

# The Count Pourtales Association

Post Office Box 60671  
Colorado Springs, Colorado 80906-0671  
*Incorporated September 27, 1954*

## Architectural Review Committee Policy Guidelines for Perimeter Wall and Fence Approval

The following outlines special policy considerations and approval protocols that the Architectural Review Committee of the Count Pourtales Association has adopted to guide the review and approval process for applications to construct perimeter walls and fences. These guidelines are supplemental to and fully consistent with the PLANS SUBMISSIONS and APPROVAL PROCESS contained in the Association's Covenants.

### COVENANT REQUIREMENTS:

Perimeter Walls and Fences are specified within the definition of a "Structure", the construction of which is covered under the ARC Review and Approval requirements. Specific matters that require approval include:

- The general exterior appearance, material, shape, size, color, height and location of each Structure;
- Grading and landscaping of the site.

In granting approval the Covenants require consideration of:

- The adequacy of the materials for their intended use;
- The harmonization of the external appearance with surroundings and other property;
- The proper relation of the Structure or covering to the environment;
- The degree to which the proposed Structure or covering will cause material intrusions of or interference with sound, light or other effect on neighboring sites.

### SPECIFIC GUIDELINES FOR WALLS AND FENCES BORDERING POURTALES PARK:

To preserve the character and special nature of 'openness' of Pourtales Park, and the unique asset value it contributes to the residences of members of the Association, the ARC has herein adopted the following special approval requirements and limitations for walls and fences that directly border any boundary of Pourtales Park:

- The maximum permitted height of any solid wall or fence shall be 4-1/2 feet. A visibly open vertical extension, such as an ornamental wrought iron rail or panel, may increase the height of a solid wall up to a maximum height of 6 feet.
- It is preferred that solid walls or fences be constructed of, or externally finished with, natural materials (e.g., stone or wood). Solid walls that are not of natural materials or which are otherwise to be painted or stained shall be required to be finished with an approved 'earth tone' color. The use of white painted solid walls shall not be approved.

- Visibly open fences must not exceed 6 feet in height. Wrought iron fences with attractive inter-connecting posts of stone, brick, stucco or other appropriate material are preferred. The use of chain link fence can be considered, but it is generally discouraged and should only be used when special considerations support its use. If approved, all chain link fence and all supporting poles shall be painted black, or an otherwise approved color to minimize the visual impact of such Structures.
- Construction along a property boundary in common with Pourtales Park shall require a current property boundary survey by the applicant. All approvals shall be conditional upon the applicant having survey stakes installed and maintained to delineate the property boundary throughout the construction period.
- The location of any wall or fence, including any buried footings, must be wholly within the applicant's property, as confirmed by the aforementioned survey.
- No removal of trees or scrub oak, grading, or other material interference or permanent damage to vegetation within Pourtales Park shall be permitted. All approval letters shall state that it is the applicant's obligation to ensure construction practices that comply with this stipulation. This requirement shall not, however, prevent access to the site or the delivery of materials, when necessary, using access through Pourtales Park; the use of such access shall require the notification and approval of the Chairman of the Architectural Review Committee.
- In special situations, due to the nature of the wall or fencing proposed by the applicant, the approval may be conditioned on the applicant's agreement to provide an agreed level of landscaping (including any necessary irrigation) on the Pourtales Park side of the wall or fencing.

#### SPECIFIC GUIDELINES FOR WALLS AND FENCES NOT BORDERING POURTALES PARK:

The following guidelines address special considerations relevant to walls and fences along property boundaries bordering the streets and those in common with neighboring Home Sites.

- The maximum permitted height of any perimeter wall or fence shall be 6 feet. For purposes of this limitation, portions of walls that are integrated into the profile of a Residence as part of a 'façade' or an enclosed courtyard or patio area shall not be considered to be perimeter walls.
- Solid walls or fences, particularly those with higher profiles, that border streets at any distance less than the setback applicable to the Home Site are discouraged; applicants should be asked to demonstrate that suitable alternatives such as low profile Structures, open panel sections and/or appropriate landscaping cannot provide an acceptable alternative that is more compatible with the openness and rural feel of the neighborhood.
- A property survey will not be required by the ARC but is strongly recommended.
- The location of any wall or fence, including any buried footings, must be wholly within the applicant's property unless the wall or fence is along a common property boundary with a neighboring Home Site and the applicant has the written approval of the Owner(s) of such Home Site to construct the wall or fence along and across the common boundary. In such cases only one application needs to be submitted to the ARC, and this must be done by the Home Site Owner that is taking primary responsibility for the construction of the Structure. In such cases the ARC or Board shall issue an approval letter to the Owner(s) of each Home Site involved.

## GUIDELINES APPLICABLE TO ALL WALLS AND FENCES:

- The ARC shall consider the overall impact of the proposed fence or wall, and the extent to which the proposal is consistent with the natural environment, and the harmony with the architecture on the applicant's site and surrounding properties.
- The ARC shall give recognition to special efforts proposed by the applicant to enhance the appearance of the proposed fence or wall. This would include the use of curves, staggered setbacks or columns to avoid the look of long, linear Structures, the addition of compatible hedges or landscaping, attractive gates, etc.
- The ARC shall also take into account all special circumstances supported by the applicant's submission, including the need for security on the property, the need for enhance privacy of areas within the property, and the need for road noise mitigation where this is a demonstrated problem.
- The ARC may request an on-site review of the proposed project with the applicant before making any recommendation on approval. Such review will permit the ARC to address unique situations relevant to the proposed submission, alternatives, construction plans and other factors deemed relevant, at their discretion, by the ARC.
- Unfinished cement block walls are not acceptable. Solid block walls must be finished with stucco, preferably with a textured format, or another suitable covering.
- The measurement for height limitations on walls and fences that conform to the grade of the Home Site shall be from the existing natural grade of the Home Site before the commencement of construction or excavation. For 'stepped' walls or fences (i.e., those having a series of wall or fence segments with a horizontal top between columns or posts) that are constructed on a natural slope, the measurement shall be to the top of the fence or wall at the highest end of each horizontal segment.
- Existing walls and fences are grandfathered. Except for routine maintenance, any changes or modifications to such fences will require the Plans Submission and Approval Process to be followed, and the guidelines stated herein shall apply with consideration being given to elements of the existing wall or fence structure that may be retained.
- Approvals shall state that any wall or fence constructed along a property line and lying within the area of an easement reserved to the Association shall be at the sole risk of the applicant. Should the future use of such easement be required, the Association reserves the right to have the applicant or their successor remove or otherwise modify such wall or fence at their sole cost.
- The plans submission requirements and formal approval process followed by the ARC and Board shall be as specified in the Association's Covenants.