsibilities to the Architectural Review Committee ("ARC"). But everyone has the same interests – maintaining the overall appearance and atmosphere of the neighborhood – while balancing each Owner's individual property rights. We are all in this together.

Section 1.2 **Purpose and Authority.** One of the HOA's responsibilities is to protect the value, harmony, and desirability of our community, which includes promulgating and enforcing Architectural Review Guidelines. These guidelines are intended to apply when changes are desired to the exterior of your home or lot. These guidelines and rules are derived from Declarations, Bylaws, Board Resolutions, and best practices in neighborhoods of similar character, size, and home value. In the event of a conflict, this document supersedes any previously issued guidelines, rules, or policies.

(a) These guidelines are NOT intended to apply to the following situations:

(i) **Ongoing maintenance and refurbishment of existing materials do not require approval under these guidelines.** This includes like-kind replacement of materials that are of a similar size, color and quality that currently exist.

(ii) **These guidelines do not apply retroactively to existing exterior features of your home.** You are not required to update your home in accordance with the guidance in this document unless you are making changes to those features and will need to update your home to the current guidelines or request ARC approval to retain the existing feature(s).

Section 1.3 **Adoption by the Board.** This document has been adopted by the HOA Board as a governing document for our community.

Section 1.4 **Other Laws.** To the extent any of these guidelines directly conflict with any applicable laws or ordinances, however, the laws and ordinances shall control.

Section 1.5 **Owner Maintenance Covenant.** Please remember that all homeowners in Mesa View Estates are required to maintain their property:

"Members are responsible for the maintenance, repair and replacement of the property and improvements located within their Lot boundaries, including landscaping; exterior lighting, including any front yard lights and lampposts; decks, patios, fences other than Association fences, driveways, sidewalks, doors, garage doors, and windows located on the Lots. Each Lot at all times shall be kept in a clean, sightly, and wholesome condition, and all structures shall be painted as necessary. Members shall keep all exterior lights on the home and Improvements

located on their Lot operating in good working order, including any front yard light and lamppost.” - From Section 5.6 of the Declaration

Section 1.6 Enforcement Responsibilities. Pursuant to Section 6.12 of the Declaration, the HOA has the right and the responsibility to enforce these maintenance obligations, guidelines, and rules adopted by the board of directors.

Section 1.7 Governing Documents. All rules and other governing documents of the Community can be obtained on the HOA’s official web site at <http://www.mesaviewestates.org>, or can be requested from the management company – Appendix C for contact information.

ARTICLE 2. The Architectural Review Process

In general, all exterior modifications to any home or landscaping in Mesa View Estates are governed by this document.

Before you begin any exterior modifications to your home or Lot, please review these guidelines. If your planned modification is not specifically addressed below or you are unsure if you need prior approval, please submit an ARC request form.

If you plan to make a modification that requires prior approval, as noted throughout this document, you must complete an Architectural Review form including any required supporting materials. That form is located in Appendix A to this document, can be obtained on the HOA’s official web site at <http://www.mesaviewestates.org>, or can be requested from the management company. Completed forms must be submitted to the management company. Direct your completed form to the management company per the directions on the ARC request form.

Per Mesa View governing documents, a response to an Architectural Review Request may take up to 45 days. The ARC strives for quicker responses. You must receive written approval from the ARC prior to beginning property improvements or modifications. Verbal approval from ARC, Board members, or management company agents is not sufficient.

ARC approval does NOT substitute for any local, county, and state required permits. The Owner is responsible for adhering to all local, county, and state guidelines. If any changes are made that have not been approved or do not conform to local, county, and state guidelines or per the governing documents, the Owner may be required to change or remove the improvement at their cost.

Project approvals are valid for work to be completed within 365 days; after that time, a new request must be submitted.

For improvements that do not require prior approval, modifications must comply with these guidelines. All other modifications may only be made after you obtain advance approval from the ARC.

If an Owner’s proposal for change is denied by ARC and all efforts to reasonably reconcile this decision have been exhausted, then per Section 6.8 of the Declaration, an Owner has a right to submit an appeal of decision of ARC to the Board.

ARTICLE 3. Architectural Review Standards of the ARC

The ARC is subject to the following standards for review of applications, interpretation, and enforcement of these guidelines:

Section 3.1 Honor and respect the owner and their application. The ARC honors and respects the application of owners for the changes that the owner is proposing. The presumption is that the owner is seeking to improve and/or maintain the value of their home and the value of all homes in the Community, subject to the specific and general nature of the governing documents and these guidelines.

Generally, compliance with the governing documents and these guidelines is a basis for approval of the proposed improvements, though the ARC must consider aesthetics, the immediate neighborhood, harmony, and the factors set forth in the governing documents and these guidelines.

The ARC will provide written findings as to why a denial was determined by the ARC. The objective here is to inform an applicant on why an application or improvement has been denied, giving the applicant clear context and information on what could be approved by the ARC.

Section 3.2 Good faith decision making without being arbitrary or capricious. The ARC is charged with making decisions using the governing documents, these guidelines, good faith and fair dealing required of it, and without being arbitrary or capricious.

Section 3.3 Exceptions, variances and intent. The strict application of the limitations and restrictions in the governing documents and these guidelines in any specific case may be modified or waived, in whole or in part, by the ARC if such strict application would be unreasonable or unduly harsh under the circumstances. Any such modification or waiver must be in writing. The intent of the Board is that the ARC is empowered to make and allow exceptions and/or variances to these guidelines, where exceptions are deemed appropriate. Flexibility is desired along with adherence to the first class residential quality of the Community.

