

Residential Improvement Design Guidelines  
For  
Box Elder Creek Ranch Homeowners Association Inc.



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# Residential Improvement Design Guidelines

## For

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## I. INTRODUCTION

- 1.1 DEFINITIONS – The following words, when used in these Guidelines, shall have the meaning hereinafter specified:
- A. Association – Shall mean Box Elder Creek Ranch Homeowners **Association**, Inc., a Colorado corporation not for profit, its successors and assigns.
  - B. Declaration – Shall mean the **Declaration** of Covenants, Conditions and Restrictions for Box Elder Creek Ranch Homeowners Association, Inc. recorded in Adams County, Colorado on September 18, 2001, under Reception No.CO859188, as thereafter Amended and Supplemented.
  - C. Committee – Shall mean the Design Review **Committee**, duly appointed in conformance with Article 4, of the **Declaration** to review the erection, placement, and alteration of **Improvements** to **Property** in Box Elder Creek Ranch **Subdivision**.
  - D. Subdivision – Shall mean the Box Elder Creek Ranch **Subdivision**, as well as all other areas that are annexed into the Box Elder Creek Ranch Homeowners Association in accordance to the **Declaration**.
  - E. Property(ies) – Shall mean all lots and common areas, developed or undeveloped, within the Box Elder Creek Ranch **Subdivision**.
  - F. Lot – Shall mean any numbered plot of land shown upon any recorded subdivision plat of the **Properties** which is not designated as a common area.
  - G. Common Area – Shall mean all the real **Property**, including **Improvements** thereon, owned by the **Association** and/or Adams County, including those portions of right-of-way that the **Association** may be obligated to maintain per approved Plat(s) for the **Subdivision(s)**, for the common use and enjoyment of the **Owners** of the **Properties**.
  - H. Owner – Shall mean the recorded **Owner**, including contract sellers, whether one or more persons or entities, of fee simple title to any lot or living unit situated upon the **Properties**.
  - I. Declarant – Shall mean the **Declarant** as defined in the **Declaration** of Covenants, Conditions and Restrictions for Box Elder Creek Ranch Homeowners Association, Inc. Article 2, Section 2.17.
  - J. Improvement(s) – Shall mean **Improvements** as defined in the **Declaration** of Covenants, Conditions and Restrictions for Box Elder Creek Ranch Homeowners Association, Inc. Article 2, Section 2.25.
  - K. Planned Unit Development/P.U.D. – Shall mean the **Planned Unit Development** for Box Elder Creek Ranch as approved by Adams County.

- 1.2 **GUIDELINES FOR THE DESIGN REVIEW COMMITTEE** – The **Declaration** requires prior approval by the **Committee** or its designated representatives before any building, fence, or other structure is erected, placed or altered (“**Improvements to Property**”). **Improvements to Property** include, but are not limited to, any landscaping of **Property**; the construction or installation of a patio, deck, pool, hot tub,; the construction, demolition or removal of any building or other structure; and any change of the exterior appearance of a building or other **Improvement**. The Guidelines contained herein establish certain acceptable designs for different types of **Improvements**. These guidelines apply to residential **Property** in the **Subdivision**. The Guidelines are intended to assist the **Owners** in the **Association**. All proposed **Improvements to Property** must be submitted to the **Committee through the current management company**.
- 1.3 **CONTENT OF GUIDELINES** – In addition to the introductory material, these Guidelines contain:
- (A) a listing of specific types of **Improvements** which **Owners** might wish to make, with specific information as to each of these types of **Improvements**;
  - (B) a summary of procedures for obtaining approval from the **Committee**; and
  - (C) figures showing approved designs for fences.
- 1.4 **EFFECT OF THE DECLARATION** – Copies of the **Declaration and these Guidelines** are provided to new and resale **Owners** when they purchase their homes. Each **Owner is responsible to** become familiar with the **Declaration and Guidelines**. Nothing in these Guidelines shall supersede or alter the provisions or requirements of the **Declaration’s** provisions relating to the use of the **Properties**, and to **Improvements to Property**, which are found in Articles 3, 4 and 5 of the **Declaration**.
- 1.5 **EFFECT OF GOVERNMENTAL AND OTHER GUIDELINES** – Use of the **Properties** and **Improvements** to the **Property** must comply with applicable building codes and other governmental requirements and Guidelines. Approval by the **Committee** will not constitute assurance that **Improvements** comply with applicable governmental requirements and Guidelines, or that a permit or approvals are not also required from applicable governmental bodies. For information about Adams County requirements, **Owners** must contact the Adams County Building Department or any other pertinent Government Agency.
- 1.6 **INTERFERENCE WITH UTILITIES** – In making **Improvements to Property**, **Owners** are responsible for locating all water, sewer, gas, electric, telephone, cable television, irrigation lines, or other utility lines or easements. **Owners** should not construct any **Improvements** over such easements without the written consent of the utility or Governing Agency involved, and **Owners** will be responsible for any damage to utility lines or other uses of the easement. Underground utility lines and easements can usually be located by contacting the following entities:

Adams County  
Xcel Energy (Natural Gas)  
United Power (Electric)

Qwest Communications (Telephone)  
Box Elder Creek Ranch Homeowners Association, Inc.  
c/o Homeowners Concerns LLC  
Box Elder Creek Ranch Water Company

- 1.7 **GOAL OF GUIDELINES** – Compliance with these Guidelines and the provisions of the **Declaration** will help preserve the inherent architectural and aesthetic quality of the **Subdivision**. It is important that the **Improvements to Property** be made in harmony with, and not detrimental to, the rest of the community. A spirit of cooperation with the **Committee** and neighbors will go far in creating an optimum environment which will benefit the **Owners**. By following these Guidelines and obtaining approvals for **Improvements** from the **Committee**, **Owners** will be protecting their financial investment and will help to promote **Improvements** that are compatible with the standards for the **Subdivision**.
- 1.8 **INTERPRETATION OF THE GUIDELINES** – The **Design Review Committee** shall be the sole interpreter of these Guidelines, in conjunction with Board Approval of changes and interpretations.
- 1.9 **ENFORCEMENT OF DECLARATION AND GUIDELINES** – The **Design Review Committee** shall have primary responsibility for the enforcement of the **Declaration and Guidelines through the Management Companies authorized format, policies and procedures**. The **Committee will investigate written complaints of Owners** on violations of the **Declaration** or Guidelines if such complaints are dated and signed by the complaining Owner. The **Committee**, the **Association** Board of Directors, and employees of the **Association** shall use all reasonable means to maintain the anonymity of complaining **Owners**. If a violation is found, the **Committee** will notify the **Owner** in violation, in writing, requesting that appropriate action be taken to maintain compliance. If the **Owner** in violation does not come into compliance with the **Declaration or Guidelines** after receipt of two written letters from the **Committee**, the **Committee** will request that the violation be referred to the **Association** Board of Directors for enforcement action through the Management Companies authorized format, policies and procedures.
- 1.10 **ADVISEMENT OF NEIGHBORS** – It is suggested that Homeowners inform neighbors prior to submitting forms for changes or additions that may impact those neighbors. In certain cases, the **Committee** may require adjacent neighbor approval.

## II. SPECIFIC TYPES OF IMPROVEMENTS - GUIDELINES

### 2.1 **GENERAL**

- A. The following alphabetical list covers a wide variety of specific types of **Improvements** or alterations which **Owners** and builders typically consider installing. Pertinent information is given for each category. Unless otherwise specifically stated, drawings or plans for a proposed **Improvement** shall be submitted to the **Committee**, and written approval by the **Committee** shall be obtained before the **Improvements** are made. Drawings or plans shall include dimensions, setbacks, roof slopes, and both elevation and plan views of all proposed expansions or additions. Applications for paint change must be accompanied by samples of the colors or materials to be

approved. Drawings, plans and color samples will be retained in **Association** files for future reference. If needed, the **Committee** will submit the request to the **Association** Board of Directors for its separate review and response. In some cases, where specifically stated, a type of **Improvement** is prohibited. **Improvements** not listed will require **Committee** approval.

B. The architectural style of a proposed residence shall be consistent with the style and character of the other single family residences built in the **Subdivision** and subject to the approval of the **Committee**.

