

BELLE CREEK

Design Guidelines and  
Application Review Procedures for  
Home Improvements and Landscaping

Adopted March 2016

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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 at least three (3) members, all of which shall be initially appointed by the Board of Directors of the Belle Creek Metropolitan District No. 1 (the District). The District Board shall have the continuing right to appoint and replace all members. Members of the Architectural Review Committee shall be Members of the Belle Creek Common Interest Community. The District Board 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 ARC 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, 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 District’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 District’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 or email its decision within ten (10) business days after the ARC meeting at which the application for approval is considered.

### **G. Meeting Schedule of the ARC**

Generally the ARC will convene monthly meetings to review applications on a schedule and at a location to be established by the ARC.

### **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.

### **I. Violation History**

The ARC will consider the Owner’s violation history and current open violations when determining whether to approve the Proposed Improvement. The ARC may deny any Proposed Improvement on the basis that (1) the Owner has failed to adequately address violations that are currently open and/or (2)

the Owner has a history of repeatedly failing to adequately maintain other improvements on his/her Property.

## 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 OR 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 ARC’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 5ft tall, 10ft long and 8ft wide, 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) Setback from property lines must comply with the minimum setback requirements established by the City.
  - d) 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.

- e) 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.
  - f) No more than one accessory building is permitted on each Residential Lot.
  - g) Maintenance - Sheds shall be maintained in good condition and free from significant damage and visible wear and tear (e.g. broken glass, missing roof shingles, damaged/inoperable door, graffiti, missing/damaged siding, etc.). Sheds exteriors shall be maintained (ARC approval required for color selection) to prevent a faded or worn exterior appearance.
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. **Address Labels** – Address labels shall be maintained in good repair (e.g. no missing or damaged numbers).
  4. **Advertising** - See Signs.
  5. **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 window is prohibited. All lines, cables, hoses, etc., appurtenant to such air conditioning equipment shall be covered and secured to the side of the Residence so as to appear as part of the original construction of the Residence.
  6. **Antennae** - ARC approval is required.
  7. **Arbors** - ARC approval is required. See Gazebos.
  8. **Awnings** - ARC approval is required. The color must be the same or generally recognized as a complementary color to the exterior of the residence.
  9. **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.
    - a) Storage – 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.
    - b) Maintenance – Portable basketball structures shall be maintained in good repair. Basketball structures in the front and back yards with damaged backboards, poles, ripped nets or other visible damage shall be removed from view from the front street or alleyway.

10. **Bird Baths/Fountains** - See Statues.
11. **Bird Houses/Bird Feeders** - ARC approval is required for more than two (2) or for any one larger than four (4) cubic feet.
12. **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. See also "Satellite Dishes".
13. **Carpports** - ARC approval is required.
14. **Clotheslines/Hangers** – Only retractable outdoor clotheslines or hangers may be installed on a Lot. Clothing must be promptly removed from lines when dry. Clotheslines must be retracted when not in use.
15. **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 Residence.
  - a) Maintenance: Decks and patios shall be maintained in good condition and free from significant damage and visible wear and tear (e.g. warped or deteriorating wood, damaged rails and posts, chipped or peeling paint, faded paint, stains, missing panels or posts, etc).
16. **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.
17. **Doors** - ARC approval is not required for the replacement or repainting of the existing main entrance and patio 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.
  - c) Garage Doors: Garage door must be painted the same base color of the Residence. The garage door style must be a roll-up style garage door with a minimum of four rows. The top row may be comprised of windowed panels.
  - d) Door Maintenance: All exterior doors and door frames shall be maintained in good condition and free from significant damage and visible wear and tear (e.g. dents, chipped or peeling paint, faded paint, stains, broken glass, missing window panes, missing or broken door handles, etc.).
18. **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.
19. **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.
- a) **Driveway/Sidewalk Maintenance** - Driveways and sidewalks should be maintained free from weeds and grass and stain-free. Owners are also responsible for removal of weeds and grasses on street curbs, gutters and sidewalks bordering their lots. Driveways and driveway extensions should be maintained free from significant damage including but not limited to the following: cracked or crumbling concrete; broken, loose or missing paver stones/bricks used in driveway extensions; collapsed concrete pads due to ground settling or underground broken water pipes; surface flaking and scaling due to freeze-thaw disintegration. Any graffiti on the driveway or sidewalks must be promptly removed by the Owner.
20. **Evaporative Coolers** - See Air Conditioning Equipment.
21. **Exterior Lighting** - See Lights and Lighting.
22. **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, and is owned and maintained by the District. Homeowners are prohibited from making any changes to District maintained perimeter fencing.

- 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 or Standard 4-ft “Open” Picket 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 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 must be constructed of vinyl materials and compliant with the design specifications provided in **Appendix D**. ARC approval must be obtained before removing any fence line. Yard fencing shall conform to the Standard Yard Fencing design depicted in **Appendix D**, and shall comply with the following generally applicable requirements:
    - i. 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**.
    - ii. There shall be no gaps between fences.
    - iii. 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.
    - iv. The ARC may permit grid wire for the containment of pets or small children.
    - v. The front yard of a residence shall not be fenced.
    - vi. 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.
  - d) Fence Maintenance - All fence lines shall be maintained free from significant damage, warping and stains (including graffiti). Spacers shall be maintained throughout the fence line to ensure the 1-inch space interval is maintained between fence pickets. Fence posts shall be properly anchored in the ground. Missing fence pickets, caps and spacers shall be promptly replaced.
  - e) Land Grade Maintenance – Land grading shall be adequately maintained and managed to ensure dirt and sand does not build up against the fence line (causing long-term warping and damage to the fence line).
23. **Flagpoles and Flags** - A maximum of one 3’ x 5’ flag (US, Colorado or US military service branch), 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.
24. **Flowerboxes/pots** – ARC approval is required.
- a) Maintenance - Flowerboxes and pots shall be maintained free from significant damage including but not limited to broken or warped wood, cracked or broken pots, chipped or peeling paint. Additionally, flowerboxes and pots shall be maintained free from plant debris, dead plants and

dead plant growth. Infectious or diseased plants shall be promptly treated or removed. Flowerboxes and pots that are empty or devoid of live plants shall be removed and stored away from sight (unless ARC approval received to incorporate empty flower pots in the overall landscape design).