ARTICLE 4. Specific Architectural Review Guidelines and Rules

The specific guidelines and rules listed below provide further information about exterior modifications and landscaping that either 1) need or do not need prior approval, or 2) that are not permitted.

If you fail to obtain advance approval, you may be subject to fines and/or be required to remove the improvement and return your property to its prior condition or you may be required to re-do or alter work that has been done, as the ARC determines, all at your sole expense and responsibility.

Please follow the procedures explained in Article 2 above for obtaining ARC approval.

Section 4.1 Additions, Expansions, exterior and landscape changes / Prior Approval is required. For all additions, expansions, and exterior and landscape changes, an ARC Request Form must be submitted, unless a specific guideline below eliminates the requirement for prior approval.

All additions and expansions must be accompanied by construction drawings, elevations, photos of your home, neighboring homes, and specifications. Your application must show both

the existing home and the proposed addition or expansion. An enclosed patio is considered an addition to the home.

Section 4.2 Address Number Rules / Prior Approval is not required. Every house must have address numbers located near the front door, above the garage, or on the mailbox/mailbox pillar. Numbers must be clearly visible from the street for emergency purposes, but each number may not exceed 8" in height. Please coordinate address numbers with style and colors of your home.

Section 4.3 Advertising & Signage / Prior Approval is not required for certain signs but is for others.

(a) Approval is not required if the following guidelines are met:

(i) Temporary "For Sale" or "For Lease" signs may be no more than 6 feet high and no more than 2 feet by 3 feet in size. These signs are limited to 1 per Lot.

(ii) Security signs must be installed no higher than 2 feet above grade, located close to the home or a landscaping element, and the sign itself may not exceed 1 square foot in size.

(iii) "Open House" or other similar arrow signs may only be displayed on the day of the event and may be located in common areas.

(iv) Residents may install one political sign per candidate and one sign per ballot or other measure subject to voting on their property or in the window.

(v) Garage Sale signs can be displayed 24 hours before the sale and must be removed within 24 hours after the garage sale. Garage sales are permitted once a quarter for each home and during the Annual HOA Community Garage Sale.

(b) Approval is required for:

(i) Signs attached to any property line fence, utility, telephone, or streetlight pole;

(ii) Lighted signs – which are not permitted without approval.

(iii) Any signs other than those allowed under these guidelines.

(c) Signs may not be placed in any right-of-way, common area owned by the HOA, or public property.

Section 4.4 Air Conditioning Equipment, Evaporative Coolers & Attic Fans / Prior Approval may be required.

(a) All ground-mounted equipment must be originally installed in your back yard or side yard. Every effort should be made to locate it away from your neighbors' bedrooms and living areas. In order to minimize noise, all ground-mounted equipment must be screened by landscaping or approved fencing that matches the colors, materials, and aesthetics of the

home.

(i) **Screened from View:** Any object that is required to be screened from view shall not be noticeably visible from the street. Screening from view does not require the object from being visible from sites of substantially higher elevation. If vegetation is planted to screen the object, the proposed vegetation shall be as tall as the highest portion of the object being screened. The vegetation shall also be dense enough to impede recognition of the screened object throughout the year. Vegetative screening shall not exceed 500 square feet in coverage without prior approval of the Board or ARC. The vegetation need not be planted next to the object being screened. If fencing is used to screen the object, the proposed fencing must be the approved type of fencing. Fencing must conform with local and state regulations. Satellite screening will not be required on the south side of the satellite so as to prevent reception. In the event objects required to be screened from view, are not screened from view in accordance with these guidelines, the Board may impose fines or seek legal or injunctive relief for the noncompliance.

(b) Roof-mounted air conditioning equipment and evaporative coolers are permitted but require prior approval, and must be screened from view¹ and painted to match the roof color of the home.

(c) Window-mounted equipment is not permitted.

(d) If additional roof vents are required in conjunction with the installation of an attic fan, those vents should be installed in the back portion of the roof so that they are not visible from the street. Those vents should be painted to match the roof color of the home.

Section 4.5 Antenna and Satellite Dish Systems / Prior Approval is required for some installations. Dishes and wireless antennae that are more than 1 meter in diameter are not permitted. Dishes 1 meter or less are allowed, so long as: (a) the dish is installed on your house in a location that is minimally visible from the street; and (b) any mast or wiring is painted to match the color of your home, and is secured to the home. Please refer to the FCC Telecommunications Act of 1996 for further information regarding dishes.

Section 4.6 Arbors, Awnings, Sunshades, Sunscreens, Deck or Patio Covers / Prior Approval is required.

(a) Arbors are typically freestanding structures that act as an entryway and opportunity for the growth of vine-type plantings in landscape design. Arbors are sometimes called pergolas. Arbors must be integrated into the overall landscape plan. Arbors may be made of wood, iron, or copper, but must coordinate with the colors, materials, and aesthetics of the home. Arbors may not exceed 8 feet high and 5 feet wide, except that a 12-inch overhang may be permitted.

(b) The term Pergola may also refer to a shade structure installed over a deck or other outdoors living area. That type of Pergola is governed by paragraph (d), below.