- 2.2 **ADDITIONS AND EXPANSIONS** – **Committee** approval is required. Homeowners must use the “Accessory & Outbuilding Building Request Form” when submitting an addition or expansion for approval. Additions or expansions to the home will require submission of detailed plans and specifications, including description of materials to be used, plan and elevation drawings showing dimensions, setbacks, roof slopes, etc. Additions and expansions must be of the same architectural style and color as that of the residences.
- 2.3 **ADDRESS NUMBERS** – Must be visible and legible on individual mailboxes and the residence.
- 2.4 **ADVERTISING** – See signs.
- 2.5 **AIR CONDITIONING EQUIPMENT** – Air conditioning equipment, including swamp coolers, must be ground-mounted and installed in the rear or side yard. **Installation of air conditioning equipment, including swamp coolers, on the roof of the house or in a window of the house will not be permitted.**
- 2.6 **ANIMALS** – Under Article 3, Section 3.9 of the **Declaration**, no animals, livestock or poultry of any kind shall be raised, bred or kept on any part of the **Properties** or in any living unit, except that not more than three (3) dogs, cats or other household pets in aggregate may be kept on any lot or in any living unit thereon or on the Common Area, but only if they are not raised, bred, kept or maintained for any commercial purpose. No horses shall be kept on the **Property**. Dogs, cats or other household pets owned by **Owners** or their guests shall not be permitted to run at large, but shall be kept under the control of such **Owner** by leash, cord or chain. The **Owner** of any dog, cat or other household pet shall immediately remove excrement deposited by said animal upon the **Properties**. **Adams County ordinances also restrict the activities of dogs, cats and other animals when off Owners’ lots.**
- 2.7 **ANTENNAS** – See attachment.
- 2.8 **ASTRO-TURF** – Or other floor covering shall not be used on front porches or balconies.
- 2.9 **AWNINGS** – See Overhang.
- 2.10 **BALCONIES** – See Decks.
- 2.11 **BASKETBALL BACKBOARDS** – **Committee** approval is required. If garage or pole mounted, backboard and support structure should be clear, white or neutral colored, unless otherwise approved by the **Committee**. Garage-mounted backboards in the front yard may

not project more than two (2) feet from the front of the garage. Pole-mounted basketball backboards must have a black or galvanized removable steel pole. Rims and nets on all types of basketball units must be maintained in a neat and clean appearance. Frontyard concrete pads for basketball courts may not exceed twenty (20) feet in any direction or the size of the original driveway. Backyard concrete pads for basketball courts are subject to **Committee** Approval. Mobile basketball backboards in good appearance and condition are acceptable and must be hidden when not in use.

- 2.12 **BIRDHOUSES AND BIRDFEEDERS** – A birdhouse or bird feeder may only be installed in the backyard.
- 2.13 **BOATS** – See Motor Home Vehicles.
- 2.14 **INTENTIONALLY LEFT BLANK**
- 2.15 **BUILDING HEIGHT** – As governed by Adams County.
- 2.16 **CABLE TV ANTENNAS** – See Antennas.
- 2.17 **CAMPERS** – See Motor Home Vehicles.
- 2.18 **CARPORT** – Not permitted.
- 2.19 **CIRCULAR DRIVES** – See Driveways.
- 2.20 **CLOTHESLINES AND HANGERS** – Not allowed.
- 2.21 **CLOTH OR CANVAS OVERHANGS** – See overhangs.
- 2.22 **COLOR** – See Painting.
- 2.23 **CORNER VISIBILITY** – Compliance with the Adams County intersection sight distance criteria must be adhered to.
- 2.24 **DECKS** – **Committee** approval is required. Must be constructed of wood or other material complementary to the material of the residence and, if painted, must match the color scheme of the residence, unless otherwise approved by the **Committee**. Must be installed as an integral part of the residence and patio area. **Construction of decks over easement areas is not permitted.** Decks may not encroach into the building side setbacks as defined by Adams County Codes. “At grade” decks visible from the public right-of-way, open space, and/or landscape tracts must be skirted from the bottom of the deck floor to ground level without impeding drainage. Skirting does not apply to garden level or walkout decks. Skirting may consist of wooden lattice, evergreen vegetation, or other designs approved by the **Committee**.
- 2.25 **DOG RUNS** - **Committee** approval is required. Dog runs must be constructed with fencing of the same design as approved in Section 2.32 or as otherwise approved by the **Committee**. Chain link dog runs must be located in the rear of the yard and must be outside of the allowed privacy fence area (2.32, C.(5)). They are limited in size to 600 square feet and cannot be

higher than six (6) feet. Wood screening or mature landscape screening is required to hide a substantial view of chain link dog runs. Dog runs must have double fence when next to any **Association** fence and may not use any **Association** fence as any part of the dog run fence (Reference 2.32 Fences, C, 8 “Chain Link Fences”).

- 2.26 **DOORS** - **Committee** approval is required for the addition of screen or other type doors to a home. The material should match existing doors on the house, and the color should be neutral or the same as that of the existing doors on the house, unless otherwise approved by the **Committee**. Security doors or security window bars require **Committee** approval. Security window bars are not permitted in front yards, but may be permitted on the lowest level of back yards upon **Committee** approval and may not impede building code egress requirements.
- 2.27 **DRAINAGE** – All drainage devices, such as French drains, etc. must be approved in writing by the **Committee**. Approval shall not be granted unless provision is made for adequate alternative drainage. The established drainage pattern over any property cannot be changed without written permission from the **Committee**. All drainage directed to or across **Association** common property of **Association** maintained area must receive **Committee** approval. Any change to the drainage flow, direction, manner, etc., may require County approval. A homeowner is strongly advised to consult with Adams County on any project that may affect drainage. French drains, trench drains, or similar devices may not discharge into any **Association** property. If required by the **Committee**, drainage may be carried across **Association** property or County property via a **Committee** approved mechanism at the homeowner’s cost.
- 2.28 **DRIVEWAYS** – All driveways leading from the street to an **Owner’s** home or **Property** must be constructed of Class C road base, crushed and recycled concrete, recycled asphalt or asphalt paving or hard-surfaced paving (i.e., concrete with a four (4) inch minimum thickness). Modifications to the original driveway or the addition of a driveway require **Committee and County** approval on a case by case basis.
- 2.29 **EVAPORATIVE COOLERS** – See Air Conditioning Equipment.
- 2.30 **EXTERIOR LIGHTING** – See Lights and Lighting.
- 2.31 **EXTERIOR MATERIALS** – The only acceptable exterior building materials are high-quality hardboard, wood, and concrete siding, high-quality state of the art vinyl siding, stucco, brick, stone, or other harmonious materials utilized for accent or home details as approved by the **Committee**. Traditional exterior details such as front porches, gables, columns, bay windows, shutters, and window trim shall be used where appropriate if approved by the **Committee**. Colors shall harmoniously blend to the visual benefit of the development and must be approved by the **Committee**.
- 2.32 **FENCES:**
- A. **General** – Fences and/or walls/brick columns/entrance monuments constructed by the developer and/or builder along or abutting **Property** lines, arterial streets, collector

streets and local streets may not be removed, replaced, stained or painted a different color or altered, including adding a gate, without approval of the **Committee**. If any such fences and/or walls/brick columns/entrance monuments constructed by developer and/or builder which are located upon an **Owner's Property** are damaged or destroyed by **Owner** or **Owner's** agents, the **Owner** shall repair and recondition the same at the **Owner's** expense.

- B. **Drainage Under Fencing** – It is the owners responsibility to maintain certain drainage patterns that may exist along or under proposed fence locations. When constructing a fence, be sure to provide for a space between the bottom of the fence and the ground elevation so as not to block these drainage patterns.
- C. **Fence Design** - Fences may not be constructed without **Committee** approval. The recommended construction shall be in accordance with the specifications shown on Figures 1 through 4 attached and compatible with neighbors' existing fences. All Lot Boundary Fences must be a maximum of fifty inches (50") high at top of rail and open rail designs (Figure 2). Such lot boundary fences must be open flat rail almond or white PVC only and must be approximately thirty four inches (34") or fifty inches (50") top of rail in height see Figures 2 and 3. Gates in open rail fencing must be constructed in accordance with Figure 3. All of the above-mentioned fencing must be constructed of white or almond PVC. All fences must adhere to sight triangle regulations with Adams County. Fencing in front of homes may be shorter 2 rail fencing (34" top of rail) in white or almond vinyl PVC and shall not extend into drainage easement slopes.
- (1) **Front Yard Property Fencing** – Two (2) or three (3) rail almond or white PVC fencing only with a height limitation of three foot six inches (3'6") to four feet (4') is required and must also be inside of front lot drainage easements. The design must be similar to that shown in Figure 1 & 2.
  - (2) **Lot Boundary Fences** – Height requirements will be 50" top of rail for 3-rail fences (see Figures 2), and shall be the only fence design allowed except as provided in front of homes
  - (3) **Perimeter Fences** – Fencing along the boundary between **Association** Tracts and individual lots will be per Figure 2. This fence will be open 3-rail almond or white PVC fifty inches (50") top of rail in height. Gates, removable sections, or any other type of access through the perimeter fence must be approved by **Committee**.
  - (4) **Open Space Fence** – In addition to other locations where permitted, the Open Space Fence (see Figure 2) is the only fence that may be installed between those lots that back and or side to the open space and the open space adjacent to the Community.
  - (5) **Fences or Screening Located Within Property Line** – Privacy fences are allowed at the rear yards only unless otherwise approved by the **Committee** by special request. The maximum height will be six feet (6') (see Figure 4). They

shall attach directly to the back or side wall of the house and not extend more than 15' into the side yard, nor more than seventy-five (75') into the rear yard from the back wall of the house and must be an integral part of the landscape design. Fencing must be constructed of almond, white or cedar wood look PVC. The smooth side of the fence must face away from the **Owner's** house with all posts to the inside.

