

**BELLE CREEK**

**Design Guidelines**

**and**

**Application Review Procedures**

**for**

**Home Improvements and Landscaping**

Adopted July 2002

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## I. INTRODUCTION

### A. About Belle Creek

Belle Creek is a family centered community – an urbanized area with a balanced range of activities where people want to live and build their lives. The essential design features of Belle Creek are drawn from traditional Colorado towns.

The Guidelines have been adopted for the purpose of giving direction to homeowners in preparing plans and designs that reinforce the appearance of high quality neighborhoods within the family centered community. These Guidelines apply to all modifications, additions and alterations made on or to existing improvements, residential units or structures containing residential units, lot landscaping and open space areas.

These Guidelines have been created in order to preserve the harmony of exterior design in relation to surrounding structures, topography and finish grade elevations.

### B. Who administers the procedures set forth in these Guidelines?

The design review procedures are described in Section II below and are administered by the Architectural Review Committee (ARC), which is composed of three (3) members, all of which shall be initially appointed by the Master Declarant, Belle Creek LLC. The Declarant shall have the continuing right to appoint and replace all three (3) members during the “Appointment Period”, which is defined as the period of time commencing as of the date of Recordation of the Master Declaration and continuing until the earliest to occur of the following events: a) when all Sites have been conveyed to Persons other than the Declarant, a successor Declarant or a Principal Builder, and certificates of occupancy have been issued for the residences constructed thereon or b) when, in its discretion, Declarant voluntarily relinquishes such right. After expiration of the Appointment Period, members of the Architectural Review Committee shall be Members of the Master Association, and the Board of Directors of the Master Association shall have the right to appoint such Members. Following expiration of the Appointment Period, the Master Association may at any time, and from time to time, change the authorized number of members of the ARC, but the number of members shall not be less than three (3).

The ARC’s approval of any proposed modification, addition or alteration shall be made in accordance with the authority granted under the Master Declaration. Considerations shall include workmanship, overall design and harmony with existing structures, location relative to surrounding structures, topography and finish grade elevations. The Committee may determine to enforce or waive, in whole or in part, any or all of these Guidelines, including Site Specific Requirements.

### C. Who is subject to the procedures set forth in these Guidelines?

The Homeowner, along with his/her contractor desiring to undertake any modification, addition or alteration within the boundaries of Belle Creek, is responsible for complying with the provisions of these Guidelines, initiating the reviews and obtaining the approvals

required by these Guidelines. There are no exemptions or automatic approvals and each application shall be reviewed on an individual basis.

D. What constitutes a “Modification, Addition or Alteration”?

A modification, addition or alteration is an exterior change to any residential or non-residential structure and its associated improvements, including, but not limited to landscaping, fencing, signage and lighting (whether permanent or temporary) that is constructed or installed on a site within the boundaries of Belle Creek.

E. Application Review Procedures

An application for ARC review is attached to this document as Appendix B. Additional copies and information regarding design review procedures may be obtained from a member of the ARC or the Master Association’s management company, if applicable. One (1) complete copy of the application and associated drawings of a modification, addition or alteration and other related materials, shall be submitted to the ARC Chairperson via the Master Association’s management company.

F. Submittal and Response

All submittals required by Section II of these Guidelines must be received, reviewed and approved by the ARC prior to any commencement of modification, addition or alteration, or other Lot disturbance. The ARC will generally render and mail its written decision within ten (10) business days after the ARC meeting at which the application for approval is considered.

G. Meeting Schedule of the ARC

At least once monthly, the ARC will convene meetings for the review of applications on a schedule and at a location to be established by the ARC from time to time.

H. Interference with Utilities

In making improvements to property, homeowners are responsible for locating all water, sewer, gas, electrical cable television or other utility lines or easements. Homeowners will be responsible for any damage to any utility lines.

II. SPECIFIC TYPES OF IMPROVEMENTS

A. Introduction

These Design Guidelines are intended to provide the framework for design and development standards, based upon which the Homeowner, contractor and the ARC will be able to make informed decisions related to all exterior design elements within Belle Creek. **UNLESS OTHERWISE SPECIFIED, PLANS FOR DRAWINGS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE ARC AND THE**

WRITTEN APPROVAL OF THE ARC MUST BE OBTAINED BEFORE THE IMPROVEMENT IS MADE.

These Guidelines contain both rules and informational direction. Where the terms “shall” or “shall not” are used in a statement constitutes a binding rule. Where the terms “preferred” or the phrase “the ARC may permit” are used in a statement, the statement constitutes informational direction provided for the guidance and convenience of Homeowners or contractors, and shall not create any duty of the ARC to approve or permit the design elements referred to in such statement, nor shall any Homeowner or contractor rely in any manner upon the ARC’s potential approval of such design element, which approval shall remain within the DRC’s sole discretion. However, once a proposed design element is approved, such decision is mandatory unless modified with the approval of the ARC.