25. **Gardens – Flower** - ARC approval is not required. All flower gardens shall be weeded, cared for and fully maintained.
26. **Gardens – Vegetable** - ARC approval is not required if no more than 100 square feet of the backyard 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.
27. **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.
28. **Grading and Grade Changes** - See Drainage.
29. **Greenhouses/Greenhouse Windows** - ARC approval is required.
30. **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.
31. House Exterior Maintenance – See also “Additions, Expansions or Reconstruction”, “Address Labels”, “Doors”, “Latticework”, “Painting”, “Patio Covers”, “Porch”, “Rain Gutters/Downspouts”, “Roof”, “Rooftop Equipment”, “Shutters”, “Siding” and “Windows”.
  - a) **Maintenance** – Owners shall ensure the Residence exterior—including but not limited to windows, doors, porches, garage doors and exterior lights—is well maintained and reasonably free from stains, dirt, mud, cobwebs, bird excrement and plant matter. Stone and brick facades on the Residence exterior shall be maintained in good repair and damaged or missing bricks or stones shall be promptly replaced. Graffiti on any portion of the Residence exterior—or any other structure located on the Residential Lot—shall be promptly removed by the Owner.
32. **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.
33. **Kennels/Dog Houses** - ARC approval is required. See Dog Runs.

34. **Landscaping** - ARC approval is required prior to any landscape installation. The following general Landscaping Guidelines should be adhered 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) **General Landscape Maintenance** - Lawns shall be regularly mowed. Rockbeds and lawns must be maintained free from weeds and grass. Lawns, rockbeds, tree rings and planterbeds shall be maintained in a manner compatible with their designed purpose. For example, flowers should be planted in flowerbeds (not in lawns or rockbeds), grass should be maintained only in the lawn area (not in rockbeds, flowerbeds, tree rings). Borders/barriers shall be installed between turf areas and rockbeds and planter beds. Although tree rings are not required around trees in turf areas, tree rings must be maintained if installed.

- i. **Animal Waste** – Front and back yards shall be maintained relatively free from animal waste.
- ii. **Equipment and Materials – Storage** – Landscape equipment and materials (e.g. lawn mowers, potting soil, tools, bricks, unused sod, rock piles, sprinkler parts, etc) shall not be stored on or around the Lot exterior. Such items shall only be stored in an enclosed structure (i.e. storage shed or Residence) on the Lot.
- iii. **Landscaping Irrigation** – Lawns, bushes, trees and flowerbeds shall be watered regularly within the limits of any local watering restrictions.
- iv. **Landscape Structures** – Latticework, trellises, pergolas, fences, retaining and decorative walls and other landscape structures shall be adequately anchored and maintained free from significant damage and wear and tear. Wood structures should be periodically stained or painted.
- v. **Leaf Maintenance** – Leaves shall be cleared from the Lot after approximately 75% of related tree crown(s) has shed its leaves.

- vi. **Plant Encroachment** – Bushes, trees and shrubs shall be trimmed to prevent unreasonable encroachment on adjacent lots.
- vii. **Plant Maintenance** - Bushes and shrubs shall be regularly trimmed and dead growth shall be removed. Dead plants shall be removed. Infectious or diseased bushes, plants and shrubs shall be promptly treated or removed.
- viii. **Planterbed Maintenance** - Planterbeds shall be maintained free from leaves, grass clippings and other plant debris. An adequate layer of mulch, bark or rocks shall be maintained to cover weed barriers. Weed barriers shall be maintained and periodically replaced to prevent excessive, reoccurring weed growth in the planterbeds. Excessive bark or other ground cover from the planterbed shall be removed from the adjacent sidewalks, alleyways and streets.
- ix. **Rockbed Maintenance** – Rockbeds shall be maintained free from leaves, grass clippings and other plant debris. An adequate layer of rocks shall be maintained to cover weed barriers. Weed barriers shall be maintained and periodically replaced to prevent excessive, reoccurring weed growth in the rockbeds. Excessive rocks from the rockbeds shall be removed from the adjacent sidewalks, alleyways and streets.
- x. **Tree Maintenance** – Trees must be trimmed to ensure a minimum 8-foot clearance over both the sidewalk and street. In addition, tree suckers at the base of the tree should be cut off and seedlings growing around or near the base of the tree shall be removed. Trees where more than 50% of the crown is dead shall be removed. The Committee *may* request trees to be replaced where 25% or more of the crown is dead or removed. Infectious or diseased trees shall be promptly treated or removed.
- xi. **Turf Maintenance** – Bare areas greater than 1 square foot within the turf area shall be repaired and restored back to turf condition. Lawns shall be edged along sidewalks and driveways.

c) ***Xeriscape Design***

- i. **Definition.** Per section 38.33.3-106.5 of the Colorado Statutes, xeriscaping is defined as “the combined application of the seven principles of (1) landscape planning and design, (2) soil analysis and improvement, (3) appropriate plant selection, (4) limitation of turf area, (5) use of mulches, (6) irrigation efficiency, and (7) appropriate maintenance that results in water use efficiency and water-saving practices.” Xeriscaping requires using native and adaptive plants that can grow and sustain themselves in dry natural conditions such as those in Colorado.
- ii. **Restrictions on ARC’s Ability to Regulate.** Section 38.33.3-106.5 of the Colorado Statutes states that notwithstanding any provision in the Declaration or rules and regulations of the ARC to the contrary, the ARC shall not prohibit any Owner’s use of xeriscape or drought-tolerant vegetative landscapes to provide ground covering to a Lot. Further,

Section 37-60-126(11) of the Colorado Statutes states that any covenant either prohibiting xeriscaping or requiring the primary or exclusive use of turf grass is unenforceable as it is against public policy.

