

THE INDIAN CREEK HOMEOWNERS' ASSOCIATION, INC.

AMENDED AND RESTATED POLICY FOR

WATER CONSERVATION AND DROUGHT MITIGATION

Restrictive covenants, declarations, bylaws, policies, or rules and regulations that prohibit or limit xeriscape or drought-tolerant vegetative landscapes or that require cultivated vegetation that consists wholly or partially of turf grass are unenforceable.

“Xeriscape” means the combined application of the seven principles of landscape: planning and design, soil analysis and improvement, hydro zoning of plants, use of practical turf areas, uses of mulches, irrigation efficiency, and appropriate maintenance under C.R.S. § 38-35.7-107(1)(a)(III)(A).

“Turf” means a covering of mowed vegetation, usually turf grass, growing intimately with an upper soil stratum of intermingled roots and stems.

“Turf grass” means continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions which, when regularly mowed, form a dense growth of leaf blades and roots.

The Association Executive Board may not impose any procedural steps or financial burdens upon the unit owner seeking approval of a landscaping plan change. The prohibited procedural steps or financial burdens include the requirement of an architect’s stamp, pre-approval by board retained architect, water usage history/analysis, or landscape change fees.

Pursuant to 38-33.3-302 C.R.S., and Article VI of the recorded Declaration of Covenants, Conditions, and Restrictions for The Indian Creek Homeowners Association adopts the following design guidelines to aid the Architectural Control Committee in reviewing and processing requests to implement Xeriscape on their Lot within the Indian Creek community.

- Artificial turf is prohibited as a landscaping element within view of the street.
- Artificial plants are permitted only on the front porch and front door.
- All hardscape colors must be in earth tones.
- Mulch, organic (not rock), and groundcover must be included in all designs and must be replenished as needed.
- Yards may consist of no more than 1/3 rock.
- Plants must be of different varieties.
- No plants with spikes or thorns should be planted within 2 feet of sidewalk at mature growth.
- Detailed drawing of the landscape plan must be submitted with architectural request.

- Architectural request must be approved in writing by the Board before landscape construction begins.
- Specific plant location must be reflected as part of the landscape plan.
- Specific plant type and quantity must be reflected as part of the landscape plan.
- Size of plants, both as planted and at maturity, must be reflected as part of the landscape plan.
- The existing drainage for the Lot cannot be altered.
- Landscape fabric cannot show through mulch.
- Sickly and dying plant material must be removed and replaced.

The Association Executive Board may take enforcement action against a unit owner if the unit owner allows existing landscaping to die unless there has been a period of water use restrictions. Enforcement will follow the Enforcement Policy (see Enforcement Policy). During water use restrictions, all enforcement action shall be suspended and unit owners shall comply with any watering restrictions declared by the water supplying authority.

Once the drought emergency ends and watering restrictions are lifted, the unit owner shall be given a reasonable and practical opportunity considering the local growing seasons to reseed and revive turf grass before being required to replace it with new sod.

Nothing in this policy supersedes any county or city subdivision regulation.

This Rule on Water Conservation and Drought Mitigation was passed by a majority of a quorum of the Board at its meeting on _____, 2015.

Effective _____, 2015

The Indian Creek Homeowners' Association, Inc.

By: _____

Its _____