Where the provisions of applicable City of Commerce City or Adams County standards are more restrictive than the provisions of these Guidelines, the applicable governmental provisions shall be controlling. No variance from City of Commerce City or Adams County standards may be requested unless the prior written approval of the ARC has first been obtained.

B. List of Improvements

1. Accessory Buildings - ARC approval is required. Approval shall be based upon quality of workmanship, design, materials and colors of external design with existing structures, and location in relation to surrounding structures, topography and finish grade elevations measured by the following standards:
  - a) Must be of the same or generally recognized as complementary architectural style and color as that of the Residence.
  - b) Maximum size will be 8’x10’x5’ in height, including skid, foundation and/or concrete slab. Requests for approval will be reviewed on a case-by-case basis, taking into account the lot size and proposed location of the accessory building.
  - c) Must be screened from view of the street by a fence or landscaping. Shrubs and/or trees equal to the height of the accessory building at planting may be required for screening purposes. Quantity, size and locations of vegetation will be subject to the ARC’s discretion.
  - d) Must be located in the rear yard. Roof shall be the same as the existing Residence. Materials other than wood, Masonite or that resembling the Residence will be discouraged.
2. Additions, Expansions or Reconstruction - ARC approval is required. Additions, expansions or reconstruction to a residence will require submission of detailed plans and specifications as well as a copy of the permit from the city.

3. Advertising - See Signs.
4. Air Conditioning Equipment - ARC approval is required for installation. Air conditioning equipment installed in the side yard should be installed in such a way that any noise to adjacent property owners is minimized and it should not be immediately visible from the street. Air conditioning equipment shall be installed in your side-use easement area only and not in the adjacent property owner's yard. Installation of air conditioning equipment on the roof of a residence or in any windows is prohibited.
5. Antennae - ARC approval is required.
6. Arbors - ARC approval is required. See Gazebos.
7. Awnings - ARC approval is required. The color must be the same or generally recognized as a complementary color to the exterior of the residence.
8. Basketball Backboards - ARC approval is required. No basketball backboards may be attached to a structure. Freestanding basketball backboards shall be made of standard manufacturers' materials and colors. Temporary, portable backboards and poles may not be used within public or private streets and shall be stored out of view from adjacent properties and streets except when in use.
9. Bird Baths/Fountains - See Statues.
10. Bird Houses/Bird Feeders - ARC approval is required for more than two (2) or for any one larger than four (4) cubic feet.
11. Cable TV Wiring/External Wiring - Cable lines or other external wiring running from the cable box to the residence shall be properly buried. Cable lines running on the siding of the residence shall be properly hidden so as not to be visible from the street or neighboring properties. Cable lines must run parallel with all siding and trim boards when possible and must be painted to match the existing color(s) of the residence. Cable lines that must run vertical to the siding shall be attached in a neat and orderly fashion to the residence.
12. Carports - ARC approval is required.
13. Clotheslines/Hangers - No outdoor clotheslines or hangers may be placed on any Lot.
14. Decks - ARC approval is required. Decks must be installed as an integral part of the residence and patio area. Must be located so as not to obstruct or significantly diminish the view of nearby property owners or create an "unreasonable" level of noise for adjacent property owners. All vertical deck railings and support columns shall be painted or stained complementary color to the body or trim color of the Residence. All deck support columns shall be



enlarged to a size greater than the deck's dimensional lumber in a style that matches the house.

15. Dog Runs - ARC approval is required. The following criteria shall be adhered to:
  - a) Must be located in a rear yard abutting the Residence.
  - b) Must be screened from view by use of the Privacy Yard Fencing in Appendix D.
  - c) Must be limited in size to 200 square feet and be no more than five (5) feet in height.
  - d) Must be constructed of chain link or wire mesh with wood or metal posts.
16. Doors - ARC approval is not required for the replacement or repainting of the existing main entrance door(s) to a residence if the material and color exactly match those existing on the Residence.
  - a) Storm Doors: ARC approval may be required. Colors selected should be white or the body or trim color of the Residence. Homeowners wishing to utilize a different color must first obtain approval from the ARC.
  - b) Security Doors: All security doors and window guards/bars must be approved by the ARC prior to installation.
17. Drainage - Drainage shall comply with all other applicable regulations, including, but not limited to, and City of Commerce City or Adams County regulations and applicable FHA/VA regulations. Proper drainage of the Lot is the responsibility of the Homeowner and should not be altered from the original grading completed by the Builder.
18. Driveways - ARC approval is required for the extension or expansion of driveways. Any approved driveway expansion shall not be for the intention of promoting the parking or storage of any vehicle on the driveway or side yard. Homeowners shall endeavor to maintain the original character of their residence as the Builder intended.
19. Evaporative Coolers - See Air Conditioning Equipment.
20. Exterior Lighting - See Lights and Lighting.
21. Fencing - Fences planned to be located in the rear or side yards along property lines may be constructed without ARC approval if they are constructed exactly in accordance with the detailed specifications shown in these Guidelines. Fencing within Belle Creek is divided into three categories, each of which is subject to the specific design criteria set forth below.