(c) Awnings are not permitted on the front of the home. They may only be installed on the sides and rear of your home. Colors, materials, mountings, and supports must be compatible with the colors, materials, and aesthetics of the home. Retractable awnings must

¹ See Section 4.4(a)(i) for definition of screened from view.

be closed when not in use.

(d) Deck and Patio Covers, in this context, mean coverings over the top of a deck or patio. The colors, materials, mountings, and supports of such covers must be compatible with the materials and aesthetics of your home.

(e) Approval is not required for roll-up vertical sunshades or sunscreens installed onto a deck or patio cover as long as they are not visible from the street. Colors must complement the home, and the shades/screens must be retracted when not in use.

Section 4.7 Artificial Turf / Prior Approval is required.

Any lot in Mesa View Estates is limited to a maximum of 70% coverage (50% in some HOAs) in using artificial turf for the front yard and 75% for the rear yard landscape area. The areas for possible installation are for any existing “developed” landscaped areas on the lot, whether existing turf, mulch beds, rock beds, islands, etc. All owners must submit an Architectural Review Committee (ARC) request prior to installation and receive approval before beginning any work. Professional installation is required. Present a copy of these guidelines to your contractor. It is also suggested that you get your contractor to “sign off”, acknowledging that the turf installation will be in accordance with these Guidelines. It is also highly suggested that you visit the artificial turf company, to view outdoors a large display of the turf that you wish to have installed. The small samples provided to you by your contractor to take home do not provide the same prospective. Your ARC request should include the following:

- 1) A sample of the product including model name and style.
- 2) A complete product specification sheet from the manufacturer. The artificial turf shall be lead and toxic chemical free. It shall be disposable under normal conditions and pass applicable fire retardant ratings. The artificial grass product must be made of polyethylene fibers tufted into a porous backing. It shall have a minimum pile weight of 60 oz. (50 oz. in some HOAs).
- 3) The manufacturer’s warranty on the product being submitted. The warranty should cover defects in the installation workmanship and defects in the material. It may exclude vandalism and acts of God. It should provide coverage for a minimum of 8 years for the defects in the material (the company I interviewed, provided 15 years including UV light). Labor and workmanship should be covered for a minimum of 2 years from the date of substantial completion.
- 4) Photos of the area to be covered by the artificial grass.
- 5) Proper drainage plan if required by ARC. Artificial turf should not be used on any slopes that exceed 4 to 1 (25%) in steepness.
- 6) Photos of proximity areas as well as description of the method of installation.

General Guidelines

- A) The architectural design must incorporate natural curved boundaries where possible (avoid squares, rectangles, etc., except where turf may abut the driveway or sidewalk). The turf may not be installed directly up to the foundation of the home; there must be a border of rock or mulch to separate the turf from the house.
- B) The color must be like the geographical area, as a blended, multi-color monofilament fiber and a minimum height of 1.5 inches (1.75 inches in some HOAs). Grass blades shall be of multiple color blends that consist of green hues and brown thatch. The fiber shall be low friction and ultraviolet (UV) resistant.

C) Front yard areas must retain a minimum of 30% (25% in some HOAs) of overall square footage as organic plant material such as planter beds, rock beds, mulch beds, bushes, shrubs, etc.

D) Professional installation is required with a 100% permeable turf backing and a porous aggregate base for drainage. An infill system is required of graded sand, dust free 20 grit silica or acrylic coated sand placed at a minimum of 2-3 pounds per square foot to a minimum depth of 1 inch. Seaming tape may be used. Glue/adhesives shall meet minimum VOC (volatile organic compounds) compliance. The compaction of the granulated aggregate base shall be at a minimum of 95% in accordance with the Modified Proctor Procedure (ASTM 01557; American Society for Testing and Materials specifications). Road base shall not be acceptable. The turf backing shall be double layer polypropylene fabric treated with UV inhibitors, and consist of an application of porous, heat activated urethane to permanently lock the fiber tufts in place. Perforated (with punched holes) backed carpet shall not be acceptable. The infill materials shall be installed to fill the voids between the fibers and allow the fibers to remain vertical and non-directional. Infill materials shall be applied in numerous thin applications. The artificial turf shall be brushed in as the infill mixture is applied. Full width rolls shall be laid out across the area. Utilizing standard state of the art taping, sewing, or gluing seaming procedures, each roll shall be attached to the next. The turf rolls are to be installed directly over the properly prepared aggregate base. No weed barriers are needed. Extreme care should be taken to avoid disturbing the aggregate base, both in regard to compaction and planarity. Any variance from these requirements must be accepted in writing by the manufacturer's onsite representative and submitted to the owner, verifying that the changes do not in any way affect the warranty. Infill materials shall be approved by the manufacturer and installed in accordance with the manufacturer's standard procedures.

E) Artificial grass must be cleaned as necessary and periodically groomed to maintain its appearance. Organic matter such as leaves shall be regularly removed and the turf shall be hosed or washed off at least monthly in order to eliminate odors. Raking of the turf or replenishing infill material shall occur as recommended by the manufacturer or if required for the turf to maintain a "natural look".

F) The owner will inspect the turf annually after the expiration of the warranty period to ensure the aesthetic properties are maintained. The Mesa View Estates Homeowner's Association may require replacement if there are signs of damage, lifting, unevenness, worn areas, fading, deterioration, etc.