- (6) **Double Fencing** – Not permitted, except see Dog Run, Section 2.25. Double fencing is not the same as double facing.
- (7) **Not Allowed** - No plastic chicken wire or barbed wire will be allowed. Chain link fences will only be allowed for Dog Runs (see Section 2.25). Welded wire (2"x4") mesh, either galvanized or white coated (for PVC fences), may be attached to an open fence, if installed on the inside of the fence and not extending above the top of the top rail to assist in the containment of pets or children. Committee approval of the material is required. Ownership and responsibility for maintenance is solely the homeowner's.
- (8) **Chain Link Fences** – Are only acceptable for construction of dog runs and must be outside of any allowed privacy fence area. Chain link fences may not be used as part of the lot boundary fencing, or any other type of fencing.

D. **Maintenance Responsibility** –

- (1) **Perimeter Fences** – Maintenance of perimeter fencing that abuts HOA property or any fencing installed by the developer and it is the responsibility of the homeowner to maintain/repair. If the Board deems it necessary, it will direct the **Association** to repair the perimeter fence. The cost of repair may be assessed against the individual homeowner. Perimeter fences may have gates with committee approval.
- (2) **Lot Boundary Fences** – Lot boundary fencing along the common lot lines separating two homeowners' lots are typically set immediately inside of the property line of the Homeowner who is installing the fence.

2.33 **FIREWOOD STORAGE** – See Wood Storage.

2.34 **FLAGPOLES** – Which are free-standing are allowed with a maximum height of 26' and of weather proof metal or stainless steel, except as approved by the Declarant for new home marketing. Flagpoles attached to the front of the house do not require approval as long as the pole top does not rise above the level of the bottom sill of the second story windows and is a maximum of 8'-0" long. Flags are limited to US or State flags and sports flags during season, maximum of 2 flags may fly.

2.35 **GARAGES** – A two-car garage minimum and a maximum three-car garage (described as number of doors or vehicle entries) is to be attached as an integral part of the residence design. Garage doors shall be wood, hardboard, vinyl, or metal, painted to match the residence body color or trim. Rear doors shall not be considered vehicle entries.

- 2.36 **GARBAGE CONTAINERS AND STORAGE AREAS** – See Trash Storage.
- 2.37 **GARDENS-FLOWERS** – **Committee** approval is not required. All flower gardens or gardens must be weeded and carefully maintained.
- 2.38 **GARDENS-VEGETABLE** – **Committee** approval is not required, if located in the rear or side yard, weeded, and carefully maintained. A maximum area of 1500’ square feet is allowed. Irrigation water and use must be provided from the irrigation water system and governed by those regulations.
- 2.39 **GRADING AND GRADE CHANGES** – See Drainage.
- 2.40 **GREENHOUSES AND GREENHOUSE WINDOWS** – **Committee** approval is required. Must be located in the rear yard and must be a contiguous integral part of the home or otherwise approved.
- 2.41 **HANGING OF CLOTHES** – See Clotheslines and Hangers.
- 2.42 **HOT TUBS** – **Committee** approval is required. Must be ground mounted or an integral part of the deck or patio area and of the rear yard landscaping. Screening with fencing or shrubs may be required.
- 2.43 **HOLIDAY DECORATIONS** – All seasonal decorations must be removed within thirty (30) days of that particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion. Holiday decorations may not include any audio that can be heard beyond the limit of the lot.
- 2.44 **HOUSE NUMBERS** – Must be legible and posted on the mailbox and on the home.
- 2.45 **IRRIGATION SYSTEMS** – Underground manual or automatic irrigation systems will not require approval of the **Committee**. Irrigation water is regulated by the Box Elder Creek Ranch Water Company.
- 2.46 **JUNK VEHICLES** – See Motor Home Vehicles.
- 2.47 **LANDSCAPE AND MAINTENANCE** – **Committee** approval required for design and materials. Landscaping of the front, side and rear yards, must be completed within twelve (12) months after the conveyance of the unit by an approved builder to the first purchaser thereof who is not an approved builder. Front yards must consist of a minimum of 1500 sq. ft. or 30% irrigated grass whichever is less (excluding driveway and sidewalk.)
- (A) The mandatory landscaping requirements shall be;
- (1) Seeding/Sod of low water grasses on the entire lot to prevent erosion. Maximum area of allowed irrigation and grasses shall be regulated by Box Elder Creek Ranch Water Company.
  - (2) Mandatory use of low water grasses such as fescue or specialty bluegrass mixtures.

- (3) Four (4) trees (2 front yard & 2 rear yard), except that for corner lots this minimum shall be five (5) trees. In general, deciduous ornamental trees must meet a minimum caliper of 1-1/2 inches, deciduous shade trees must meet a minimum caliper of two inches and evergreen trees must be a minimum of 6' feet tall.
  - (4) Five (5) shrubs in the front yard within five (5) feet of the front of the house.
  - (5) Front lot ditch shall be hydroseeded or broadcast seeded with the above grass, controlled growth grasses and/or wildflowers.
- (B) Gravel, rock and/or soil piles left in front or on visible side yards of houses, or on the driveway, shall be left no longer than a period of thirty (30) days. Leaving gravel, rock and/or soil piles in the street is a violation of Adams County codes.
- (C) In accordance with Adams County, “the **Owners** of private property containing a traffic sight triangle are prohibited from erecting or growing any obstructions over three feet in height above the elevation of the lowest point on the crown of the adjacent roadway within said triangle.”

2.48 **LATTICEWORK (PATTERN)** – **Committee** approval is required.

2.49 **LIGHTS AND LIGHTING** – **Committee** approval is not required for exterior lighting if in accordance with the following guidelines: Exterior lights must be of the traditional style and character as installed by builder on other residences in the **Subdivision**. Exterior lighting should be directed towards the house and should be of low wattage to minimize glare sources to neighbors and other **Owners**. Low voltage lighting offers safety advantages over conventional house-voltage systems. The high wattage spotlights of floodlights requires **Committee** approval. Lighting shall be down directed and shall not cast a glare on adjacent **Properties**.

2.50 **LIVESTOCK** – See Animals.

2.51 **MAILBOXES** – A Mailbox pedestal for 3 to 5 boxes and mailbox has been provided and installed by the Declarant per U.S. Postal requirements. Mailboxes must be of a standard style and solid black in color. No other color shall be allowed. It shall be the responsibility of the **Association** for repairs and maintenance to pedestal only. Individual homeowners will be responsible for their mailboxes.

2.52 **MICROWAVE DISHES** – See Antennas.

2.53 **MINING AND DRILLING** - Not permitted. The **Declaration**, Article 3, Section 3.14, prohibits use of the **Properties** for the purpose of mining, quarrying, drilling, boring, or exploring for or removing oil, gas, or other hydrocarbons, minerals, rocks, stones, gravel, or earth.

2.54 **MOTOR HOME VEHICLES** (Trailers, Boats, & Campers) – No boat, camper (on or off supporting vehicles), trailer, tractor, truck, shuttle bus, industrial or commercial vehicle (both cabs and trailers), towed trailer unit, jet ski, motorcycle, motor vehicles, motor homes, mobile home, recreational vehicle, or any other vehicle or thing the primary purpose of which is

recreational, sporting, or commercial use, shall be parked or stored in, on or about any **Lot** or street within Real Property, except within an attached and enclosed garage or behind a privacy fence provided said vehicle or thing cannot be seen from any public street, right-of-way or open space tract and/or park and with the approval of the Design Review Committee applying the Design Guidelines. Access to these vehicles across an **Association** maintained landscaped area or fence is strictly prohibited.