- a) Perimeter Fencing is located adjacent to principal frontage roads and Planning Area boundaries, with exposure to principal roadways and common areas. The initial perimeter fencing design shall be determined by the Declarant and installed by either the Declarant or Builder in a Planning Area, and shall conform to one of the two Standard Perimeter Fencing Designs depicted in Appendix D. Fences installed by the Declarant or its Builders shall not be altered in any way without the prior written consent of the Declarant.
- b) Open space fencing is the rear and side yard fencing located adjacent to open space areas, and shall conform to the Standard Open Rail Fencing design depicted in Appendix D. Any fence exposed to a street or open space area shall have its finished side facing such street or open space and shall be stained the color specified in Appendix D.
- c) Yard fencing is the fencing located on individual Lots, but not adjacent to open space areas. Yard fencing shall conform to the Standard Yard Fencing design depicted in Appendix D, and shall comply with the following generally applicable requirements:

Use of open rail fences on interior side yard lot line is not encouraged and shall comply with the Standard Yard Fencing detail shown in Appendix D. The Builder shall provide side yard “wing fencing” between Residences that shall conform to Standard Yard Fencing designs depicted in Appendix D.

There shall be no gaps between fences.

A fence shall run no more than forty (40) feet in a straight line without an offset of at least two (2) feet.

Open rail fences shall not have gates. The ARC may permit gates in solid privacy fences where they match the appearance of the existing fence.

The ARC may permit grid wire for the containment of pets or small children.

The front yard of a residence shall not be fenced.

Where yard fencing abuts open space fencing, the yard fence shall match the height of the open space fence for a distance of at least six (6) feet from the point of intersection with such open space fencing.

- 22. Flagpoles and Flags - A maximum of one 3' x 5' flag (US or Colorado), attached to a pole no more than six (6) feet long and two (2) inches in diameter, may be affixed to the front or back of a residence without ARC approval. When affixed,

the top of the flagpole may not be higher than nine (9) feet above the front door entry floor elevation.

23. Gardens – Flower - ARC approval is not required. All flower gardens shall be weeded, cared for and fully maintained. Flowers should not exceed three feet in height unless approved by the ARC.
24. Gardens – Vegetable - ARC approval is not required if no more than 100 square feet of yard is utilized and plants do not exceed the height of the rear yard fence at its lowest point. Must be located in the rear or side yard and substantially screened from view of adjacent homeowners and street(s). Vegetable gardens are not allowed in the front of a home or in a side yard that is not enclosed by a fence.
25. Gazebos/Arbors - ARC approval is required. Must be an integral part of the landscape plan. Must not obstruct a neighboring property owner's view. Must be similar in material and design to the residence, must be stained a complementary color or painted the body or trim color of the Residence and must comply with all existing setback requirements. Where applicable, roof material must match that of the Residence.
26. Grading and Grade Changes - See Drainage.
27. Greenhouses/Greenhouse Windows - ARC approval is required.
28. Hot Tubs/Jacuzzis - ARC approval is required. Must be an integral part of the deck or patio area. Location shall not create an unreasonable noise level for nearby property owners.
29. Irrigation Systems - Underground manual or automatic irrigation systems do not require approval of the ARC. Homeowners shall acquire locates from their utility companies prior to digging to prevent damage from occurring. Should damage occur to underground utilities, the Homeowner could be held responsible for the cost of repairs. See Drainage.
30. Kennels/Dog Houses - ARC approval is required. See Dog Runs.
31. Landscaping - ARC approval is required prior to any landscape installaiton. The following general Landscaping Guidelines should be adhere to:
  - a) General Landscape Design The Landscaping Standards for Belle Creek have been developed in an effort to allow personal expression on individual properties while maintaining the overall theme and natural beauty of the community. The ARC shall review all landscape plans to ensure that proposed plantings and materials enhance the overall cohesiveness of the community.