Section 4.8 Balconies, Decks, and Patios / Prior Approval is required. Balconies, decks, and patios may be added or modified only as an integrated part of the home, landscape design, or patio area.

(a) The Architectural Review Application must include a plot plan, elevation view showing the location of the deck, balcony, or patio in relation to your home and property lines, the dimensions, the height from grade, whether there will be a railing, and the color of all components of the improvement. Please also include a color picture of your home.

(b) Acceptable materials are wood, composite decking (commonly known as Trex), and metal balusters. Requests for alternative balusters must include a color brochure and indicate what style and color of baluster is being requested.

(c) Deck skirting is not allowed on decks that are more than 3 feet above the adjacent grade. All deck skirting must be approved.

(d) Patios. A patio must be integrated into your landscaping plan, and must

be compatible with the colors, materials, and aesthetics of your home. Acceptable materials include concrete, flagstone, brick and pavers.

Section 4.9 Basketball Hoops / Prior Approval is required for certain installations. There are two types of basketball hoops that are permitted:

(a) Fixed, Freestanding Basketball Hoops. This is a basketball backboard that is fixed, freestanding, and usually embedded in concrete near the driveway. These hoops must be installed on your property; be located within 2 feet of the edge of your driveway; be at least half the length of the driveway from the inside edge of the sidewalk; be gray, black, white, or clear with a neutral colored pole and must not impede or obstruct the use of your neighbor's property.

(b) Portable, Freestanding Basketball Hoops and other sports equipment. This is a basketball backboard or device that is portable and freestanding, with a large base for counterbalance and/or wheels for mobility. This equipment must be located on your property except that they may be located in the street during daylight hours only and when in use. When these hoops are located on your property, they must be located within 2 feet of the edge of your driveway or on your driveway; be at least half the length of the driveway away from the inside edge of the sidewalk; must not impede or obstruct the use of your neighbor's property; be kept leveled at all times so the unit is balanced and standing upright; have the base filled with water, sand, or some other appropriate material to provide counterbalance (no material may be used on the exterior of the base, e.g., placing sandbags on top of the base). The backboard must be gray, black, white, or clear with a neutral colored pole.

When this equipment is being stored, it may not be laid down in the yard such that they are visible from the street but must be screened from view².

(c) No other basketball hoops are permitted. Basketball hoops mounted to houses are no longer permitted. If you already have such a basketball hoop installed, you are not required to remove it; but no new such basketball hoops may be installed.

Section 4.10 Birdbaths, Birdfeeders, Birdhouses / Prior Approval is required for certain installations. All birdbaths, birdfeeders, and birdhouses to be located in the front yard require advance approval; among other considerations, only one such item will be permitted per front yard. If a birdhouse or birdfeeder is to be mounted on the house or deck, generally the structure should be in proportion to the yard or house.

Section 4.11 Boats, Campers, RVs, Motorhomes, Pickup Camper Tops & Horse Trailers Rules.

(a) No trailer, motor home, camper, including vehicle-mounted camper, whether chassis or slide in, or pick-up coach, vehicle-mounted tent, boat, semi tractor-trailer truck (except non-commercial van or pick-up) or horse trailer shall be parked or stored in, on, or about any Lot or street, except within an attached and enclosed garage or screened from view behind a privacy fence provided the vehicle cannot be seen from any public street, right-of-way or open space tract and/or park.

(b) These vehicles may not be parked in the street or in front of your home

² See Section 4.4(a)(i) for definition of screened from view.

for more than seventy-two (72) hours within a 7-day period.

(c) The Association does not permit enclosed structures other than garages for this type of storage.

Section 4.12 Carport Rules. Carports are not permitted.

Section 4.13 Clotheslines and Hangers Rules. Permanent clotheslines, hangers, or similar devices are not permitted. Consistent with Colorado Revised Statutes § 38-33.3-106.7 (2014), however, temporary or retractable clotheslines or hangers that are screened from view, and that are taken down after each use, are permitted and do not require prior approval.

Section 4.14 Commercial Vehicle Rules.

(a) Commercial vehicles are allowed to park on the street or on driveway only for no more than 72 hours within a 7-day period. Any longer-term parking requires prior approval, and will be judged on a case-by-case basis.

(b) “Commercial vehicle” means (but is not strictly limited to): (1) any vehicle having a manufacturing payload capacity greater than three-quarter ton; (2) box vans or box trucks, tow trucks, trucks without a bed, buses, tractor cabs, tractor trailers, vehicles with two or more rear axles, hazardous materials transport vehicles, taxi cabs, or limousines, regardless of payload capacity in each instance; or (3) any vehicle that has commercial markings or signage that exceeds 25% of the vehicle’s visible surface.

Section 4.15 Dog Houses / Prior Approval is required for certain installations.

(a) Dog houses may be located in backyards if the dog house meets the requirements of these guidelines.

(b) Dog houses may not be located in the front yard, nor visible from street and must be located at least 8 feet from the nearest property line.

(c) Approval is not required if structure is less than 3 feet wide x 4 feet long x 3 feet high.

(d) Approval is not required if structure is larger than 3 feet wide x 4 feet long x 3 feet high, but less than 6 feet wide x 6 feet long x 5 feet high if and only if: (i) the color of the walls, trim, and roof match the color scheme of your home; and (ii) any utilities are located underground. Must be well maintained.

Section 4.16 Dog Run Rules and Guidelines / Prior Approval is required.