- iii. Authorization to Regulate. Section 38.33.3-106.5 of the Colorado Statutes allows the ARC to adopt and enforce design and aesthetic guidelines or rules that (1) require drought-tolerant vegetative landscapes or (2) regulate the type, number and placement of drought-tolerant plantings and hardscapes that may be installed on an Owner's property.
- iv. Advantages to Xeriscaping. The advantages of xeriscaping include:
  - Substantial cost savings on water bills;
  - Conservation of diminishing water resources;
  - Prevention of pollution from environmentally harmful run-off;
  - Reduced yard maintenance requirements;
  - Aesthetic beauty and increased homeowner options for plant material.
- v. "Zero-scaping" The ARC makes a distinction between the terms "zero-scaping" and xeriscaping. Some owners may have the perception that xeriscaping utilizes large areas of hardscape such as boulders, rocks, gravel or other inorganic materials, with few plantings and little or no natural turf grass. Although this approach is indeed water-conserving, it is devoid of plants and grasses and not in keeping with the aesthetics of the neighborhood. Landscaping in this fashion is not allowed.
- vi. Turf area. The ARC will allow variances to the requirement for full green lawn (turf) areas up to 100% of available front yard space.
- vii. Hardscapes. Hardscapes are encouraged to reduce lawn areas. The use of boulders, rocks, gravel, decomposed granite or other inorganic materials, generally referred to as hardscape, should be in accordance with xeriscaping standards. The reasons for limiting the coverage area with hardscape materials is two-fold:
  - To avoid "zero-scape" appearances which are devoid of plantings or grasses, a concept incompatible with the Belle Creek neighborhood aesthetics.
  - Hardscape materials absorb and store solar energy and ambient heat. This considerable heat is then radiated to the surrounding soil, plantings and turf grasses, often throughout the night, with an adverse, withering impact on ground vegetation and nearby trees.

- viii. **Plant Bed Borders.** Non-turf planted areas must be bordered to define the xeriphytic area clearly from turfed areas.
- ix. **Plant Variety.** Owners should avoid planting large numbers of only one plant species, which can create a monoculture susceptible to pest or insect problems. The abundance of Xeriscape plants – trees, shrubs, perennials, groundcovers, vines and grasses – available in the nursery industry make it possible to choose plantings which give color and interest (flowers, fruits, berries, and foliage) year-round.
- x. **Weed Barriers.** All hardscapes must be lined with weed fabric or other weed-preventing barrier. Weed barriers deteriorate over time diminishing the effectiveness of such weed barriers. Owners are required to monitor the effectiveness of the weed barriers underlying all hardscapes and, if deemed substantially ineffective by the Owners or the ARC, shall replace such weed barriers.
- xi. **Maintenance.** Xeriscapes require ongoing maintenance and upkeep. Xeriscape owners are responsible for maintaining their xeriscapes using methods similar to those required of other owners having conventional landscaping designs. Each lot must be maintained in a neat, clean and orderly condition by the Owner, so as not to be viewed as unkempt. Xeriscaping maintenance includes, but is not limited to:
- Mowing water-conserving turf such as Buffalo, Zoysia or Bermuda grasses,
  - Employing weed control techniques, such as installing landscaping cloth in plant beds as weed barriers,
  - Pruning and shaping plants,
  - Replacing diseased and dead plantings,
  - Owners should consider converting sprinkler heads to drip irrigation heads in plant beds, or grouping plants into water zones based on similar water needs so that sprinkler systems will not waste water on plants or turf grasses that do not need it.
- xii. **Decorative Objects.** Hardscapes can include large boulders or other natural materials that are used as a part of the xeriphytic landscape design. The ARC prefers to see natural colored rock and masonry or masonry that matches the existing Residence color.
- xiii. **Safety.** For public safety, no plant with thorns, spines, or sharp edges can be used within 6 feet of the public sidewalk.
- d) **Alleyway Landscaping** The area between the backyard fence and the paved alleyway shall be landscaped maintained in good condition (e.g. free from weeds, turf mowed, bushes trimmed, rocks kept within rockbeds, dead plants/trees removed).

- e) **Front Yard Landscaping** The front yard shall be a combination of sod, trees, shrubs, and/or mulch. A sprinkler system is recommended to be installed on the Lot.
- f) **Rear Yard Landscaping** Rear yard landscaping shall be a combination of sod, shrubs, and/or mulch as prescribed by the landscape plans.
- g) **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/or mulch.
- h) **Sprinkler Systems** – Sprinkler systems shall be maintained free from line breaks and broken or damaged heads. Sprinkler heads shall be oriented to prevent direct spraying onto fences or into natural areas where added irrigation may encourage uncontrolled growth.
- i) **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. Xeriscaping of the tree lawn area shall be limited to drought-tolerant grasses.
- j) **Trees in the Tree Lawn** A minimum of one tree (and no more than two trees) shall be maintained in the tree lawn area in front of each Residence. For corner lots, a minimum of two trees (and no more than three trees) must be maintained in the tree lawn area on the side of the Residence. The minimum tree size is 1.5-inch caliper trunk and the tree must consist of only one trunk. If necessary, trees in the tree lawn must be staked to ensure such trees are growing straight. Trees in the tree lawn area are restricted to the following types of trees approved by the Committee (and the City):
- Deciduous Shade Trees (Drought Tolerant)
    - Columnar Norway Maple (*Acer platanoides* “Columnar”)
    - Prairie Pride Hackberry (*Celtis occidentalis* “Prairie Pride”)
    - Marshall Seedless Ash (*Fraxinus pennsylvanica* “Marshall Seedless”)
    - Patmore Green Ash (*Fraxinus pennsylvanica* “Patmore”)
    - Green Ash (*Fraxinus pennsylvanica*)
    - Shademaster Honeylocust (*Gleditsia triacanthos* “PNI 2835”)
    - Skyline Honeylocust (*Gledisia triacanthos* “Skycole”)
    - Kentucky Coffee Tree (*Gymnocladus dioicus*)
    - Swamp White Oak (*Quercus bicolor*)
    - English Oak (*Quercus robur*)
    - Pagoda Tree or Scholartree (*Sophora japonica*)
  - Deciduous Shade Trees
    - Bur Oak (*Quercus macrocarpa*)
    - Red Oak (*Quercus rubra*)
    - Glenleven Linden (*Tilia cordata* “Glenleven”)
    - Greenspire Linden (*Tilia cordata* “PNI 6025”)
    - Turkish Filbert (*Corylus colurna* Tree Form)
    - Autumn Purple Ash (*Fraxinus americana* “Autumn Purple”)
    - Red Maple (*Acer rubrum*)
  - Ornamental Trees