The use of indigenous plant and landscape materials is strongly encouraged. In general, traditional ornamental landscaping will be allowed immediately adjacent to homes. Invasive or exotic species of plants will not be allowed. See Appendix E for “Belle Creek Recommended Plant List”.

Landscaped areas should complement the home design, enhance public views, designate buffers and transitions and provide screening. Informal groupings of colorful shrubs and flowers are encouraged to provide visual interest. Linear, hedgerow type plantings along fences and property lines are strongly discouraged. All plant materials used shall conform to the standards of The American Association of Nurserymen and the Colorado Nurserymen Association.

- b) Xeriscape Design The concepts of Xeriscape design should be utilized in an effort to conserve water. Xeriscape does not mean “zeroscape” or the sole use of rock, gravel, yucca or cacti. Xeriscape is a term that was coined in 1981 by the Associated Landscape Contractors of Colorado and was first used publicly in the Denver area in 1982. The principles are basic, promoting low water use through water-efficient landscaping. Highly irrigated areas may still exist in Xeriscape designs, however plants must be located and grouped properly and should be thoughtfully combined according to their watering requirements. There are seven fundamental considerations regarding Xeriscaping:

- 1) Plan and design comprehensively from the beginning.
- 2) Create practical turf areas of manageable sizes and shapes, using appropriate grasses.
- 3) Use appropriate plants and zone the landscaping according to the water needs of various plants.
- 4) Consider improving the soil with organic matter such as compost or manure.
- 5) Consider using natural mulches such as wood chips.
- 6) Irrigate efficiently with properly designed systems, including hose-end equipment, by applying the right amount of water at the right times. When appropriate, temporary underground, drip or other low water consumption irrigation systems will be advocated. The City of Commerce City codes and regulations must be followed for all irrigation systems.
- 7) Maintain the landscape appropriately by mowing, pruning, etc.

- c) Tree Lawn Tree lawns shall be maintained with the original character of Belle Creek in mind including trees and sod. Alterations to the tree lawn shall be minimal and require ARC approval.
  - d) Front Yard Landscaping The front yard shall be a combination of sod, trees, shrubs, and stone mulch.  
  
A sprinkler system shall be installed on the Lot. Sprinkler heads shall be oriented to prevent direct spraying onto fences or into natural areas where added irrigation may encourage uncontrolled growth.
  - e) Side Yard Landscaping In any location where the side yard of a corner lot is exposed to a street in front of a fence, the landscaping shall be visually integrated with the front yard landscaping and must include sod, shrubs, and stone mulch.
  - f) Rear Yard Landscaping Rear yard landscaping shall be a combination of sod, shrubs, and stone mulch as prescribed by the landscape plans.
32. Latticework - ARC approval is required for any type of trellis or latticework. Latticework shall be required on all sides of the front porch in the area between the ground or a planter and the floor of the porch to create a neat appearance from the street and obstruct any view of the under side of the porch.
33. Lights and Lighting - ARC approval is not required for exterior lighting if light fixtures are replaced with similar equipment as the Builder originally installed or if in accordance with the following Guidelines:
- a) Exterior lights shall be simple and conservative in design and be as small in size as is reasonably practical.
  - b) Exterior lighting shall be directed toward the Residence and be of low enough wattage to minimize glare to neighbors and other homeowners.
  - c) Lighting should not spill over into the neighbor's yards.
  - d) Lighting for walkways shall be directed toward the ground.
  - e) Any variance from these Guidelines or use of high-wattage spotlights or floodlights requires ARC approval.
34. Mailboxes - The ARC shall permit the replacement of mailboxes with similar equipment as was originally installed by the Builder at the previously determined locations.
35. Painting - ARC approval is not required if colors and color combinations are identical to the original approved color(s) of the Residence. All color changes must first be approved by the ARC prior to paint application.

36. Patio Covers - ARC approval is required. Must be constructed of wood or a material generally recognized as complementary to the Residence, and must be similar or generally recognized as complementary to the color or colors of the Residence.
37. Patios – Enclosed - See Additions, Expansions or Reconstruction.
38. Patios – Open - ARC approval is required for alterations to patios previously installed by the Builder. Must be an integral part of the landscape plan and must be located so as not to create an unreasonable noise level for neighboring property owners. Must conform to all existing setback requirements.
39. Paving - ARC approval is required, regardless of whether for walks, driveway, patio areas or other purposes, and regardless of the product used, which may include, but is not limited to concrete, asphalt, brick, flagstones, stepping stones or pre-cast patterned or exposed aggregate concrete pavers used as the paving material.
40. Pipes - See Utility Equipment
41. Play and Sports Equipment - ARC approval is required for all play and sports equipment. All equipment shall be located in a fenced yard area, except where otherwise stipulated in these Guidelines. Use of the equipment should not create an unreasonable level of noise for neighboring property owners.
42. Playhouse - ARC approval is required. Must be an integral part of the landscape plan, designed so as not to obstruct a neighboring property owners' view. Must be similar in material and design to the residence, must be painted the body or trim color of the residence and must comply with all existing setback requirements. Where applicable, roof material shall match that of the Residence.
43. Poles - See Flagpoles, Utility Equipment, Basketball Backboards, etc.
44. Radio Antennae - See Antennae.
45. Rooftop Equipment - ARC approval is required. Must be painted to blend with the roof and be installed in order to minimize the visibility of the equipment on the roof.
46. Satellite Dishes - ARC approval is required.
47. Saunas - ARC approval is required.
48. Screen Doors - See Doors.