(a) Dog runs must be constructed from the same material, and in the same design, as existing property fencing.

(b) 2-inch x 4-inch, 14-gauge galvanized woven wire can be applied to the interior of any approved fence design for animal control. However, no chain link fencing may be visible from the street.

- (c) Dog runs are not permitted in the front yard.
- (d) Dog runs must be located a minimum of 8 feet from the closest property line(s).
- (e) Dog runs are discouraged in the side yard between homes and adjacent to open space and parks; however, if a side yard location is proposed, the Architectural Review Application must include an approval of the location signed by the adjacent property owner.
- (f) Facilities for the breeding of animals are not permitted.
- (g) If you already have a dog run installed, you are not required to remove it. Any new dog runs or modifications to dog runs must comply with these guidelines.

Section 4.17 Doors – Exterior Ingress, Egress & Garage / Prior Approval is required.

- (a) Advance approval is required for the replacement or addition of storm or security doors to the exterior of your home or accessory building. The doors must be compatible with the colors, materials, and aesthetics of your home. Raw or clear anodized aluminum doors are not allowed.
- (b) Garage doors that are not painted the same color as the body of the house or a natural wood stain color must be specifically noted on the ARC form. Outlining the panels or windows in garage doors with a contrasting color is not allowed.

Section 4.18 Driveways & Sidewalks / Prior Approval is required. Extensions or expansions larger than 3 feet on either side of the driveway or garage are not permitted without prior approval. All extensions or replacements shall be constructed of concrete, brick, or stone pavers. Concrete sidewalks connecting to stained patios must be stained to match patio color.

Section 4.19 Dumpster Rules. Dumpsters are allowed during construction on your home and moving only, and should be placed in driveway if possible and be removed as soon as practical. Time limits for maintaining a dumpster, beyond 6 months, may be imposed by the ARC or Board.

Section 4.20 Fencing / Prior Approval is required.

- (a) Approval is required for all new and replacement fencing.
- (b) Fencing must be compatible with the colors, materials, and aesthetics of your home.
- (c) A photo of the proposed fence location must be provided including adjacent lot fencing.
- (d) Screen fencing is limited to locations in the side yard and rear yard, and may not be used on decks.
- (e) The following materials may not be used for fencing: PVC, , and chain-

link. Fencing of any kind may not exceed 6 feet in height.

(f) The following fences are allowed: split rail, cedar 4' or 6', Composite materials and dark wrought iron. Wood fences may be stained using only natural wood tone colors.

(g) Fences must have finished side facing the community and be well maintained. Fence may enclose a portion of the side yard, but must be set back a minimum of 10' from the front of the home and 12" from the sidewalk Cobble or mulch shall be installed between sidewalk and fence.

(h) When installing fences on a sloped grade, all vertical members must be straight and plumb. Sloping or stepping must be detailed on the Architectural application. Horizontal members must be parallel with one another. Some fence types have limitations on steeper slopes.

(i) A transitional section of fencing is required where two different fence heights meet, for symmetry and aesthetics.

(j) Gates must match the design, material, color, and construction of the fence. Ornamental gates of distinctive design will be reviewed on a case-by-case basis.

(k) Where a Lot fence meets a community wall or fence, the Lot fence shall be at or below the height of the community wall or fence.

Fencing should be regularly maintained to include power washing or other methods to help keep the appearance free of water stains or other natural wear. Any repairs, replacement or alterations to fencing must blend with existing fencing.

Section 4.21 Fire Pits, Outdoor Kitchens and more / Prior Approval is required for certain installations.

(a) Approval is required for permanent fire pits.

(b) Portable fire pits do not require approval.

(c) Permanent fire pits:

- (i) must be integrated into outside living design;
- (ii) must be made of materials compatible with surrounding landscape design; and
- (iii) must be located at least 8 feet away from the closest property line.
- (iv) may be either wood-burning or fueled by gas, but the homeowner is responsible for complying with any pollution day restrictions that may be applicable
- (v) must comply with Jefferson County Rules and Regulations.

Section 4.22 Flags and Flagpoles / Prior Approval is required for certain installations. Approval is not required if: (b) the flag is attached to the structure of your home and has a removable pole no longer than 6 feet; (c) the flag is located no more than 20 feet above the ground; and (d) the flag is no larger than 3 feet by 5 feet. Freestanding flag poles require prior approval.

Section 4.23 Garbage, Recycling and Similar Containers in Plain View Rules.

(a) Trash, recycling, similar containers or receptacles, and trash (including yard waste and bagged grass clippings) may not be placed in plain view from the public street and must be screened from view.

(b) Trash, recycling, and similar containers or receptacles may not be put out more than 24 hours prior to the scheduled pick-up day, and trash receptacles must be properly stored within 24 hours after pick-up.

Section 4.24 Gazebos and Greenhouses / Prior Approval is required.

(a) Prior approval is required for all gazebos, greenhouses, and similar or different structures.

(b) The following guidelines apply:

(i) Structures must be permanent (no temporary structures may be in use for more than 1 week), and an integrated part of a landscape plan.

(ii) Structures must be compatible with the color of your home if immediately adjacent to your home, and otherwise compatible with your landscaping. No white or clear anodized aluminum finish is permitted.

(iii) Structures must be of a height and size that is consistent with your home and/or existing structures on your Lot. Greenhouses must be single story.