- Tatarian Maple (Acer tataricum- Tree Form)
  - Spring Snow Crabapple (Malus “Spring Snow” - Tree Form)
  - Golden Rain Tree (Koelreuteria paniculata)
  - Chanticleer Pear (Pyrus calleryana “Chanticleer)
  - Japanese Tree Lilac (Syringa reticulata)
  - Thornless Cockspur Hawthorn (Crataegus crus-galliinermis Tree Form)
- k) **Tree Stumps** Not permitted/shall be removed and soil shall be filled in to eliminate any resulting depressions in the ground.
35. **Latticework** - ARC approval is required for any changes to the trellis, lattice, decorative brick or stonework (collectively “Latticework”). Latticework shall be required on all sides of the front porch to create a neat appearance from the street and obstruct any view of the foundation of the porch.
- a) **Maintenance** – Owners shall ensure the Latticework is well maintained, adequately secured to the home exterior and relatively free from significant damage and warping. Missing bricks, stones or boards shall be promptly replaced.
36. **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.
37. **Outdoor Furniture** – The placement of furniture on or around the exterior of the Lot (including the porch) requires ARC approval. Generally, furniture not designed for outdoor use will not be approved by the ARC. Outdoor furniture and decorations shall be well maintained and reasonably free from significant, visible cosmetic damage and wear and tear.
38. **Painting** - ARC approval is not required if colors and color combinations are identical to the original approved color(s) of the Residence. Any changes in color and/or color combinations require ARC approval prior to commencement of such painting.
- a) It is recommended that all Homes be painted on a regular schedule to avoid chipping and peeling.

- b) Any proposed changes to color and/or color combinations must be different from adjacent homes.
  - c) Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.
  - d) Most homes have multiple tone paint schemes (e.g., siding color, trim color and accent color for shutters and doors). New colors submitted should preserve this multiple tone scheme.
  - e) Color selections should be submitted to the ARC in the form of manufacturer's paint chips and shall indicate which color chips are for trim, siding and accent (doors and shutters) color.
  - f) In general, after approval, only those areas that are painted may be repainted and only those areas that are stained may be restained; unpainted surfaces and unstained areas (such as brick) shall remain unpainted and unstained.
  - g) Color combinations should be selected from the list of ARC-approved exterior paint color combinations. (See **Exhibit F**)
39. **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.
40. **Patios** – Enclosed - See Additions, Expansions or Reconstruction.
41. **Patios – Open** - ARC approval is required for alterations to patios. 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.
42. **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.
43. **Pipes** - See Utility Equipment
44. **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. Play and sports equipment shall be in good working order and free from significant damage (e.g. ripped nets, torn fabric, broken swings, broken slides, damaged wood, faded or peeling paint, bent poles, etc.). Play and sports equipment (including swimming pools, tents, bikes, powered riding toys, hockey nets, etc) shall be moved off of the front or side yards and store away from sight when not in use. See also Basketball Backboards.

45. **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.
46. **Poles** - See Flagpoles, Utility Equipment, Basketball Backboards, etc.
47. **Porch** – ARC approval is required before changing the design, color or type of materials used in the construction of the front porch including porch railings, posts, stair and porch surface/foundation.
- a) **Maintenance** – Porches shall be maintained in good repair. Damaged or deteriorating rails, posts and/or post base shall be replaced. Porch rails and posts shall be periodically repainted to avoid faded or peeling paint. Porch surface shall be maintained free from significant stains. Any graffiti shall be promptly removed by the Owner.
- b) **Storage** - Porches shall not be used as a storage area. Unacceptable items stored on the porch include, but is not limited to, car parts, storage boxes, recyclable materials, trash cans, indoor furniture, newspapers, landscaping materials, gardening equipment, propane tanks, appliances, storage shelves, book cases, wood piles, cigarette butt containers and building materials. Only functional and decorative items shall be allowed on and around the porch including barbeque grills (if proper approval from the fire marshal is obtained), chairs, benches, tables, active milk delivery boxes and other furniture suitable for outdoor use. Bikes in good repair and one container for children's' outdoor toys and play equipment may be stored on the porch.
48. **Radio Antennae** - See Antennae.
49. **Rain Gutters / Downspouts** – ARC approval is required before installing or removing rain gutters or downspouts on the exterior of the Residence. Rain gutters and downspouts must match the body color of the Residence.
- a) **Maintenance** – Rain gutters and downspouts shall be maintained in good repair. Damaged or missing rain gutters and/or downspouts shall be replaced with like materials of the same design and color.
50. **Roof** – ARC approval is required before modifying the roof on any structure on the Residential Lot. Roof shingles are limited to asphalt shingles. Roof vent flashings shall be properly installed and covered. When submitting a design request form, Owner shall include the color, manufacturer and type of material to be used. Uniformity with existing Homes in the Community is required.
- a) **Maintenance** – Roof shingles and flashing shall be maintained in good repair. Damaged or missing roof shingles and flashing shall be replaced with like materials of the same design and color.
51. **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.