49. Seasonal Decorations - ARC approval is not required. Decorations may be put out no more than thirty (30) calendar days in advance of a holiday and shall be removed within fifteen (15) calendar days after the holiday.
50. Shutters – Exterior - ARC approval is required. Shutters must add to the overall character of the Residence and match the body color or trim color of the Residence.
51. Siding - ARC approval is required.
52. Signs - DRC approval is not required for temporary signs advertising property for sale or lease that are no more than five (5) square feet in area or for name plate of the occupant and a street number. Following generally applicable signage requirements:
  - a) There shall be no more than one sign per lot permitted.
  - b) Signs shall be installed as least ten (10) feet back from a public walkway or sidewalk and must be placed only in the front yard of the Residence being advertised for sale or lease.
53. Skylights - ARC approval is required.
54. Solar Energy Devices - ARC approval is required. Collectors shall be flush with the roof surface and non-reflective finishes are preferred. See Rooftop Equipment.
55. Spas - See Hot Tubs/Jacuzzis.
56. Sprinkler Systems - See Irrigation Systems.
57. Statutes - ARC approval is not required if statuary is in good taste, installed in the rear yard at a maximum height of four (4) feet, and is not visible from neighboring properties or street.
58. Storage Sheds - See Accessory Buildings.
59. Swamp (Evaporative) Coolers - Not permitted.
60. Swing Sets - See Play and Sports Equipment
61. Television Antennae - ARC approval is required.
62. Temporary Structures - ARC approval is required. Tents, shacks, temporary structures or temporary buildings are not permitted without the prior approval of the ARC and, except in unusual circumstances, such consent will not be given. Tents, freestanding awnings or canopies for occasional use will not require ARC

approval if left up no longer than 72 hours within any seven (7) day period, and if not placed in the front yard of the Residence.

63. Trash Containers and Enclosures - Refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind shall be deposited in closed garbage cans or sealed garbage bags and taken to the edge of the street for scheduled collection not sooner than twelve (12) hours before such collection is scheduled. Emptied cans shall be removed from the edge of the street as soon as practical following collection. Except when temporarily placed at the edge of the street for scheduled collection, all garbage cans and other refuse containers shall be located in a suitable storage area within the garage of the Residence, so as not to be visible from neighboring properties and streets.
64. Tree Houses - Not permitted.
65. Utility Equipment - Installation of utilities or utility equipment requires ARC approval, unless located underground or within an enclosed structure. Pipes, wires, poles, utility meters and other utility facilities shall be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.
66. Vents - See Rooftop Equipment.
67. Walls – Retaining - ARC approval is required.
68. Water Systems – Outside - ARC approval is required.
69. Weathervanes - ARC approval is required.
70. Wells - Other than statuary in nature, not permitted.
71. Window Bars/Guards - ARC approval is required. Suggested guidelines for application are mount inside the home and match the existing muntin bar design in the glass. If the Residence's windows do not have a muntin bar design in the glass, then window bars still must have the muntin bar design to match the existing homes. All bars must match the existing window frame color.
72. Windows and Window Tinting - ARC approval is required. Only non-glare or non-reflective finishes will be given consideration.
73. Window Well Covers - Window well covers which meet the following guidelines, are permitted without ARC approval:
  - a) Cover must be made of clear plastic or metal and be flush with the window well.



- b) Cover shall extend no more than three (3) inches beyond the edge of the window well and no more than two (2) feet up on the foundation.
  - c) All other window well covers shall first be approved before installation.
74. Wood Storage - ARC approval is not required. Storage area must be located in the rear yard, adjacent to the Residence, with wood neatly stacked, and must be located so as not to block any existing drainage pattern on the Lot.

