

**POLICY  
OF THE HAMLET AT CASTLE PINES NORTH HOMEOWNER'S  
ASSOCIATION, INC.  
REGARDING XERISCAPING**

- SUBJECT:** Adoption of a policy and procedure for xeriscaping within the community.
- PURPOSE:** To adopt a policy regarding an Owner's right to install xeriscaping. To adopt a standard procedure to be followed for xeriscaping.
- AUTHORITY:** The Declaration, Articles of Incorporation, Bylaws, and Colorado law.
- EFFECTIVE DATE:** \_\_\_8 September, 2021\_\_\_\_\_
- RESOLUTION:** The Association hereby adopts the following Policy and Procedures for Xeriscaping:

1. Definitions.

(a) "Xeriscaping" means the application of the principles of landscape planning and design, soil analysis and improvement, appropriate plan selection, limitation of turf area, use of mulches, irrigation efficiency, and appropriate maintenance that result in water use efficiency and water-saving practices all as more fully provided in CRS § 38-33.3-103(33) and CRS § 38-35.7-107.

(i) Concrete, asphalt, and other non-organic materials (other than non-vegetative turf grass) are not considered or treated as Xeriscape materials.

(ii) While stone and bark mulch may be used as components of the xeriscape area, plants must also be included in enough abundance to lend to a predominantly vegetative look to the area. Drought tolerant plants are preferred.

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

2. Use of Xeriscape. Colorado law provides that the Association shall not prohibit or otherwise restrict the use of Xeriscape to provide ground covering to property over which the Owner is responsible.

3. Approval. Installation of Xeriscape on the Lot or a change in the current landscaping of a Lot to Xeriscape must be approved by the Association in accordance with the procedures contained in the Declaration and any architectural standards adopted with respect to landscape modifications or installations. However, the Association shall not impose any *additional* requirements over and above what is imposed for other types of landscaping, because of installation of Xeriscape.

Nothing in this Policy shall prohibit the Association from adopting and enforcing design or aesthetic guidelines or rules that require drought-tolerant vegetative landscapes or regulate the type, number and placement of drought-tolerant plantings and hardscapes that may be installed on a Lot.

4. Turf Grass and Nonvegetative Turf Grass.

(a) Colorado law prohibits associations from requiring any amount of Turf Grass and, therefore, the Association does not require any amount of Turf Grass to be installed on an Owner's Lot.

(b) In addition, pursuant to Colorado law the Association shall not prohibit the installation of nonvegetative turf grass (commonly known as artificial turf) in the backyard of Lots. The installation of such nonvegetative turf grass requires prior approval from the Association, and the Association may require certain colors or styles be used.

(c) Artificial turf is not allowed in the front yard of any Lot.

(d) Any xeriscaping in the front yard must be comprised of at least 40% drought tolerant vegetation.

(e) The Association may adopt other reasonable aesthetic guidelines and rules regulating the installation of nonvegetative turf grass that may be installed in the backyard of an Owner's Lot.

5. Failure to Maintain. Excepting periods of watering restrictions, nothing in this policy shall be construed as permitting a Lot Owner to fail to maintain his or her Lot, including landscaping.

6. Enforcement. This Policy shall be enforced in a consistent manner throughout the community in accordance with the Association's Covenant and Rule Enforcement Policy and Procedure.

7. Definitions. Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
8. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.
9. Deviations. The Board of Directors may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.
10. Amendment. This policy may be amended by the Board.

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the President of the Association, certifies that the foregoing Policy was approved and adopted by the Board of Directors on \_\_3 September,2021 and in witness thereof, the undersigned has subscribed his/her name.

**THE HAMLET AT CASTLE PINES NORTH  
HOMEOWNER'S ASSOCIATION, INC.,** a Colorado  
non-profit corporation

By:  MW Foraker

Its: President