

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF  
BLACKSTONE METROPOLITAN DISTRICT  
ADOPTING AN AMENDMENT  
TO THE RESIDENTIAL IMPROVEMENT GUIDELINES FOR ALL LOTS  
(Water-Wise Landscaping – 2023)**

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**WHEREAS**, Blackstone Metropolitan District (the “**District**”), a quasi-municipal corporation and political subdivision of the State of Colorado, was organized to provide various services, including design review and covenant enforcement services, in and around the Blackstone development in Arapahoe County, Colorado; and

**WHEREAS**, pursuant to § 32-1-1001(h), C.R.S., the Board of Directors of the District (the “**Board**”) is empowered with the management, control and supervision of all the business and affairs of the District; and

**WHEREAS**, pursuant to § 32-1-1004(8)(a)(II), C.R.S., the District has the power to furnish covenant enforcement and design review services within the boundaries of the District; and

**WHEREAS**, pursuant to the terms and conditions of the Protective Covenants for Blackstone and Mandatory Resident Social Memberships, recorded in the real property records of the Clerk and Recorder of Adams County, Colorado on October 20, 2005, at Reception Number B5158103, as amended and supplemented (the “**Covenants**”), the Board of Directors (the “**Board**”) of the District is authorized to promulgate design and/or architectural standards, rules, regulations and/or guidelines; and

**WHEREAS**, pursuant to the authority set forth in the Covenants, the Board adopted the Residential Improvement Guidelines for All Lots, 2022 (the “**Guidelines**”); and

**WHEREAS**, on May 17, 2023, the Governor of the State of Colorado, signed legislation (the “**New Legislation**”) amending § 37-60-126, C.R.S. which provides, among other things, that any rule or policy of a special district that prohibits or limits xeriscape, prohibits or limits the installation or use of drought-tolerant vegetative or nonvegetative landscapes, requires cultivated vegetation to consist wholly or partially or turf grass, or prohibits the use of non-vegetative turf grass in the backyard of a residential property is declared void as against public policy; and

**WHEREAS**, in order to bring the Guidelines into compliance with the New Legislation, the Board desires to adopt this Amendment to the Residential Improvement Guidelines for All Lots (the “**Amendment**”), attached hereto as **Exhibit A** and incorporated herein by this reference.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

1. Adoption of Amendment to the Residential Improvement Guidelines for All Lots. The Amendment to the Residential Improvement Guidelines for All Lots attached as Exhibit A, is hereby adopted.
2. Prior Provisions Effective. Except as amended herein, the Guidelines shall remain in full force and effect without limitation.
3. Contradicting Provisions. Any provision of any governing document of the District, including, without limit, rules and regulations, policies and the like, which contradict the Amendment and/or New Legislation shall automatically become null and void and unenforceable.
4. Effective Date. The First Amendment shall be effective as of August 16, 2023.

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**RESOLVED AND ADOPTED** this 16th day of August, 2023.

**BLACKSTONE METROPOLITAN  
DISTRICT**

By: Shawn P. McGoff  
Shawn P. McGoff (Aug 23, 2023 06:47 MDT)  
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Officer of the District

Attest:

By: Lisa Morahan  
Lisa Morahan (Aug 22, 2023 08:30 PDT)  
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APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON

CAW  
General Counsel to the District

**EXHIBIT A**  
**AMENDMENT**  
**TO**  
**RESIDENTIAL IMPROVEMENT GUIDELINES FOR ALL LOTS**  
**(Water-Wise Landscaping – 2023)**

1. Provision Repealed and Restated. Section 2.32 of the Guidelines is hereby repealed in its entirety and the following is substituted as Section 2.32 of the Guidelines:

2.32 Gardens – Raised Vegetable Beds. Approval is required. Raised vegetable beds shall not exceed 25% of the front, rear or internal side yard area. Permitted materials for raised beds shall be wood timbers, brick, or decorative interlocking concrete block. All vegetable gardens shall be screened from view of adjacent homeowners and must be weeded, cared for, and maintained.