- 2.55 **INOPERABLE (OR JUNK) VEHICLE** - As defined in the Declaration, Article 3, Section 3.20 & 3.22, cannot be repaired, constructed or allowed to remain on any lot or on any private or public street in such a manner as to be visible from any portion of the Properties. Adams County ordinances may also restrict the parking of vehicles described above on any public streets.
- 2.56 **MOTORIZED VEHICLES** – Motorized Vehicles are not to be driven on greenbelts or **Common Areas**. This includes ATV’s, snowmobiles, golf carts, motorcycles, minibikes, go-carts, mopeds, and delivery trucks, but excludes lawn cutting, snow removal or maintenance equipment. Such vehicles shall not be parked as to be visible from any of the **Properties**. **Homeowner’s or homeowner’s guests must not in any case operate any vehicle(s) on the HenryLynn Ditch easement area.**
- 2.57 **OVERHANGS – CLOTH OR CANVAS** – **Committee** approval is required. The color must be the same as or complementary to the exterior of the residence, unless otherwise approved by the **Committee**. Metal or fiberglass awnings are not permitted.
- 2.58 **PAINTING** – **Committee** approval is not required if color and color combinations are identical to the original color painted by builder. Color or color combination changes require **Committee** approval.
- (A) All exterior colors must be reviewed for approval by the **Committee**, including repainting of existing homes. Colors specifically not allowed shall include but not be limited to purple, orange, red, or pink. The **Committee** will assess the overall color composition formed by the individual materials.
  - (B) All roof vent caps, louvers, plumbing stacks, chimney flashing, valley flashing, etc., are to be painted a color not in contrast with the color of the roofing.
  - (C) Any changes to exterior paint colors must be approved by the **Committee** prior to any painting. Changes include any paint or color scheme other than the original brand paint, color number and scheme which is on file with the builder or the **Committee**. Colors which will meet requirements for approval are best described as being soft, muted colors. All paints are to be flat, satin, and/or “Velvasheen” paints.
  - (D) It is required that all homes be painted on a regular schedule to avoid chipping and peeling.
  - (E) All additions to the home and outbuildings shall be the same paint colors and scheme including body, trim, shutters and doors.

- (F) Stain and sealers shall be limited to decks, rails and steps only.
- (G) Paint schemes must be different from immediate side to side or front to front neighboring homes.
- (H) Garage doors are to be the same color as the siding or trim, unless otherwise requested and approved by the **Committee**. Outlining the garage door panels in a contrasting color or in a checker board design is not permitted.
- (I) Most homes in the Subdivision 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. For example, if the trim was a different color than the doors and shutters originally they should also be different in submitted colors.
- (J) Selections should be submitted to the **Committee** in the form of manufacturer's paint chips. Please indicate which color chips are for trim, siding and accent (doors and shutters) color. PLEASE ALLOW THIRTY (30) DAYS FOR COMMITTEE APPROVAL.
- (K) In general, after approval, only those areas painted may be repainted; only those areas stained may be restained; unpainted surfaces and unstained areas such as brick shall remain unpainted and unstained.

2.59 **PATIO COVERS** – **Committee** approval is required. Plans must show the exterior elevation, designate materials and colors, and include dimensions. A building permit may be required by Adams County.

2.60 **PATIOS - ENCLOSED** – See Additions and Expansions.

2.61 **PATIOS-OPEN** – **Committee** approval is required. Patios and balconies shall not be used for storage other than for normal patio furniture and barbecues.

2.62 **PAVING** – **Committee** approval is required for front yard changes, regardless of whether for walks, driveways, patio areas or other purposes, and regardless of whether concrete, brick, flagstones, stepping stones, pre-cast, patterned, exposed aggregate concrete or asphalt pavers are used as the paving material.

2.63 **PETS** – See Animals.

2.64 **PIPES** – See Utility Equipment.

2.65 **PLAY AND SPORTS EQUIPMENT** – **Committee** approval is required. Equipment shall be located in the rear or side yard. Size of play yards will be considered on a case-by-case basis depending on lot size and proximity to neighbors. The maximum height of the equipment cannot exceed fourteen (14') feet. In some cases, written consent from adjacent neighbors may be required.

- 2.66 **POLES** – See Flagpoles, Utility Equipment, Basketball Backboard, etc.
- 2.67 **POOLS** – **Committee** approval is required. Wrought iron fencing may be required to meet safety codes.
- 2.68 **RADIO ANTENNAS** – See Antennas.
- 2.69 **ROOFS** - It is desired that the roofing materials in any related group of residence be the same in appearance and type. All roofs shall be shake shingle, tile, upgrade synthetic material such as masonite type materials, or fiberglass or asphalt 25 year or better multi-dimensional shingle.
- 2.70 **ROOFTOP EQUIPMENT** – Not Permitted.
- 2.71 **SAUNAS** - See Additions and Expansions.
- 2.72 **SCREEN DOORS** – See Doors.
- 2.73 **SETBACKS** – Are defined by the P.U.D. as approved by Adams County.
- 2.74 **INTENTIONALLY LEFT BLANK**
- 2.75 **SHEDS & OUTBUILDINGS** - **Committee** approval is required for sheds and outbuildings. These buildings are not for habitation. Homeowners must use the “Accessory & Outbuilding Building Request Form” for submittal to the **Committee**. A shed shall not be higher than thirteen feet (13’) at the peak of the roof and not larger than twelve feet (12’) wide by fourteen feet (14’) long and is subject to Adams County approval. All larger buildings shall be considered outbuildings and are subject to the permitting restrictions of Adams County and the City of Brighton Fire Department. The exterior materials such as the siding, brick, roofing and paint color shall be the same materials as used on the house. The **Committee** may approve architecturally appealing material substitutions as determined in their sole discretion. Roofs shall have overhangs in size matching the house or greater. Architectural features for relief of the roof and each elevation may be required. Sheds and outbuildings shall be located in the rear yard only unless otherwise approved by the committee. They must also be within the allowed front yard setback required by the City of Brighton Fire Department. The **Committee** shall consider the building location, design, lot grading and fencing and may elect not to approve a building that does not have good siting. The **Committee** may also require landscaping to minimize the massing of the building. Only one (1) shed and one (1) outbuilding will be allowed per **Lot**, subject to **Committee**, Adams County and Brighton Fire Department Approval.
- 2.76 **SHUTTERS – EXTERIOR** – **Committee** approval is required. Should be of the same material and painted to match the color scheme of the exterior of the house, unless otherwise approved by the **Committee**.
- 2.77 **SIDING** – **Committee** approval is required. Siding must be essentially the same as the siding installed by the builder on other houses in the **Subdivision**, and must be painted according to guidelines in Sections 2.58 “Painting.” Aluminum, vinyl, concrete, or steel siding will be

considered for approval if color, texture and dimensions are in accordance with the existing siding in the development.

- 2.78 **SIGNS** – No sign of any kind shall be displayed to the public view on any part of the **Properties**, except one professional sign per dwelling for sale or rent, and signs used by a builder to advertise dwelling for sale or rent during the construction and sale period. Non-advertising security system signs will be allowed. Developer/Builder marketing signs are permitted. Garage sale signs shall be diligently removed at the end of each sale day.
- 2.79 **SKYLIGHTS** – **Committee** approval is required. Skylights must be the same type as installed in new homes by builder, and exterior trim must be painted according to Guidelines.
- 2.80 **SOLAR ENERGY DEVICES** – **Committee** approval is required. All solar energy devices must be designed to appear as if it is an integral part of the roof. Must be enclosed in a gable effect by matching siding or roofing materials. No exterior plumbing may be visible from adjoining street. The **Committee** will require, in writing, proof of compliance with 100 MPH wind load stamped by a registered professional engineer.
- 2.81 **SPAS** – See Hot Tubs.
- 2.82 **SPRINKLER SYSTEMS** – See Irrigation Systems.
- 2.83 **SQUARE FOOTAGE** – Adams County regulations will define the square footage requirements for the living area (above finished ground level and fully enclosed) for residences. Sheds or outbuildings – large outbuildings may require a zoning variance from Adams County.
- 2.84 **STATUARIES AND FOUNTAINS** – of any kind will not be allowed in the front yard without prior approval of the **Committee**.
- 2.85 **STORAGE SHEDS** – See Sheds.
- 2.86 **SUNSHADES** – See Overhangs.
- 2.87 **SWAMP COOLERS** – Not permitted as rooftop equipment or in windows or installed above-ground. Must be ground mounted. See Air Conditioning Equipment.
- 2.88 **SWINGSETS** – See Play and Sports Equipment.
- 2.89 **TELEVISION ANTENNAS** – See Antennas.
- 2.90 **TEMPORAY STRUCTURES** – **Committee** approval is required. Camping tents set up for cleaning or occasional overnight sleeping will not require **Committee** approval if left up no longer than 72 hours.
- 2.91 **TENNIS COURTS** – **Committee** approval is required.
- 2.92 **TRAILERS** – See Motor Home Vehicles.