(iv) Gazebos and greenhouses are not permitted in your front yard or side yard, and may not be used for commercial growing.

Section 4.25 Holiday & Seasonal Decoration Rules / Prior Approval is required for certain installations. Seasonal and holiday decorations are encouraged. Decorations can be installed 45 days prior to the holiday, holiday lights can be turned on 30 days prior, and all

must be removed within 30 days after the holiday. Decorations or displays other than those permitted by this rule are allowed only if approved in writing by the ARC.

Section 4.26 Hot Tubs – Exterior / Prior Approval is required. Exterior hot tubs must be located in your rear yard, and must be an integrated part of your deck, patio area, or landscape plan. Every effort must be made to locate the hot tub in a way to minimize views and noise to your neighbors. The hot tub is recommended to be screened with landscaping or screen fencing.

Section 4.27 Irrigation System Rules – Underground. Underground irrigation systems must minimize watering adjacent properties, street, or sidewalks, and must not cause overwatering.

Section 4.28 Drainage, Erosion and French Drain Rules. There shall be no interference with the established drainage patterns over any property and French drains, unless adequate provision is made for proper drainage and approved by the ARC and the local governing jurisdiction. Erosion must be controlled.

Section 4.29 Garden Rules – Flower, Fruit & Vegetable. Gardens must be maintained, weeded, and well cared for. Non-permanent fencing up to 3 feet tall is permitted around gardens. Fruit and vegetable gardens are not permitted in front yards.

Section 4.30 Landscaping Rules and Guidelines / Prior Approval is required for modifications and installations.

(a) The landscaping of each Lot shall be maintained by the owner in a neat, attractive, and well-kept condition, which includes but is not limited to lawns mowed; and hedges, shrubs, and trees pruned and trimmed, including back from the sidewalks. All landscaping must be trimmed and maintained so that it does not block traffic visibility or otherwise create a safety hazard.

(b) The entire landscape must be adequately watered as allowed by law or water company restrictions.

(c) Dead, diseased, or unsightly materials and weeds and debris must be removed on a timely basis.

(d) All changes to existing landscaping, including proposed xeriscape, must be approved in advance. Like kind replacement of material (size, color, quality) does not have to be approved by ARC.

(e) Changes to landscaping must take into consideration fire mitigation and follow recommended standards set forth by FireWise and the NFPA.

<https://www.nfpa.org/-/media/Files/Firewise/Fact-sheets/FirewiseHowToPrepareYourHomeForWildfires.pdf>

Section 4.31 Lighting – Exterior / Prior Approval is required for certain installations. The applicant should include a picture of the house, with the areas where the lighting is to be installed drawn on the house picture. The lighting system shall be as inconspicuous as possible, may be installed in the fascia and soffit facing downward, and must

match the surrounding house paint color. All wiring and installation shall be completely hidden from view.

Lighting fixtures shall be low wattage and low lumen, be recessed, and be small. Illuminating large areas (including spotlight and flood lights) is specifically prohibited. In general, lighting shall not directly shine on adjacent homes or produce more than two-tenths (0.2) foot candles of light upon an adjacent property. Not having a brightness exceeding the equivalent of 7 watts on an incandescent scale. Only soft to warm white color tones are allowed with a correlated color temperature (CCT) maximum of 3000K.

The use of a permanent lighting system is allowed year-round as security, accent lighting only if a maximum of 50% of the lights in each area of the house are illuminated and the lights are set to a warm white hue only. The maximum lumens per light should not exceed 21 lumens.

Colored, blinking, flickering and dancing lighting is only permitted during the Seasonal Holiday Period or Occasional Special Events, limited to a maximum of 90 days within a calendar year.

Special event and string lighting will be turned off each day by 11:00 PM. Each lighting fixture may only be installed on the side(s) of the residences or common HOA areas like ponds, paths, entrances, etc. Lighting must only be directed to illuminate walks, deck surfaces and landscaping. Up lighting may be directed to only at your own property. All exterior lighting requires prior approval from the ARC.

Section 4.32 Mailboxes / Prior approval for new or a mailbox change is required. The specifications and location of the mailbox must be in compliance with the United States Postal Service regulations. The materials used must complement the color, style, and aesthetics of your home; brick or stone construction of a mailbox pillar is encouraged.

Section 4.33 Paint – Exterior Rules and Guidelines / Prior Approval is required.

(a) If you are changing the color of your house, prior approval is required for exterior painting. If you are re-painting the same colors already on the home, in the same scheme, we request that you fill out an ARC form prior to repainting your house. This will avoid confusion and properly maintain your property records with the Association.

(b) Property owners must keep buildings free of faded or peeling paint. A building exterior needs to be repainted when there are any signs of fading, chipping, streaking, peeling, or exposed wood or siding.

(c) The Board of the HOA has a recommended color palette for exterior painting, generally using muted earth toned colors as historically required by the previous ARC Guidelines. Although homeowners are not required to use the brand of paint included on the recommended palette, the colors used must be near-matches to the recommended palette colors. The recommended color palette and schemes are available at the offices of MANAGEMENT COMPANY, at <https://www.sherwin-williams.com/homeowners/color/find-and-explore-colors/hoa/golden/co/mesa-view-estates/>, and are located on Mesa View's official web site.