- a) **Maintenance** – Rooftop equipment shall be maintained in good repair. Damaged or deteriorating rooftop equipment shall be replaced with like materials of the same design and color.
52. **Satellite Dishes** - ARC approval is required before installing any satellite dishes exceeding 3 feet in diameter. ARC approval is required before installing satellite dishes on any location on the Residential Lot other than the roof of the Residence. See also “Cable TV Wiring/External Wiring”. Inactive satellite dishes must be removed.
53. **Saunas** - ARC approval is required.
54. **Screen Doors** - See Doors.
55. **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 thirty (30) calendar days after the holiday.
56. **Shutters – Exterior** - ARC approval is required before installing or removing shutters on the exterior of the Residence. Shutters must add to the overall character of the Residence and match the body color or trim color of the Residence.
- a) **Maintenance** – Shutters shall be maintained in good repair. Damaged or deteriorating shutters shall be replaced. Shutters shall be periodically repainted to avoid faded or peeling paint. Any graffiti shall be promptly removed by the Owner.
57. **Siding** - ARC approval is required.
- a) **Maintenance** – Siding shall be maintained in good repair. Damaged, stained or faded siding shall be replaced. Any graffiti shall be promptly removed by the Owner.
58. **Sidewalks/Stairs** – ARC approval is required for any alterations to existing sidewalks or stairs or the installation or removal of any sidewalks or stairs on or around the Lot. The sidewalk running in front of the Residence is a City right-of-way maintained by the City. Any alterations to such sidewalk require both City and ARC approval.
- a) **Snow Removal** – Snow and ice shall be removed from the front yard sidewalk and stairs within 24 hours after the end of a snow storm.
  - b) **Maintenance** – Sidewalks and stairs shall be maintained free from weeds and grass and stain-free. Owners are also responsible for removal of weeds and grasses on street curbs and gutters bordering their lots. Sidewalks and stairs should be maintained free from significant damage including but not limited to the following: cracked or crumbling concrete; broken, loose or missing paver stones/bricks used in driveway extensions; collapsed concrete pads due to ground settling or underground broken water pipes; surface flaking and scaling due to freeze-thaw disintegration. Any graffiti on the stairs or sidewalks must be promptly removed by the Owner.

- c) ***Slip-and-Fall / Trip Hazards*** – Owners are responsible for identifying and ensuring slip-and-fall and trip hazards on their respective Lots are adequately addressed. Uneven sidewalks shall be adequately repaired or replaced by the Owner. (Note: Owners should contact the City regarding damaged right-of-way sidewalks in front of the Residence.) Leaking sprinklers, sump pumps, melting snow, ice and other water hazards running across sidewalks shall be adequately remedied by the Owner.
59. **Signs** - ARC approval is not required for temporary signs advertising (a) the existing property for sale or lease, (b) a current political candidate or election ballot issue, (c) garage sales or (d) resident-only parking if such signs are no more than five (5) square feet in area. Regarding political signs, no more than one sign per lot is permitted per political candidate/ballot issue and political signs must be removed no later than seven days after the Election Day. Garage sale signs must be removed within 24 hours after the garage sale event. Generally, ARC approval will be denied for signs advertising or promoting businesses or religious organizations.
60. **Skylights** - ARC approval is required.
61. **Solar Energy Devices** - ARC approval is required. Collectors shall be flush with the roof surface and non-reflective finishes are preferred. Line voltage wires and conduit from the panels to meter/disconnect must be neat and fastened to the exterior (i.e. no loose wires). See also Rooftop Equipment.
- a) ***Maintenance*** – Solar panels shall be well maintained and reasonably free from significant, visible damage. Damaged solar panels shall be promptly replaced or removed.
62. **Spas** - See Hot Tubs/Jacuzzis.
63. **Sprinkler Systems** - See Irrigation Systems.
64. **Statues** - ARC approval is not required if statue 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. ARC approval is required for statues placed in the front yard, side yard, alleyway and porch.
- a) ***Maintenance*** – Statues, bird baths, murals and similar outdoor structures shall be well maintained and reasonably free from significant, visible cosmetic damage.
65. **Storage** – The Lot exterior (including the front porch, front yard, driveway, backyard, backyard deck, side yard and alleyway) shall not be used as a storage area. Specifically, appliances, furniture (other than ARC-approved outdoor furniture), car parts, tools and equipment, landscaping materials, lumber, rock piles, construction materials, storage boxes, bags, pallets, propane tanks. Barbeque grills shall only be stored in the back yard or front porch area of the Residential Lot. (Proper approval from the fire marshal must be obtained).
- a) ***“For Sale” and “Free” Items*** – Items advertised as “for sale” or “free” shall not be left out on the Residential Lot for more than 48 consecutive hours within a 2-week period of time.

66. **Storage Sheds** - See Accessory Buildings.
67. **Swamp (Evaporative) Coolers** – ARC approval is required. ARC-approved coolers must be adequately screened from view.
68. **Swing Sets** - See Play and Sports Equipment
69. **Television Antennae** - ARC approval is required.
70. **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.
71. **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 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 screened from view. Suitable storage areas for trash cans are limited to the following areas: (1) within the garage of the Residence, (2) within the fenced rear yard or (3) within a gated, alley-way facing driveway. Trash cans and recycle bins may not be stored on the front porch.
- a) **General Policing of Trash Accumulation** – Owners are responsible for ensuring their Lots (including front and back yards, driveways, sidewalks and street curbs) are maintained free from accumulation of refuse, garbage, trash, tumbleweeds, cigarette butts, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse or debris of any kind. Owners are also responsible for ensuring trees (especially in the tree crowns), bushes, antennas and roof vents are maintained free from bags, trash and other floating debris.
- b) **Newspapers/Advertisements** – Owners are prohibited from allowing newspapers, advertisements and similar articles to accumulate on the porch or around the lot. Such items shall be promptly stored away from sight or deposited in the Owner’s trash cans.
- c) **Trash Container Limit** – No more than 2 trash/recycle containers shall be stored within the fenced rear and side yard of each Lot. Additional trash cans may only be stored within the garage, shed or other enclosed structures on the Lot. Temporary storage of additional trash containers, storage bins or dumpsters on or around the Lot requires ARC approval.
- d) **Trash Bags and Recyclable Materials** – Storage of trash in bags on or around the Lot exterior is prohibited. All trash must be stored in City-approved trash containers. Recyclable materials shall not be stored on or around the Lot exterior, with the exception of storage in a City-approved recyclable container (which is subject to the restrictions provided in 64(b) and the restrictions provided in this section for suitable trash can storage areas).