- 2.93 **TRASH CONTAINERS AND ENCLOSURES** – See Article 3, Section 3.8 of the Declaration.
- 2.94 **TREE HOUSES** – Not Permitted.
- 2.95 **UNDERDRAINS** – Modification or impeding the flow is prohibited.
- 2.96 **UTILITY EQUIPMENT** – Installation of utilities or utility equipment requires **Committee** approval unless located underground or within an enclosed structure. Pipes, wires, poles, utility meters and other utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure.
- 2.97 **VANES** – **Committee** approval required.
- 2.98 **VEHICLES** – See Motor Home Vehicles.
- 2.99 **VENTS** – See Rooftop Equipment.
- 2.100 **WALLS – RETAINING** – A single retaining wall shall not be more than thirty-six (36") inches in height (measured at the exposed side) without an engineering plan. Where required by the **Committee**, a detailed landscape plan, indicating the size and exposure of the retaining wall, shall be provided by the **Owner** at the time of plan review for approval. **Property Owners** are liable for their respective lot drainage. Retaining walls shall be constructed of brick, treated wood, “Versalock” (T M), natural stone, or similar materials, subject to approval by the **Committee**. Exposed concrete retaining walls are permitted only with surface treatment approved by the **Committee**.
- 2.101 **WIND TURBINES** – Are not permitted.
- 2.102 **WINDOWS** – **Committee** approval is required for all windows not of the same make or design as originally installed by builder. Submission of plans and specifications to the **Committee** shall include a description of the window frame material and color. Mill finish on aluminum windows is specifically prohibited. Replacement windows shall be substantially the same exterior finish as those initially installed. See Section 2.40 for restrictions on greenhouse windows.
- 2.103 **WOOD STORAGE** – **Committee** approval is not required. Must be located in the garage, side or back yard behind privacy fence, adjacent to the house, and must be neatly stacked, and must not be located so as to block any existing drainage pattern on the lot.
- 2.104 **WOOD STOVE STACKS** – **Committee** approval required. All new and added stove stack shall be enclosed and shall meet Adams County specifications for fire hazard compliance.

### III. PROCEDURES FOR COMMITTEE APPROVAL

- 3.1 **GENERAL** – In a few cases, as indicated in the listing in the preceding Section II, a specific type of **Improvement** is not permitted under any circumstances. In all other cases, including **Improvements** not included in the listing in Section II, advance or prior written approval by the **Committee** is required before an **Improvement to Property** is commenced. This section of the Guidelines explains how such approval can be obtained.
- 3.2 **DRAWING OR PLANS** – Article 4 of the **Declaration** requires an **Owner** to submit to the **Committee**, prior to commencement of work on any **Improvement to Property**, descriptions, plot plans, construction plans, specifications and samples of materials and colors, etc. as the **Committee** shall reasonably request, showing the nature, kind, height, width, color, materials and location of the proposed **Improvement**. In the case of major **Improvements**, such as room additions, decks, or structural changes, detailed plans should be professionally prepared by an architect, engineer, and/or draftsman and should meet Adams County requirements. However, simple drawings and descriptions may be sufficient for other **Improvements**. Whether done by the **Owner** or professionally, the following Guidelines should be followed in preparing drawings or plans:
- (A) The drawing or plan should be done to scale, and should depict the property lines of your lot and the outside boundary lines of the home as located on the lot. Drawings made from a lot survey base are preferred.
  - (B) Existing **Improvements**, in addition to the home, should be shown on the drawing or plan, and identified or labeled. Such existing **Improvements** include driveways, walks, decks, trees, bushes, etc.
  - (C) The proposed **Improvements** should be shown on the plan and labeled. Either on the plan, or an attachment, there should be a brief description of the proposed **Improvement**, including the materials to be used and the colors.
  - (D) The plan or drawing and other materials should show the name of the **Owner**, the address of the home, and a telephone number where the **Owner** can be reached.
- 3.3 **SUBMISSION OF DRAWINGS AND PLANS** – Four copies of the “Request for Approval Form” and four copies of the drawing or plan shall be submitted to the **Committee**. Plans should be submitted to the **Design Review Committee** in care of the **Association’s** property management company.
- 3.4 **REVIEW FEE** – No fee is charged at this time, for review/approval of plans by the **Committee**. All costs for submittals shall be borne by the **Owner**. Any engineering consultant fees or other fees reasonably incurred by the **Association** in reviewing any proposed **Improvement** will be assessed to the homeowner requesting the **Improvement**.
- 3.5 **ACTION BY THE COMMITTEE** – The **Committee** may meet as required to review plans submitted for approval and covenant/regulation violation complaint letters received. The **Committee** may require submission of additional information or material, and the

**Committee** may deny the request until all required information or materials have been submitted. The **Committee** will contact the **Owner** by phone, if possible, if additional information or materials are required. The **Committee** will act upon all requests within forty-five (45) days of its regularly scheduled meetings or within forty-five (45) days after receipt of all additional information or materials requested by the **Committee**, unless the time is extended by mutual agreement. All decisions of the **Committee** will be in writing.

- 3.6 **PERFORMANCE OF WORK** – After approval by the **Committee**, a proposed **Improvement** to the **Property** should be accomplished as promptly as possible, in accordance with the approved plans, drawings and descriptions. The work must be completed, in any event, within twelve (12) months (except landscaping which must be completed per Section 2.47 of the Design Guidelines and per the **Declaration**, Article 4, Section 4.11) unless a shorter time period is specified by the **Committee**.
- 3.7 **RIGHTS OF APPEAL** – An **Owner** must appeal to the **Association Board of Directors** in the event of disapproval of a request by the **Committee**.
- 3.8 **COMPLAINTS** – Complaints must be submitted to the **Management, Association and/or Committee**, in writing, and must be dated and signed by an **Owner**. The Board of Directors and the **Committee** will take all reasonable action to preserve the anonymity of complaining **Owners**. Written notification of a violation shall be delivered to the Homeowner by certified mail or in person, by the Management. In no case should a homeowner attempt contact with another homeowner regarding possible violations of covenants.
- 3.9 **DECLARATION PREVAILS** – The foregoing **Design Review Committee** Guidelines and procedures are supplementary to all of the terms and provisions of Article 4 of the **Declaration**, and shall remain in full force and effect. In the event of any actual or apparent conflict between these procedures and said Article 4, the latter shall prevail.

**BOX ELDER CREEK RANCH HOMEOWNERS ASSOCIATION, INC.  
DESIGN REVIEW COMMITTEE  
EXTERIOR PAINT REQUEST FORM**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Colors Currently on Your Home:

(Brick) \_\_\_\_\_

(Field) \_\_\_\_\_

(Trim) \_\_\_\_\_

(Accent) \_\_\_\_\_

Neighbors Home Colors:

(Brick) \_\_\_\_\_ (Brick) \_\_\_\_\_

(Field) \_\_\_\_\_ (Field) \_\_\_\_\_

(Trim) \_\_\_\_\_ (Trim) \_\_\_\_\_

(Accent) \_\_\_\_\_ (Accent) \_\_\_\_\_

Note: Please do not choose colors too close to your neighbors' colors.

Your Choices: (Field): \_\_\_\_\_

(Trim): \_\_\_\_\_

(Accent): \_\_\_\_\_

Dates: Date Painting Will Begin: \_\_\_\_\_

Completion: \_\_\_\_\_

NOTE: Please return 4 copies of this form (+ 4 sets of color samples if requesting non-original builder colors) to:

Box Elder Creek Ranch Homeowners Association  
c/o Homeowners Concerns LLC  
2200 E. 104<sup>th</sup> Avenue, Suite 111  
Thornton, CO 80233

<b>FOR COMMITTEE USE ONLY</b>	
DRC Action Needed by:	_____
DRC Action: 1)	_____
Approved as Submitted:	_____
Approved with Conditions:	_____
Disapproved as Submitted:	_____

**BOX ELDER CREEK RANCH HOMEOWNERS ASSOCIATION, INC.**  
**DESIGN REVIEW COMMITTEE**  
**ACCESSORY & OUTBUILDING BUILDING REQUEST FORM**  
(Use for sheds, room additions, enclosed patios, etc.)

---

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Phone (work) \_\_\_\_\_ (Home) \_\_\_\_\_

Dates (approx) building will begin \_\_\_\_\_ End \_\_\_\_\_

---

1) MEASUREMENTS:      Height \_\_\_\_\_

   Length \_\_\_\_\_

   Width \_\_\_\_\_

- 2) Is the siding material the same as your house? \_\_\_\_\_
- 3) Is the roofing material the same as your house? \_\_\_\_\_
- 4) Is it painted to match the field and trim colors on your house? \_\_\_\_\_
- 5) Are the details (trim boards) consistent with your house? \_\_\_\_\_
- 6) Does the pitch of the roof match your house? \_\_\_\_\_
- 7) Have you provided space around the accessory building, or made design considerations, that will allow for future maintenance (repainting)? \_\_\_\_\_

---

PLEASE ATTACH YOUR PLANS (MEASUREMENTS ARE NEEDED) & A MATERIALS LIST

- 1) BIRDS EYE PLAN OF ENTIRE LOT SHOWING WHICH NEIGHBORS OR STREETS WILL SEE THE ACCESSORY BUILDING.
- 2) SIDE DRAWINGS SHOWING VIEW SEEN DBY NEIGHBORS & FROM STREET WHERE AFFECTED.