### III. MISCELLANEOUS

#### A. Authority and Enforcement

The Architectural Review Committee has adopted these “Design Guidelines and Application Review Procedures for Home Improvements and Landscaping” pursuant to Article 5, Section 5.5 of the “Master Declaration of Covenant, Conditions, and Restrictions of Belle Creek”. The ARC is directed to prepare and, on behalf of the Board of Directors, promulgate these Guidelines and Procedures, which shall be the Guidelines and Procedures of the Master Association. The ARC, with the advice of the Board of Directors, has the sole and full authority to prepare and amend such Guidelines and Procedures. In addition to any other available remedies, provisions for enforcement of the Declaration, as set forth in Article 5 of the Master Declaration, shall apply to these Guidelines and Procedures.

#### B. Waiver, Amendment and Third Party Benefit

The ARC maintains the right from time to time, at its sole discretion with the advice of the Board of Director, to waive, amend or modify these Guidelines and Procedures. Neither the ARC nor its agents, representatives or employees shall be liable for failure to follow these Guidelines and Procedures as defined herein. These Guidelines and Procedures confer no third party benefit or rights upon any entity, Person, Lot owner or Contractor.

#### C. Non-Liability of the ARC

Neither the ARC nor its respective members, Secretary, successors, assignees, agents, representatives, employee or attorneys shall be liable for damages or otherwise to anyone submitting plans to it for approval by reason of mistake in judgment, negligence or nonfeasance, arising out of any action of the ARC with respect to any submission or for failure to follow these Guidelines and Procedures. The role of the ARC is directed toward review and approval of use, site planning, appearance, architectural vocabulary and aesthetics. The ARC assumes no responsibility with regard to architectural design or constructions, mechanical, plumbing or electrical design, construction methods or technical suitability of materials.

#### D. Accuracy of Information

Any Person submitting plans to the ARC shall be responsible for verification and accuracy of all components of such submittal, including, without limitation, all site dimensions, grades, elevations, utility locations and other pertinent features of the site plan.

E. Lot Owner and/or Contractor Representation

Each Lot owner and Contractor represents, by the act of entering into the review process with the ARC, that all representatives of such Lot owner or Contractor, including, but not limited to the Lot owner and/or Contractor's architect, engineer, subcontractors and their agents and employees, shall be made aware by such Lot owner or Contractor of all applicable requirements of the ARC, and shall abide by these Guidelines and Procedures and the Master Declaration, with respect to approval of development plans and specifications.

F. Conflicts with the Master Declaration of Covenants, Conditions and Restrictions

In the event of a conflict between these Guidelines and Procedures and the terms of the Master Declaration, the Master Declaration shall prevail.

G. Belle Creek Master Association Use Restrictions

The Board of Directors of the Belle Creek Master Association may from time to time promulgate use restrictions governing the use of Lots and Association common areas. Each Lot owner should review any such use restrictions to ensure that Lot improvements comply with such use restrictions.

H. Regulatory Compliance

It is the responsibility of the Lot owner and Contractor to obtain all necessary permits and to ensure compliance with all applicable governmental regulations and other requirements. Plans submitted for ARC review shall comply with all applicable building codes, zoning regulations and the requirements of all governmental entities having jurisdiction over the property within Belle Creek. Regulatory approvals do not pre-empt the design review authority of the ARC, and ARC approval does not incorporate any governmental approvals, such governmental approvals shall be the sole responsibility of the Lot owner or Contractor.

I. Final Approval

In the event the ARC fails to approve or disapprove such plans, or fails to request additional information reasonably required, within 45 calendar days following a complete submittal, the plans shall be deemed approved. Notification of final ARC approval constitutes a binding agreement between the Lot owner, the Contractor and the Belle Creek Master Association. Deviation from the approved plans is not permitted, unless such proposed deviation has been submitted to the ARC and has been expressly approved in writing by the ARC.

The ARC may, in its sole discretion during a Design Review meeting, assist the Lot owner or Contractor by suggesting alternative design solutions; however, such suggestions shall not necessarily constitute an approved design solution and the ARC shall have no responsibility for ensuring or making any determination regarding compliance of such suggested design solutions with applicable governmental regulations and other requirements.

J. Appeals

Within ten (10) business days after notice of an ARC decision has been issued, the Lot owner may file with the ARC Secretary, a written request that the ARC reconsider such decision. Any such request for reconsideration shall include a statement of the basis for such request and technical design information supporting such request. The ARC may require additional information in connection with any request for reconsideration. The Lot owner's written request for reconsideration may include a request to personally address the ARC at its next scheduled meeting.

All reconsiderations shall be reviewed on a case-by-case basis, and the granting of a request for reconsideration with respect to one matter does not imply or warrant that a similar request will be granted with respect to any other matter. Each case will be reviewed on its own design merits, and in light of the overall objectives of these Guidelines and Procedures.

