

GLENEAGLE NORTH HOMEOWNER'S ASSOCIATION

Rule for Preapproved Landscaping and Vegetable Gardens

The purpose of this rule is to comply with Senate Bill 23-178, which became law on May 17, 2023.

According to the official legislative summary, the act states that an association's guidelines or rules must:

1. Not prohibit the use of nonvegetative turf grass in the backyard of a unit owner's property;
2. Not unreasonably require the use of hardscape on more than 20% of the landscaping area of a unit owner's property;
3. Allow a unit owner an option that consists of at least 80% drought-tolerant plantings; and
4. Not prohibit vegetable gardens in the front, back, or side yard of a unit owner's property;
5. Develop at least 3 garden designs that are preapproved by the association for installation in front yards within the common interest community. To receive preapproval, a garden design must adhere to the principles of water-wise landscaping or be part of a water conservation program operated by a local water provider.

This rule specifically addresses items 4 and 5. The GNHOA already has a published rule governing item 1 (artificial turf), and items 2 and 3 do not require a formal rule.

The law also states that HOAs will still consider safety, fire mitigation, and required drainage and structural requirements when assessing landscaping changes, including for preapproved designs.

General

- a. The GNHOA encourages water-wise landscaping by homeowners.
- b. **Homeowners must still receive approval from their Architectural Control Chairperson (ACC) before making changes to their landscaping, including for preapproved designs.**
- c. This rule is effective on the date of approval by the GNHOA Board of Directors.

GNHOA Pre-Approved Designs

- a. The law states that the Colorado State University Extension Plan Select organization's "downloadable designs" (<https://plantselect.org/design/downloadable-designs/>) all meet the legal criteria for preapproved designs. GNHOA preapproves all designs listed on this website.
- b. Homeowners who choose a preapproved design must still coordinate with the filing ACC before beginning work to ensure design placement meets safety, fire mitigation, and other criteria.

- c. ACCs will approve reasonable substitute plants when a plant in the design isn't available – as the law requires.
- d. Other desired changes to a preapproved design beyond substitute plans will be subject to the standard approval criteria and process for the filing.

Rule for Vegetable Gardens

Here are the GNHOA guidelines for approval of vegetable gardens:

- Vegetable gardens shall be setback a minimum of three feet from the front, back, or side lot lines and from the house to allow access to the garden as well as foot traffic.
- Raised-bed gardens with the height of the bed frame no higher than eighteen (18) inches are permitted.
- Plans for the vegetable garden, to include construction materials, protection from animals, vegetables to be planted, and a drawing of the location to include setbacks described above must be submitted to the filing ACC for approval.
- Vegetable gardens must present a neat appearance and dead plants must be removed at the end of the growing season.
- When considering a planned vegetable garden for approval, ACCs will also consider aesthetic, safety, fire, drainage, and other factors.

Approval by the Board of Directors

I, the undersigned, do hereby certify that I am the duly elected and acting Secretary of the Gleneagle North Homeowner's Association and that the foregoing Rule was adopted at a meeting of the Board of Directors on the 6th day of September, 2023.

In witness thereto, I have hereunto subscribed my signature as the seal of said Association this 7th day of September, 2023.



Secretary