- e) **Trash Dumpsters** – Trash dumpsters (including bag dumpsters) may be placed and stored on a Lot for no more than 14 days unless additional time has been approved by the ARC.
72. **Tree Houses** - Not permitted.
73. **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.
74. **Vents** - See Rooftop Equipment.
75. **Vehicles** – ARC approval is required for any requested variances to the restrictions regarding vehicle storage and maintenance on a Residential Lot as established by section 10.7 of the Declaration.
- a) **Driveway Parking** – Vehicles may only be parked on the driveway or within the enclosed garage structure. Parking of vehicles partially off the driveway (or any ARC-approved driveway extension) is prohibited. Vehicles parked in driveways but blocking the public sidewalk right-of-way access is a violation of City parking ordinances.
  - b) **Street Parking** – Please contact Commerce City Police regarding ordinances and restrictions pertaining to parking on the streets. City ordinances restrict how close vehicles parked on the street may be to a driveway, stop sign or fire hydrant. City ordinances also restrict certain types of commercial trucks and trailers from parking on the streets (City parking permits may be required for certain size vehicles).
  - c) **Recreation Vehicles** – Per 10.7.2 of the Declaration Document, Recreation Vehicles includes but is not limited to, motor homes, trailers, motorbikes, snowmobiles, jet skis, all-terrain vehicles, and other apparatus intended for use on land, water, or the air, and the trailers used for their transportation. Storage of Recreational Vehicles shall only be permitted in the enclosed garage of the Residential Lot. Recreational Vehicles may be stored in the driveway for no more than 72 consecutive hours every 2 weeks for temporary loading, unloading and maintenance of such vehicles.
  - d) **Maintenance and Storage** – Vehicle repairs and maintenance shall be performed only within the enclosed garage structure. (See 10.7.5 of the Declaration.) Car parts including batteries, bumpers, tires, oil pans, engine parts, body parts, etc. shall not be stored on or around the Lot exterior. Such items shall only be stored in an enclosed structure (i.e. storage shed or Residence) on the Lot.
76. **Walls – Retaining** - ARC approval is required.
77. **Water Systems – Outside** - ARC approval is required.
78. **Weathervanes** - ARC approval is required.

79. **Wells** - Other than statuary in nature, not permitted.
80. **Windows** – ARC approval is required before installing any additional windows on the home exterior or replacing existing windows with windows of a different design, color or material.
- a) **Bars/Guards** - ARC approval is required. Suggested guidelines for application are mounting inside the home and matching 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.
  - b) **Window Tinting** - ARC approval is required. Only non-glare or non-reflective finishes will be given consideration.
  - c) **Maintenance** – Windows shall be promptly replaced or repaired when damaged. Window screens shall be maintained free from rips, tears, stains or other visible damage.
81. **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.
82. **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 ARC 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 District Board, promulgate these Guidelines and Procedures, which shall be the Guidelines and Procedures of the District. The ARC, with the advice of the District Board, 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, at its sole discretion with the advice of the District Board, 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 Representation**

Each Lot owner represents, by the act of entering into the review process with the ARC, that all representatives of such Lot owner, including, but not limited to the Lot owner and/or owner’s architect, engineer, subcontractors and their agents and employees, shall be made aware by such Lot owner 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 Metropolitan District No. 1 Use Restrictions**

The District Board may from time to time promulgate use restrictions governing the use of Lots and District 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. Project Completion**

Generally, all improvement projects shall be completed in a timely manner. If a project completion deadline has not been established with the ARC, such project must be completed within 2 weeks of the project start date.

## **J. 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 denied. Notification of final ARC approval constitutes a binding agreement between the Lot owner, the Contractor and the District. 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.

## **K. Appeals**

Within ten (10) business days after notice of an ARC decision has been issued, the Lot owner may submit a written request to the ARC for reconsideration. 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.

## **L. 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.

## **M. Notice of Noncompliance**

If, as a result of inspections or otherwise, the ARC 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.

## **N. Failure of Committee to Act After Completion**

Failure of the ARC 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.

## **O. Correction of Noncompliance**

If the ARC 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 ARC ruling within such period, the ARC 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 District, upon demand, for all expenses, including attorney fees, incurred therewith. If such expenses are not promptly repaid to the District by the Applicant or Lot owner, then the District may directly assess 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 Metropolitan District, constituting all of the members thereof, hereby adopt 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.

APPENDIX B

Belle Creek Metropolitan District
Design and Improvement Request Form

Name of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_
Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_
City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Work Phone: \_\_\_\_\_

Mailing Address \_\_\_\_\_
(If different than address of the proposed improvement)

Email Address \_\_\_\_\_

The following type of improvement/design change is hereby requested (Check all that apply):

- Painting, Room Addition, Backyard Deck/Patio, Landscaping, Patio Cover, Driveway/Walk Addition, Fencing, Roofing, House Base Covering/Lattice, Other (Please be specific)

Describe Improvement: (Attach pictures, paint swatches, drawings, brochure, lot map describing improvement)

Proposed Completion Date: \_\_\_\_\_

I/We understand that approval of the Architectural Control Committee is required in advance to proceed. I/We also understand that the ACC approval does not constitute approval of the local City/County building departments and that a Building Permit may be required. I/We agree to complete all proposed improvements promptly after receiving ACC approval. Completion of Improvement is required by the proposed date shown above. Any delay in such completion will be reported to the ACC Committee immediately. I/We have read these instructions and shall comply accordingly.

Homeowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If you have not received written notice confirming receipt of this application within seven days following submission, please contact the District Manager, Laurie Tatlock at (303)-649-9857 or laurie@mulhernmre.com.

For Internal Use Only:

Date Form Received: \_\_\_\_\_ Date Form Returned to Owner: \_\_\_\_\_

Return this Form to:
Belle Creek Metropolitan District
c/o Mulhern MRE, Inc.
2 Inverness Drive East, Suite 200, Englewood, CO 80112

# Belle Creek Metropolitan District

## Design and Improvement Request Form

**Committee Action**

Approved as submitted

Approved subject to the following requirements:

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Not approved for the following reasons:

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If this form indicates "Not Approved", please re-submit with changes within 30 days

Required Completion Date: \_\_\_\_\_

**COMMITTEE SIGNATURES**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## 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.

**District** shall mean the Belle Creek Metropolitan District No. 1.

**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

## Solid Fencing

**GENERAL NOTES:**

POSTS SHALL BE 5/8X7 FOOT WITH 2 FOOT OF BARREL WITH A PYRAMID CAP.

POSTS SHALL BE INSTALLED 72 INCHES ON CENTERS.

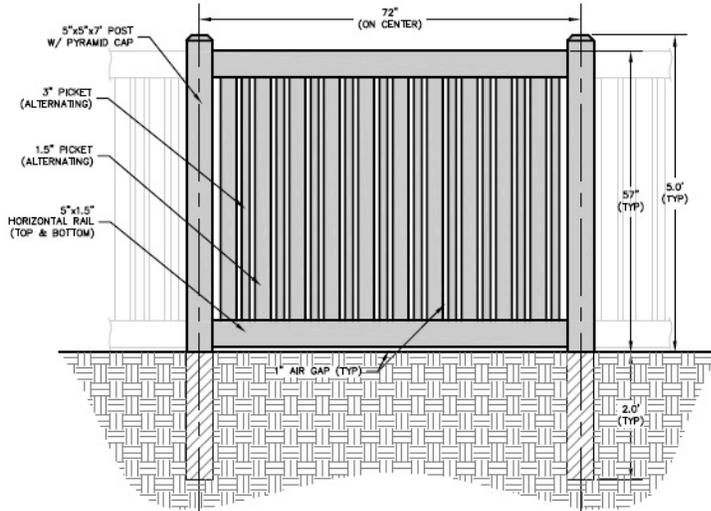
OVERALL INSTALLED HEIGHT IS 5 FOOT, AND 57 INCHES FROM THE GROUND TO THE TOP OF THE TOP RAIL.

THERE SHALL BE A 1 INCH AIR GAP BETWEEN ALTERNATING 3 INCH PICKETS AND 1 1/2 INCH PICKETS.

TOP AND BOTTOM HORIZONTAL RAILS SHALL BE 1 1/2 X 5 1/8 INCHES.

MATERIAL SAMPLE MUST BE SUBMITTED FOR COLOR APPROVAL PRIOR TO INSTALLATION - TAN ONLY.

GATES SHALL BE A SOLID PICKET DESIGN WITH NO GAPS. PICKET SIZE ON GATE IS NOT SPECIFIED.



BELLE CREEK  
VINYL FENCE DRAWING  
AND SPECIFICATIONS

<p><b>Mulhern MRE, Inc.</b> 2 Inverness Circle East, Suite 200 Englewood, CO 80112 (303) 646-8857</p>	DATE	SHEET NUMBER
	03/16/16	EX1
	DRAWN BY	
	J.N.	

## Open Rail Fencing

**GENERAL NOTES:**

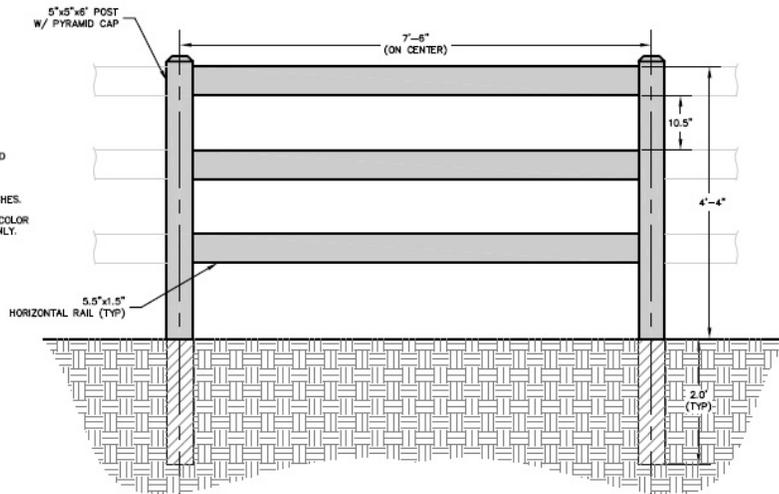
POSTS SHALL BE 5/8X6 FOOT WITH 2 FOOT OF BARREL WITH A PYRAMID CAP.

POSTS SHALL BE INSTALLED 90 INCHES ON CENTERS.

OVERALL INSTALLED HEIGHT IS 4 1/2 FEET, AND 52 INCHES FROM THE GROUND TO THE TOP OF THE TOP RAIL.

HORIZONTAL RAILS SHALL BE 1 1/2 X 5 1/8 INCHES.

MATERIAL SAMPLE MUST BE SUBMITTED FOR COLOR APPROVAL PRIOR TO INSTALLATION - TAN ONLY.