K. Variances

If the Lot owner or his/her Contractor or designer, feel that any portion or portions of these Guidelines and Procedures should be waived, based upon the design characteristics of a particular Building Project, then the Lot owner may apply for a variance from such portion or portions of these Guidelines.

The burden of establishing why a specific portion of these Guidelines and Procedures should be waived lies with the Lot owner. The Lot owner shall provide reasonable assurance in the application for variance that the overall intent of these Guidelines and Procedures will be achieved with the Building Project as proposed.

The ARC, in its sole discretion, may grant or deny the variance applied for, and the granting of a particular variance with respect to one Lot does not imply or warrant that a similar variance request will be granted for any other Lot. Each variance request will be reviewed on a case-by-case basis in light of the overall objectives of these Guidelines and Procedures.

L. Notice of Noncompliance

If, as a result of inspections or otherwise, the Architectural Review Committee finds that any improvement to the Property has been done without first obtaining approval of the ARC, or was not done in complete conformity with the description and materials furnished to, and any conditions imposed by, the ARC, or was not completed within twelve (12) months after the date of approval by the ARC, or such other period as may

have been specified in writing by the ARC, then the ARC shall notify Applicant in writing of the noncompliance, which notice shall be given within sixty (60) calendar days after ARC receipt of Applicant's Notice of Completion. This "Notice of Noncompliance" shall specify the particulars of the noncompliance and shall require Applicant to take such action as may be necessary to remedy the noncompliance.

M. Failure of Committee to Act After Completion

Failure of the Architectural Review Committee to inspect the work shall not relieve Applicant from its obligations to comply with the Master Declaration or all conditions of approval, or prevent the ARC from pursuing all remedies available to it in the event of any noncompliance.

N. Correction of Noncompliance

If the Architectural Review Committee determines that a noncompliance exists, the Applicant shall remedy or remove the same within a period of not more than forty-five (45) calendar days from the date of receipt by Applicant of the ARC's Notice of Noncompliance. If the Applicant does not comply with the Committee ruling within such period, the Committee may, at its option, record a Notice of Noncompliance against the real property on which the noncompliance exists, may enter upon the property and remove the non-complying improvement to the property, or may otherwise remedy the noncompliance; the Applicant shall reimburse the Master Association, upon demand, for all expenses, including attorney fees, incurred therewith. If such expenses are not promptly repaid to the Master Association by the Applicant or Lot owner, then the Board may levy a Reimbursement Assessment against the Lot owner for such costs and expenses. The Applicant and Lot owner shall have no claim for damages or otherwise on account of the entry upon the property and removal of the non-complying improvement to the property.

## APPENDIX A

### **Memorandum of Adoption of Design Guidelines and Application Review Procedures for Home Improvements and Landscaping**

The undersigned members of the Architectural Review Committee of the Belle Creek Master Association, constituting all of the members thereof, hereby adopt as of July 31, 2002, these “Design Guidelines and Application Review Procedures for Home Improvements and Landscaping”, pursuant to Article 5, Section 5.5 of the Master Declaration of Covenants, Conditions, and Restrictions for Belle Creek, recorded in the Real Property of Records of the County of Adams, State of Colorado, at reception number C0839237 on August 8, 2001.

A copy of the “Design Guidelines and Application Review Procedures for Home Improvements and Landscaping” is attached hereto and incorporated herein by reference.

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## APPENDIX B

(Insert a copy of most recent Design Review Request Form)

## APPENDIX C

### Definitions

**Application** shall mean an application for the Architectural Review Committee to review and approve, as required to be submitted under these Guidelines and Procedures, in the form set forth in Appendix B, or in such other form as may be required by the ARC.

**Architectural Review Committee** or **ARC** shall mean the Committee referenced in Article 5, Sections 5.5 of the Declaration and created for the purpose of approving the “Improvements to Property on any Site”.

**Association** or **Master Association**, as defined in Article 1, Section 1.24 of the Declaration, shall mean the Belle Creek Master Association, a Colorado non-profit corporation.

**Belle Creek** shall mean the property subject to the Master Declaration, being located in the City of Commerce City, State of Colorado.

**Building Project** shall mean the total scheme of improvements constructed upon any Lot.

**Building Setback** shall mean the area, measured from the property line to any structure, which area shall be unobstructed by structures from the ground upward, but which may include surface driveway areas or other similar surface improvements.

**Common Area** shall mean any portion of Belle Creek identified as a tract, amenity or improvement to be maintained by the Belle Creek Metropolitan District No. 1 for the common use and enjoyment of property owners.