(d) The colors in each color scheme are intended to be used as specified, and requests for use in any other way will be considered a custom color request which may take

longer for review and a decision. When considering custom color schemes, the following will be taken into consideration:

- (i) **Body color:** for body – siding or stucco – and for the garage door.
- (ii) House body paint color should be muted colors and generally have a Light Reflective Value (LRV) between 8 - 65 LRV.
- (iii) The paint used for the main body of the home must be a flat or eggshell/satin finish.
- (iv) Garage doors should be painted the same color as the body of the house or a natural wood stain color.
- (v) Outlining the garage door panels or windows in a contrasting color or in a checkerboard design is not permitted.
- (vi) Generally, downspouts should be painted to match the body color of the house or the color of adjacent material.
- (e) **Trim color:** for trim around windows and doors.
 - (i) Roofline trim fascia should use the trim color.
 - (ii) On certain models, there may also be corner trim or batten trim that uses the trim color.
 - (iii) Please identify whether you will be using the body or trim color if you have vertical batten trim on your home.
 - (iv) Generally, gutters should be painted to match the trim or body color of the house.
- (f) **Accent colors:** for shutters and front entry door only.
 - (i) Generally, each home should be painted at least two separate colors with no more than 3 colors, including the front door color.
 - (ii) There should be suitable differentiation between the body and trim color, and the body and trim should not be two completely different color families (e.g. blue body with green trim).
 - (iii) Accent colors are generally bolder, brighter, darker, or more contrasting than trim colors and are not designed or allowed for roofline trim fascia use.
 - (iv) If it is desired to use the third color on the roofline trim fascia, you may request this but in general this will require that you substitute a different third color that is not as bold, bright, dark, or contrasting as the typical accent color.
 - (v) Roof color is an important consideration – the fascia must reasonably blend with the roof. Primary colors are generally not approved for roofline trim fascia.

(g) **Color coordination.**

(i) Paint colors should coordinate with the stone, brick, stucco, or other exterior materials on your home.

(ii) The main body color should not be the same, nor similar to homes surrounding yours, or the homes located across the street from yours.

(iii) The ARC may deny approval for a particular color combination, including combinations where the proposed colors are on the recommended color palette.

Section 4.34 Playhouses, Play Structures, Swing Sets, Treehouses and similar improvements. Prior approval is required for all of these improvements. The structures are not permitted to be attached to property line fencing. The color of the walls, trim, and roof must be compatible with the color, materials, and aesthetics of your home. Any utilities must be located underground. Equipment shall be located in the rear or side yard. Size of play yards will be considered on a case-by-case basis depending on Lot size and proximity to neighbors. The maximum height of the equipment should not exceed 15 feet. Must be well maintained.

Section 4.35 Portable Toilets and Porta-Potties / Prior Approval is not required. Prior approval is not required, but the following guidelines apply:

(a) the portable toilet must be located next to the front or rear of the house, or in the driveway, and cannot be located on the sidewalk or between houses in side yards;

(b) the portable toilet must be secured so it cannot be blown or knocked over; and

(c) portable toilets are permitted only during active construction and must be removed promptly after construction. Time limits for maintaining a portable toilet, beyond 6 months, may be imposed by the ARC or Board.

Section 4.36 Radon Mitigation Systems / Prior Approval is required. The radon mitigation pipe(s) should be placed in a minimally visible location (such as adjacent to an existing gutter or downspout), and should be painted to match with the surface from which it projects or blend with an adjacent downspout.

Section 4.37 Recreation and Sports Equipment / Prior Approval is required for certain installations. With the exception of basketball backboards/hoops, no sports or play equipment is permitted in your front yard while not in use.

Section 4.38 Retaining Walls / Prior Approval is required for certain installations.

(a) Retaining walls must be integrated into the overall landscaping plan on your Lot, and must be consistent with the color, style, and aesthetics of your home.

(b) Retaining walls cannot have exposed cinder blocks.

(c) Railroad ties and stacked timbers are not allowed in front of home.

(d) Homeowners should be aware that Jefferson County has specific requirements for retaining walls.

Section 4.39 Roofs / Prior Approval is required. Prior approval is required on all roof replacements. Acceptable roofing materials can be found on the Mesa View Roof Resolution, which is posted on the website, www.mesaviewestates.org. All vents, louvres, other protrusions, and flashing on roofs must be painted to match roofing material color.

Section 4.40 Security Equipment / Approval is required for any equipment. Approval is required (including mock or inoperable equipment) for all equipment placed on any exterior portion of your home or any other structure on your Lot. Aesthetics of the security equipment are the primary concern of the HOA and the ARC. Security cameras must be placed in minimally intrusive or visible locations on the Lot. Applications must include a plot plan showing the security equipment location and positioning in relation to neighboring structures, along with the manufacturer's specifications for the equipment that include the size, shape, color, and other attributes of the equipment. Security signage shall be discreetly placed.

The owner is responsible for complying with controlling laws concerning other residents' rights to privacy and quiet use and enjoyment of their properties. The HOA is not responsible for enforcing such laws with respect to other residents and their individual rights.

Section 4.41 Sheds & Structures / Prior Approval is required. Sheds /structures other than primary residence must be located in the rear or side yard, and must be screened by fencing or landscaping such that the structure is "screened from view" as defined in this document upon installation. Any utilities must be located underground. The color and materials of the shed must complement the color, style, and aesthetics of the home. Structures shall not exceed 15 feet in height. The Committee, in reviewing the application for structure approval, shall consider Lot grading, fence locations, landscape screenings, etc., in granting any approvals for a shed. Only one (1) structure other than primary residence will be permitted per Lot. All structures must be well maintained.