BELLE CREEK  
VINYL FENCE DRAWING  
AND SPECIFICATIONS

<p><b>Mulhern MRE, Inc.</b> 2 Inverness Circle East, Suite 200 Englewood, CO 80112 (303) 646-8857</p>	DATE	SHEET NUMBER
	03/16/16	EX3
	DRAWN BY	
	J.N.	

## Standard 4-ft "Open" Picket Fencing

**GENERAL NOTES:**

POSTS SHALL BE 4X4X6 FOOT WITH 2 FOOT OF BARREL, WITH A PYRAMID CAP.

POSTS SHALL BE INSTALLED 72 INCHES ON CENTERS.

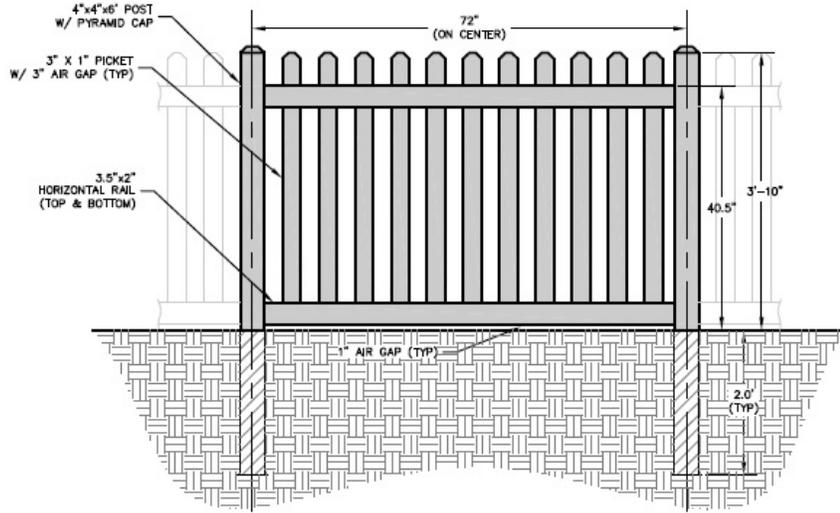
OVERALL INSTALLED HEIGHT IS 4 FOOT, AND 40 1/2 INCHES FROM THE GROUND TO THE TOP OF THE TOP RAIL.

THERE SHALL BE A 3 INCH AIR GAP BETWEEN 3 INCH PICKETS.

TOP AND BOTTOM HORIZONTAL RAILS SHALL BE 2 X 3 INCHES.

MATERIAL SAMPLE MUST BE SUBMITTED FOR COLOR APPROVAL PRIOR TO INSTALLATION - TAN ONLY.

GATES SHALL BE A SOLID PICKET DESIGN WITH NO GAPS. PICKET SIZE ON GATE IS NOT SPECIFIED.



**BELLE CREEK  
VINYL FENCE DRAWING  
AND SPECIFICATIONS**

**Mulhern  
MRE, Inc.**  
2 Inverness Drive East, Suite 200  
Englewood, CO 80112  
(303) 546-8857

DATE  
03/16/16  
DRAWN BY  
J.N.

SHEET NUMBER

EX2

## 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	Double Deep Rose Peony	Purple Cone Flower
Black-Eyed Susan	Purple Ice Plant	Virginia Creeper
Blue Pincushion Flower	Purple Maiden Grass	White Daylily
Hardy Pampas Grass	Oriental Fountain Grass	Purple Fountain Grass
Yaku Jima Maiden Grass	Feather Reed Grass	

Grasses		
Bluegrass Sod	Bluegrass Seed	Low Grow Seed

## APPENDIX F

### Home Exterior Color Selections

**Kwal Paint®**

Scheme #	Body Color	Trim Color	Accent Color
1	AC114N Robust Red	8224M Balsam Bark	8655D Pinedale
1A	AC114N Robust Red	8735D Wild Country	8505D Bluecoat
2	8655D Pinedale	8654M Elkhorn Cactus	AC114N Robust Red
2A	8655D Pinedale	8223M Sienna Sand	AC113N Spiced Rum
3	8675D Wooden Oar	CW022W Soft Gold	AC114N Robust Red
3A	8675D Wooden Oar	8213M Plantation Beige	AC091N Earthbound Green
4	8235D Brush Box	8213M Plantation Beige	8505D Bluecoat
4A	8235D Brush Box	7752W Oakbuff	AC091N Earthbound Green
5	8606N Spruce Island	8223M Sienna Sand	7720W Delicate Cream
5A	8606N Spruce Island	8674M Muddy River	AC137N Plumberrv
6	8625D Shipyard	CW022W Soft Gold	AC114N Robust Red
6A	8625D Shipvard	8223M Sienna Sand	AC137N Plumberry
7	8785A Iron Horse	8223M Sienna Sand	8655D Pinedale
7A	8785A Iron Horse	8674M Muddy River	AC113N Spiced Rum
8	8165D Antique Pine	CW030W Apple Peel	7720W Delicate Cram
8A	8165D Antique Pine	8224M Balsam Bark	AC113N Spiced Rum
9	7744M September Leaf	7750W Beach Basket	AC113N Spiced Rum
9A	7744M September Leaf	CW022W Soft Gold	8505D Bluecoat
10	8576N Briny Deep	8213M Plantation Beige	AC137N Plumberrv
10A	8576N Briny Deep	8674M Muddy River	AC113N Spiced Rum
11	8645D Graylock	8223M Sienna Sand	AC091N Earthbound Green
11A	8645D Graylock	8654M Elkhorn Cactus	AC114N Robust Red
12	8664M Backpack	7750W Beach Basket	8505D Bluecoat
12A	8664M Backpack	8223M Sienna Sand	AC113N Spiced Rum
13	8505D Bluecoat	8223M Sienna Sand	8673M Tavern Taupe
13A	8505D Bluecoat	CW022W Soft Gold	AC114N Robust Red
14	8696N Twisted Branch	8674M Muddy River	AC091N Earthbound Green
14A	8696N Twisted Branch	8674M Muddy River	AC113N Spiced Rum