PLEASE MAIL 4 SETS OF THIS FORM AND PLANS **OR** FAX 1 SET OF PLANS TO:

Box Elder Creek Ranch Homeowners Association, Inc.  
c/o Homeowners Concerns LLC  
2200 E. 104<sup>th</sup> Avenue, Suite 111  
Thornton, CO 80233  
Fax 303 252-7405

<b>FOR COMMITTEE USE ONLY</b>
DRC Action Needed by: _____
DRC Action: 1) _____
Approved as Submitted: _____
Approved with Conditions: _____
Disapproved as Submitted: _____

**BOX ELDER CREEK RANCH HOMEOWNERS ASSOC.  
DESIGN REVIEW COMMITTEE  
REQUEST FOR APPROVAL**

DATE RECEIVED BY	_____
MANAGEMENT:	_____
DATE SENT TO DRC	_____
CRITICAL DATE:	_____

Homeowner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

My request involves the following type(s) of improvement(s): (Check all that apply) A copy of your plot plan showing the location of the proposed improvement must be included with this submittal.

- |                              |                   |                      |                     |
|------------------------------|-------------------|----------------------|---------------------|
| _____ Basketball Backboard   | _____ Fencing     | _____ Play Equipment | _____ Shed          |
| _____ Deck/Patio Slab        | _____ Landscaping | _____ Room Addition  | _____ Security Door |
| _____ Dog Run                | _____ Painting    | _____ Roofing        | _____ Window(s)     |
| _____ Drive/Walkway Addition | _____ Patio Cover | _____ Sauna/Hot Tub  | _____ Wall (s)      |
| Other _____                  |                   |                      |                     |

Describe improvement and mail 4 copies of this form and 4 sets of attached plans or fax one set of plans:

Anticipated Date of Completion: \_\_\_\_\_

I understand the approval of the Design Review Committee must be obtained before I can proceed with my project. I understand that approval by the DRC does not constitute approval of the local building department and that I may also be required to obtain a building permit. I agree to complete improvements promptly after receiving approval from the DRC. I have read the Design Review Standards manual and will comply with all requirements.

Homeowner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DESIGN REVIEW COMMITTEE ACTION NEEDED BY: \_\_\_\_\_

DRC ACTION	1) _____	2) _____	3) _____	4) _____
Approved As submitted	_____	_____	_____	_____
Approved with Conditions	_____	_____	_____	_____
Disapproved as submitted	_____	_____	_____	_____

Conditions For Approval Include the Following:

Reasons for Disapproval Include the Following:

DRC Member Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return to

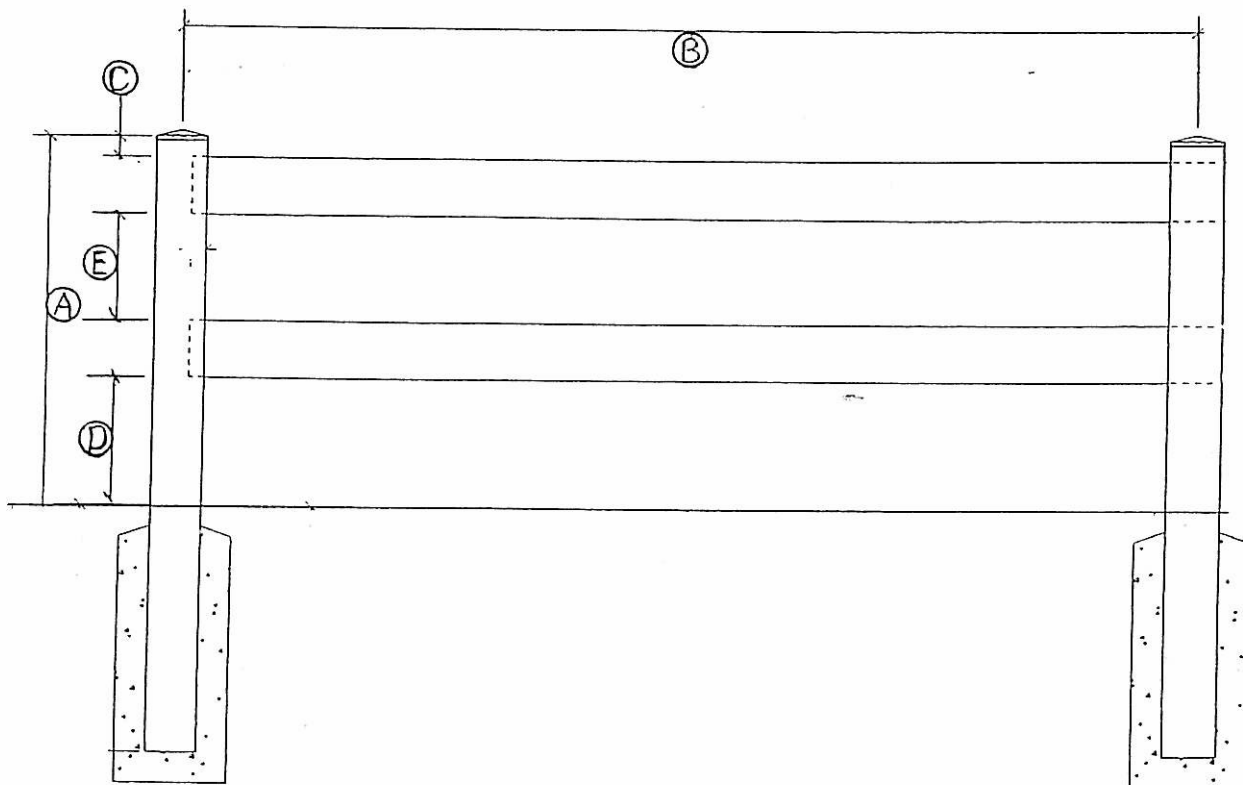
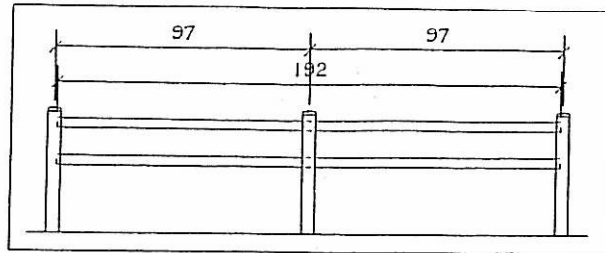