**Contractor** shall mean any person who has or will become the owner of a Lot, or any person acting as an agent of the owner of a Lot, or a prospective owner of a Lot, seeking approval as required by these Guidelines.

**Declarant** shall mean Belle Creek LLC, a Colorado corporation, and any of its successors and assignees, which are, designated Declarant by the previous Declarant, in a recorded amendment to the Declaration.

**Declaration** or **Master Declaration** shall mean the Master Declaration of Covenants, Conditions, and Restrictions for Belle Creek, recorded in the Real Property Records of Adams County, State of Colorado, together with all amendments, supplements or other modifications thereto, made in accordance with the provisions thereof.

**Guidelines and Procedures** shall mean the “Design Guidelines and Application Review Procedures” adopted by the ARC, and any amendments, supplements or other modifications made thereto in accordance with the provisions of the Declaration.

**Lot** shall mean each of the Lots described upon any recorded plat or the property encumbered by the Declaration or any portion thereof, except the Common Area, and excluding property dedicated to any municipality or any other governmental entity. If such Lot is further sub-divided or re-

subdivided, or if any such Lot is aggregated with other Lots to form a larger Lot, each of the Lots resulting from such subdivision shall be considered a Lot, and the restrictions of the Declaration shall apply.

**Notice of Noncompliance** shall mean the written notice issued by the ARC specifying particulars of an Applicant's noncompliance and the requirements necessary for remedying the noncompliance.

**Open Space** shall mean areas within Belle Creek that are dedicated to be preserved as tracts without residential development, for the use and enjoyment of the public ("Public Open Space").

**Person** shall mean a natural person, a corporation, a partnership, trustee or other legal entity.

**Residence** shall mean an individual detached dwelling unit located on a Lot with building setbacks to the front, sides and rear.



## APPENDIX D

(Insert fencing drawings/details)

## APPENDIX E

### Belle Creek Recommended Plant List

The following list has been approved by Commerce City. This list is not intended to be restrictive, however, the Architectural Review Committee will strongly encourage their use.

#### Street/Canopy Trees

Autumn Blaze Maple	Skyline Honeylocust	Red Oak
Hackberry	Kentucky Coffee Tree	Horsechestnut
Turkish Filbert	Swamp White Oak	Norway Maple
Autumn Purple Ash	Greenspire Linden	Royal Red Norway Maple
Patmore Ash	Japanese Pagodatree	

#### Ornamental Trees

Flame Amur Maple	Thornless Cockspur Hawthorn	Montmorency Cherry
Shadowlow Serviceberry	Goldenrain Tree	Amur Chokecherry
European Hornbeam	Indian Magic Crabapple	Aristocrat Pear
Eastern Redbud	Radiant Crabapple	

#### Evergreen Trees

Colorado Spruce	Bosnian Pine	Southwestern White Pine
Vanderwolf Limber Pine	Austrian Pine	Scots Pine

#### Deciduous Shrubs

Greenleaf Barberry	Berries Magic Holly	Neon Flash Spirea
Crimson Pygmy Barberry	Lodense Privet	Snowmound Spirea
Blue Mist Spirea	Emerald Mound Honeysuckle	Vanhoutte Spirea
Bailey Redwig Dogwood	Buckley's Quill Mockorange	Miss Kim Dwarf Lilac
Red Flowering Quince	Purple Leaf Ninebark	Dark Purple Lilac
Isanti Dogwood	Western Sand Cherry	Burkwood Viburnum
Kelsey Dwarf Dogwood	Nanking Cherry	Nannyberry Viburnum
Cranberry Cotoneaster	Yellow Flowering Currant	Dwarf European Cranberrybush
Single Lavender/Red Althea	Purple-Red Shrub Rose	Brilliant Red Chokecherry
Pee Gee Hydrangea	White Shrub Rose	

#### Evergreen Shrubs

Armstrong Juniper	Hughes Juniper	Dense Yew
Blue Chip Juniper	Big Tuna Mugo Pine	Skyrocket Juniper
Broadmoor Juniper	Compact Oregon Grape Holly	Purpleleaf Wintercreeper
Blue Star Juniper		

Perennials/Vines

Blue Avena Grass  
Black-Eyed Susan  
Blue Pincushion Flower  
Hardy Pampas Grass  
Yaku Jima Maiden Grass

Double Deep Rose Peony  
Purple Ice Plant  
Purple Maiden Grass  
Oriental Fountain Grass  
Feather Reed Grass

Purple Cone Flower  
Virginia Creeper  
White Daylily  
Purple Fountain Grass

Grasses

Bluegrass Sod

Bluegrass Seed

Low Grow Seed