Section 4.42 Solar Energy, Wind Turbines, Directional Wind-Electric Generators / Prior Approval is required. The HOA will not unreasonably prohibit or limit these devices, and will act consistently with Colorado Revised Statutes § 38-30-168.

Section 4.43 Statues and Works of Art / Prior Approval is not required for certain installations.

If visible from street, prior approval is required, and generally no more than one per front yard is allowed.

Statues and works of art located in the side yard or rear yard not readily visible from the street that are less than 3 feet in height, including pedestal, do not require approval so long as they are of a scale, quality, and size that is consistent with the home. All statues and works of art should be integrated into the overall landscape plan.

Section 4.44 Storage – Outside / Prior Approval is not required for certain installations.

(a) Approval is not required for non-permanent storage in the side yard or rear yard. Temporary moving containers and portable storage such as "PODS" are permitted for no more than 14 days. If a temporary portable storage container is used for storage during a

remodeling project, it can remain for the duration of the project not to exceed 6 months.

(b) Storage of any item must be screened from view. Storage containers must closely match your house color and be an earth-tone color. For permanent storage, see “Sheds.”

Section 4.45 Swimming Pools / Prior Approval is required. Approval is required when depth exceeds 24 inches. No above ground pools are permitted in excess of that depth. All swimming pools must be located in your rear yard, at least 8 feet from the closest property line. Every effort must be made to screen the swimming pool in a way that minimizes views and noise to your neighbors. This can be done with landscaping or screen fencing.

Section 4.46 Trampolines / Prior Approval is not required for certain installations. No prior approval is required for trampolines, so long as they are properly screened from the street.

Section 4.47 Water Features. / Prior Approval is required. Water features should be of a scale that is consistent with your yard, and must be integrated into the overall landscape plan. If the feature includes a pump, the noise level and proximity to neighbors’ living space are considered by the ARC when reviewing the Architectural Review Application.

Section 4.48 Windows / Prior Approval is required. A change to windows or skylights or other similar improvements requires approval. Windows should be dual or triple pane. Dark tints or dark reflective glazes are discouraged. Replacement windows that match original or existing colors and grid patterns will generally be approved. Variations requested in grid patterns or cladding colors will be considered provided they complement the architectural style of the structure. Unpainted aluminum windows are not allowed.

Section 4.49 Window Covering Rules – Interior. Interior window coverings may not be unsightly from the exterior. Temporary window coverings may not remain on windows longer than 12 weeks.

Section 4.50 Xeriscape / Prior Approval is required for certain installations. Xeriscaping changes are required to be approved in advance.

(a) Xeriscaping plans that do not include grass/turf must comply with these guidelines. Generally we encourage 40% of the front yard should have vegetation or grass/turf, however all submissions will be evaluated.

(b) Definition. Xeriscaping means using native and adapted plants that will grow and sustain themselves with low water requirements, and that can tolerate heat and drought conditions. Xeriscape should be compatible with surroundings and appropriate for the site topography.

(c) Ground Cover. Non-turf areas can contain decomposed granite, ground hardwood mulch, river rock, plants or other materials, as approved by the ARC for a ground cover. The ground cover must be maintained to prevent weed growth. A 20-year, 4.1-ounce (or better) woven fabric weed barrier must be used under all rocks and ground cover. Paver stones and flagstone may be used to create walkways. Concrete surfaces are limited to driveways and sidewalks only.

(d) Plants. For public safety, no plants with thorns, spines, or sharp edges can be used within six feet of the public sidewalks. No plants may encroach onto or over public sidewalks.

(e) Borders. Xeriscape areas must be surrounded by a border to clearly define the xeriscape areas from turfed areas. Borders can consist of metal edging or masonry. Masonry products include stone, clay brick pavers, or concrete masonry units manufactured for landscaping. All masonry products must be properly secured to avoid displacement and weed encroachment or growth between masonry units. Brick/masonry must be approved for color and type; if brick units are to be used they must be solid units, not those with holes. No ordinary gray concrete blocks are permitted. If metal edging is used, it must be properly secured and set with top edge not more than 2 inches above grade. Borders must be maintained as part of the landscaping and kept in attractive condition.

(f) Hardscapes. Hardscapes can include large boulders and other natural materials that are used as part of the xeriscape design.

(g) Maintenance. Xeriscape areas are subject to the same maintenance requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Plants must be trimmed, beds must be kept weed-free, and borders must be edged. No plants may encroach on public sidewalks. Sickly and dying plants must be removed and replaced. Perennials that die back during winter must be cut back to remove dead material. This includes ornamental grasses and shrub-like flowering perennials that go dormant to the ground in winter.

ARTICLE 5. Enforcement

Enforcement of these guidelines is governed by a separate guideline or policy adopted by the Board, as that guideline may be updated and revised from time to time.

ARTICLE 6. Appendix

Appendix A: Architectural Review Application

Appendix B: Management Company contact information

Appendix B:

Association & Community Management

By phone:
303-233-4646

By mail:
9250 W 5th Avenue
Lakewood, CO 80226

By email:
Melissa Keithly, manager@mesaviewestates.org
Courtney Hofler, covenantcompliance@acmhoa.com

By fax:
303-233-1018