FIGURE NO. 1

## 2 RAIL RANCH STYLE FENCE

POSTS:  
 (2) 5" X 5" X 60"  
 POST CAPS:  
 (2) 5" X 5" PYRAMID

RAILS:  
 (2) 1 1/2" X 5 1/2" X 192" RIBBED  
 (4) RAIL SPRING CLIPS



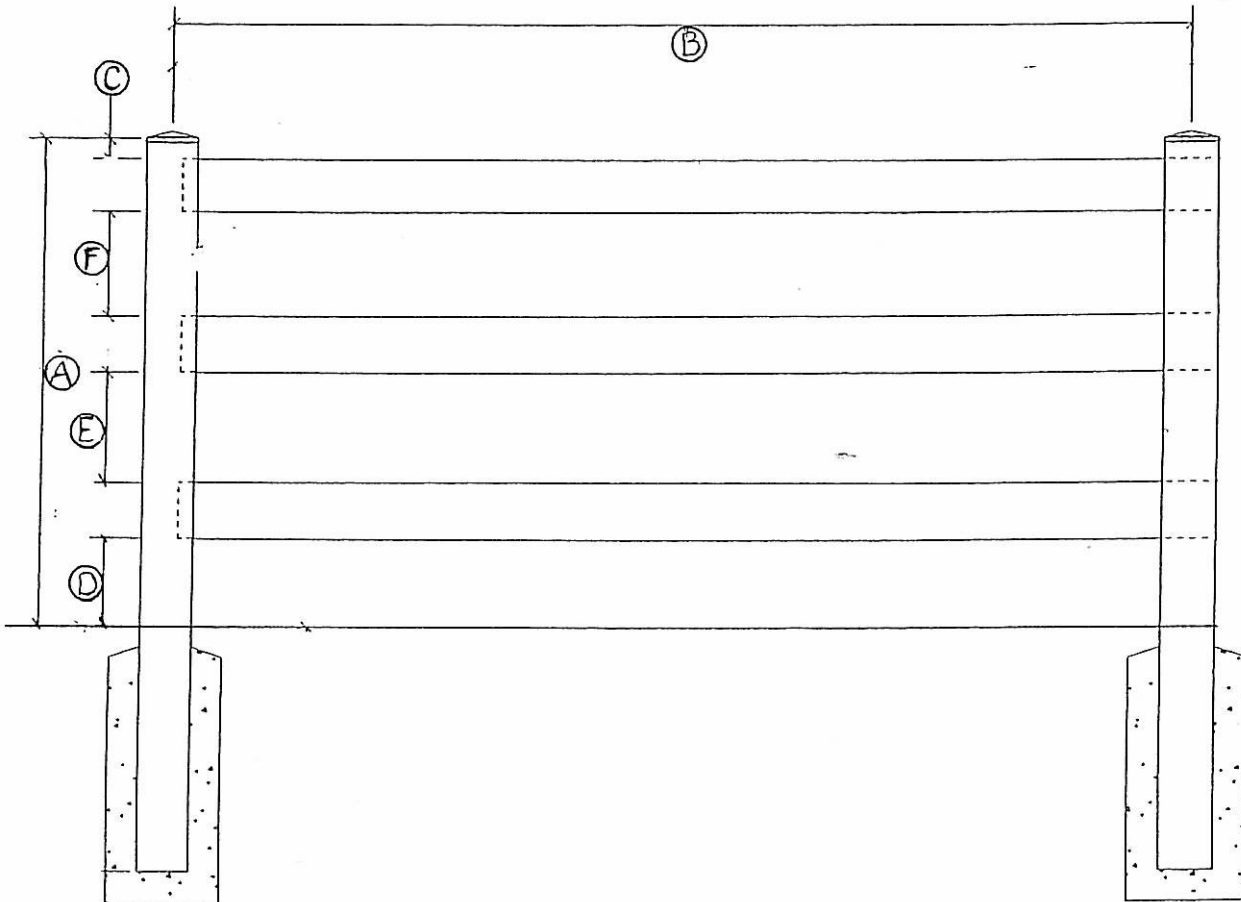
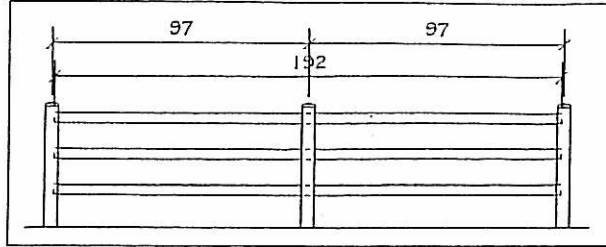
DIMENTION DATA 2 RAIL					
HEIGHT	A	B	C	D	E
36"	36	97	2	12.5	10.5
MATERIALS: 5"X5"X5' POST, 1.5"X5.5"X16' RAILS(2)					

FIGURE NO. 2

# 3 RAIL RANCH STYLE FENCE

POSTS:  
 (2) 5" X 5" X 84"  
 POST CAPS:  
 (2) 5" X 5" PYRAMID

RAILS:  
 (3) 1 1/2" X 5 1/2" X 192" RIBBED  
 (6) RAIL SPRING CLIPS



DIMENTION DATA		3 RAIL				
HEIGHT	A	B	C	D	E	F
52"	52	97	2	12.5	10.5	10.5
MATERIALS: 5"X5"X7' POST, 1.5"X5.5"X16' RAILS(3)						

FIGURE NO. 3

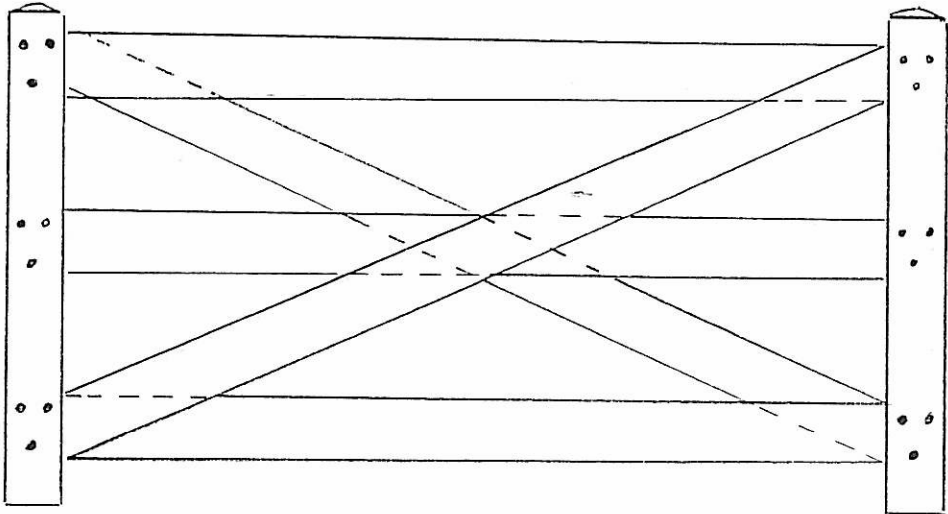
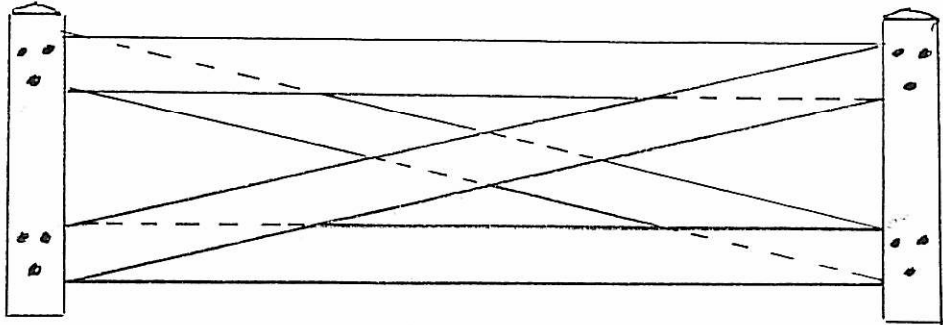
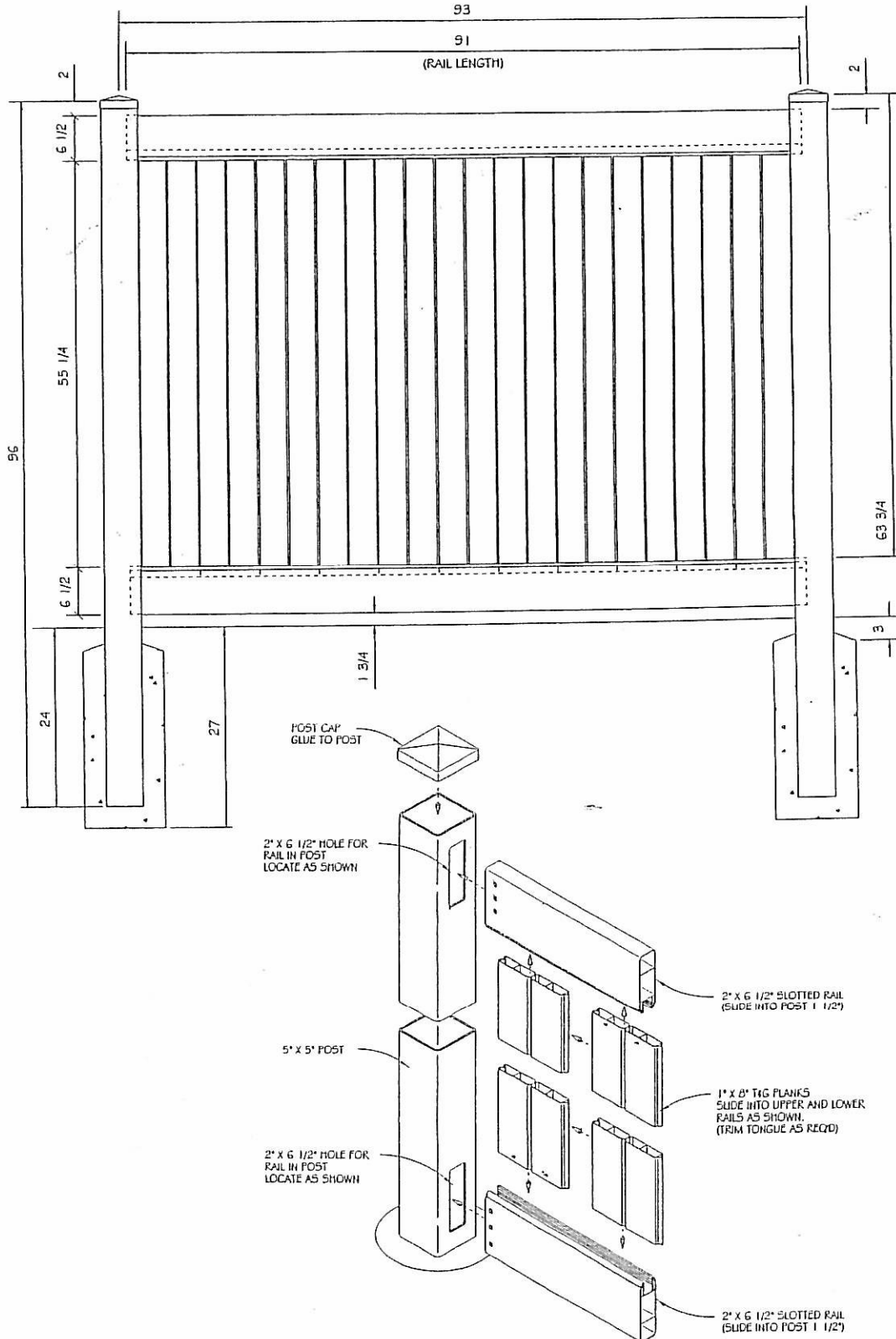