2. Provision Repealed and Restated. Section 2.41(c) of the Guidelines is hereby repealed in its entirety the following is substituted as Section 2.41(c) of the Guidelines:

(c) **Lawn Grass/Sod and Plant Material Regulations.** Nothing in these guidelines shall prohibit or limit xeriscape or drought-tolerant landscaping, nor shall anything in these guidelines be deemed to require cultivated vegetation to consist wholly or partially of turf grass. However, in order to assist owners in planning the landscape design for Lots, Table A (Lawn Grass/Sod Option Landscaping ) is included to provide guidelines if an Owner chooses to incorporate turf grass into the landscaping of the Lot. Alternatively, Table B (Xeric Option Landscaping) is included to provide guidelines if an Owner does not desire to include turf grass as part of the Owner’s landscaping. As an alternative to traditional landscaping, xeriscaping is water conservation planning through creative landscaping. Please remember that xeriscaping requires as much maintenance as traditional landscaping. All xeriscape plans must incorporate the installation of a properly functioning irrigation system to help maintain the plantings.

3. Provision Repealed and Restated. Table A of the Guidelines is hereby repealed in its entirety the following is substituted as Table A of the Guidelines:

**Table A: Lawn Grass/Sod Option for Single-Family Front, Side and Rear Yard Landscaping Requirements**

**FRONT YARD REQUIREMENTS:**

	<b>Plant Materials and Quantity</b>	<b>Requirements</b>
1.	<b>Lawn Grass/Sod</b> <b>(NO ARTIFICIAL TURF PERMITTED.)</b>	<b>Maximum Lawn Grass/Sod per Lot Size:</b> Small (3,700-5,999 SF) - 50% max. Standard (6,000-8,999 SF) - 40% max. Large (9,000-14,999 SF) - 40% max. Estate (15,000 plus SF) - 40% max.
2.	<b>Trees - Minimum of two:</b> (1 Shade tree and either 1 Ornamental tree or 1 Evergreen tree) <b>(Streetscape/Treescape NOT included.)</b>	<b>Minimum Sizes:</b> 2½ inch caliper – shade tree 2-inch caliper – ornamental tree 6-foot height - evergreen tree
3.	<b>Shrubs* per lot size:</b> Small (3,700-5,999 SF) – 8 shrubs Standard (6,000-8,999 SF) – 16 shrubs Large (9,000-14,999 SF) – 26 shrubs Estate (15,000 plus SF) – 36 shrubs  *Thorny plants shall not be located within 20 feet of public sidewalks.  Note: Perennials and ornamental grasses may be substituted for shrubs at 3 one- gallon perennial or ornamental grasses per one five-gallon shrub.	Shrubs - 5-gallon container min.  Plant material shall conform with <u>American Standard for Nursery Stock, Ansi Z60.1</u> , current addition.  Planting beds should be separated from lawn grass/sod by edging. All shrubs and ground covers shall be located within planting beds.  Landscape fabric may be omitted under annuals, perennials, and groundcovers.

**SIDE YARD REQUIREMENTS:**

Side Yard w/No Public View – May be rocked, no plant material is required. Cannot be exposed soil as this leads to erosion.

Side Yard w/Public View - On corner lots exposed to public view, they shall be landscaped with shrubs, and trees at the rate of one tree and 10 shrubs per 25 linear feet of side yard.

**REAR YARD REQUIREMENTS:**

In rear yards the use of lawn grass/sod shall be limited to no more than 45% of the area to be landscaped. Rear yards exposed to public view and rear yards at corner lots exposed to public view shall be landscaped to front yard standards (Table A).

Mulch areas or planting beds in rear yards must have plant material cover the mulch at a rate of 50% coverage at installation and 75% coverage at maturity.

Artificial turf is permitted in rear yards only. The artificial turf must be maintained and repaired so it has a new appearance. Refer to [Section 2.41\(d\)](#) for artificial turf standards.

**STREETSCAPE/TREESCAPE TURF OPTION REQUIREMENTS:**

Lawn Grass/Sod Option

The area between the sidewalk and street shall have a canopy shade tree planted every 30 feet.