FIGURE NO. 4

6ft Privacy Fence

REQ'D MATERIAL PER 8' SECTION

- |                     |   |
|---------------------|---|
| POSTS:              | RAILS:                                      |
| (1) 5" X 5" X 96"   | (2) 2" X 6 1/2" X 91" SLOTTED               |
| POST CAPS:          | PLANKS:                                     |
| (1) 5" X 5" PYRAMID | (1) 1" X 8" (T&G) X 57 3/4" WITH "V" GROOVE |



**ATTACHMENT TO DESIGN REVIEW GUIDELINES  
BOX ELDER CREEK RANCH HOMEOWNERS ASSOCIATION INC.**

**INSTALLATION OF ANTENNAE IN COMPLIANCE WITH RULING OF THE FEDERAL  
COMMUNICATIONS COMMISSION**

(Note: all terms used in this attachment to the Residential Design Guidelines shall have meanings as defined in the Declaration of Covenants, Conditions and Restrictions for Box Elder Creek Ranch Homeowners Association Inc.)

Section 1. Restrictions on Antennae. No exterior radio antenna, television antenna, satellite dish, or other antenna or thing capable of receiving broadcast signals of any type shall be erected or maintained within the Community, unless approved in writing by the Design Review Committee prior to installation, except as noted below in Section 2. With the approval of the Design Review Committee, a master antenna or cable television antenna may be, but need not be, maintained for use by all Owners or a group of Owners, and Declarant may grant easements for such purposes. No electronic or radio transmitters other than garage door openers or cordless telephones shall be operated in or on any structure or within any Unit, but, notwithstanding such restriction, remote controlled electronic and radio transmitting devices for operation of television sets, stereos, videocassette recorders, toy walkie-talkie sets, baby monitors, handheld and mobile transceivers, handheld and mobile radios, cellular telephones and similar devices approved by the Design Review Committee may be allowed as long as (a) no wires or antennas are visible on the exterior of any structure within the Community, (b) their use complies with regulations of the Federal Communications Commission, and (c) any interference with similar permitted uses of other Owners is corrected within is corrected within 24 hours after notice given by the Design Review Committee.

Section 2. Installation of Antennae in Compliance with October 4, 1996 Ruling of the Federal Communications Commissions (FCC). The Association has adopted rules, regulations and restrictions for the installation and maintenance of exterior antennas in the community in compliance with the FEE Rule which became effective October 4, 1996 as follows:

**2.1 NOTIFICATION**

- A. Before installation of any DBS (direct broadcast satellite) satellite dish that is one meter or less in diameter, MMDS (multichannel multipoint distribution service wireless cable) antenna that is one meter or less in diameter or diagonal measurement, or television (TBS) antenna (collectively referred to as "antenna") is permitted, the **Owner** of the **Property** where the antenna is being installed must notify the Association in writing using the Notification form for installation of Satellite Dish, MMDS Antenna or TV Antenna (see Forms Section, page 23).
- B. The regulations contained in this Resolution do not relieve any **Owner** from obtaining approval for other exterior modifications, alterations and additions for painting, landscaping or fence installation as may be required by the **Association's governing** documents.
- C. ANY ANTENNA INSTALLATION WITHOUT PROPER NOTIFICATION OR NOT IN COMPLIANCE WITH THIS REGULATIONS, MAY RESULT IN A FINE AGAINST THE OWNER OF UP TO \$250.00 FOLLWING NOTICE AND OPPORTUNITY FOR HEARING

AND SUCH FUTURE ACTION, LEGAL OR OTHERWISE, AS PERMITTED BY DECLARATION OR STATUTE.

## 2.2 ANTENNA LOCATION

- A. The primary installation location for a DBS satellite dish and MMDS antenna shall be in a location in the backyard that is shielded from view from the street(s) and adjacent residences, provided such location does not preclude reception of an acceptable quality signal.
- B. The secondary location: if the primary location prevents reception of an acceptable quality signal, the antenna shall be installed in a location that is shielded from view from the street(s) and adjacent residence, provided such location does not preclude reception of an acceptable quality signal.
- C. A TV antenna shall be installed wholly within the physical structure of the residence so long as the signal received is substantially the same as the signal received by an outdoor TV antenna. If a TV antenna is installed outdoors it shall be installed in a location that is shielded from view from the street(s) and adjacent residences.
- D. Installation of an antenna on any Common Areas as defined in the Declaration or Property not owned and under the exclusive use or control of the Owner is strictly prohibited.
- E. Installation of any antenna designed to transmit radio, television, cellular, or other signals that does not also receive over the air video programming services as described in Paragraph 1 A is strictly prohibited.
- F. Installation of any antenna not described in this regulations is subject to prior written approval of the Board of Directors and/or the Committee.

## 2.3 ANTENNA INSTALLATION

- A. Installation of an antenna permitted in Section I and II above, shall be subject to the following:
  - 1. Installation shall be by a qualified person knowledgeable about the proper installation of antennas.
  - 2. Installation shall be in accordance with all applicable building, fire, electrical and related codes and a building permit shall be obtained, if required by local ordinance.
  - 3. Installation shall be in accordance with the manufacturer's installation specifications. The installer shall have a copy of such specifications on site at all times during the installation.
  - 4. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which is attached. If the antenna is installed on the side of a structure, the penetration of the wire or cable from the exterior to the interior of the residence shall be made as close as possible to the location the antenna is attached to the siding and through existing penetrations for wire and cable, if available.

5. If the antenna is installed on a stalled on a structure, such as a roof or siding, it shall be painted so as to blend into the background to which it is mounted or placed.
6. An antenna installed on the ground shall be screened from view from any street or adjacent Lot by a solid wood fence or appropriate landscaping.
7. No antenna shall be placed in a location where it blocks fire exits, walkways, ingress or egress from an area, fire lanes, fire hoses, fire extinguishers, safety equipment, electrical panels, or other items or areas necessary for the safe operations of the Association or individual units.
8. No antennae may obstruct a driver's view of an intersection or a street.

#### 2.4 **MAST INSTALLATION**

- A. Antennas mounted on masts are prohibited except where necessary for reception of an acceptable quality signal.
  1. Due to safety concerns, a mast plus antenna structure which extends twelve feet or less above the roof must be properly anchored to withstand winds as required by local ordinances or codes.
  2. Due to safety concerns relating to wind loads and the risk of falling structures, installation of a mast plus antenna structure which extends more that twelve feet above the roof must be approved in writing by the Committee prior to installation. The owner shall submit an application using the Application Form For Permit To Install Mast (See Forms Section, Page 23) including detailed drawings of the mast structure and methods of anchorage.
  3. Due to safety concerns relating to wind loads and the risk of falling structures, installation of a mast plus antenna structure which extends more than twelve feet above the roof shall comply with all local ordinances and codes.
- B. Mast shall be painted to match the antenna mounted on it and to blend with the surroundings.
- C. Masts which are installed in the ground shall be anchored to withstand winds as required by local ordinances and codes.
- D. No mast installed on a roof shall be installed nearer to the Lot line than the total height of the mast plus antenna structure above the roof.
- E. No mast shall be erected nearer to electric power lines than the total height of the mast plus antenna structure above the roof.
- F. No mast shall encroach upon any Common Area, street or other public space.

- G. Guy wires and other accessories shall not cross or encroach upon any common area, street or other public space or over any electric power lines, or encroach upon any other privately owned Property.
- H. Masts shall be constructed of approved corrosion-resistant noncombustible material.
- I. Masts shall be designed for the dead load plus the proper wind load.
- J. Adequate installation and anchorage shall be provided to resist two times the calculated wind load.
- K. Masts shall be permanently and properly grounded.
- L. All applicable provisions of Section III above shall apply to the installation of masts.