

# **CHERRY CREEK CROSSING DESIGN REVIEW GUIDELINES**

Amended and revised May 13, 2004

**“The question that must be addressed, therefore, is not how to care for the planet, but how to care for each of the planet’s millions of human and natural neighborhoods, each of its millions of small parcels of land, each one of which is in some precious way different from all the others. Our understandable wish to preserve the planet must somehow be reduced to the scale of our competence - that is, the wish to preserve all of its humble households and neighborhoods...”**

**(“The futility of Global Thinking,” Harper’s, Sept. 1989)**

Welcome to Cherry Creek Crossing,

Our community features large lots framed within a panorama of rolling hills, prairie grass, wildflowers, Pike's Peak and the Front Range of the Colorado Rockies. These Design Review Guidelines serve as a tool to preserve this beauty and to ensure the harmony of design as we add new homes and subsequent improvements to our community.

Design guidelines, standards, or architectural controls involve everyone who has a vested interest in a community association because they help to maintain, protect, and enhance property values. Although you, the Homeowner, are most directly affected, Builders and lenders often are concerned with the continuing quality of the project as long as their reputations and financial support are connected to the community.

Failure to properly exercise design standards can result in misunderstanding and controversy among homeowners, and generate protracted conflict. Additionally, the community members may suffer property value losses if design guidelines are absent, ineffective, or inconsistently enforced.

A successful design review program must be recognized by the community as a benefit, and not as a burden. These Design Review Guidelines will help establish and enforce appropriate design review procedures and requirements. We use the term design review instead of architectural control because design review emphasizes that the process pertains to the design concept as a whole (e.g. landscaping, signs, etc.) emphasizes the positive aspect of the review process rather than the negative concept of control, and conforms to current language used by architectural professionals.

Cherry Creek Crossing is the culmination of years of careful thought and planning. Just as you strive to incorporate your dreams into the creation of your new home, Cherry Creek Crossing shall strive to become a premier nature and family-oriented community. It is with this goal of excellence that these Guidelines were developed: to preserve the natural beauty of our valley and to protect and enhance every owner's property values.

The Design Guidelines were written to help you through the building process as pleasantly as possible. Please read through these guidelines before you begin planning your home and provide copies to both your architect and your builder. If there are any questions or concerns, please contact the Design Review Committee.

Thank for you for selecting property in the Cherry Creek Crossing Community for your new home. We look forward to working with you and making new friends

Sincerely,

Nathan K. Miller

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## **INTRODUCTION**

The following Design Guidelines describe the considerations the Design Review Committee (DRC) will apply in reviewing the site planning, architectural design, and landscaping plans for your new home at Cherry Creek Crossing. They also detail the Construction Regulations that your builder must observe while your home is under construction. Then, they set out the exact procedure that should be followed during the design review process. Finally, they explain the composition and operation of the Design Review Committee (DRC).

Please keep in mind when reading these Guidelines that the Design Review Committee's responsibility is to accommodate creativity and appropriateness of home design while maintaining standards of quality and integrity. These Guidelines are generally broad indications of goals and objectives, combined with some clear prohibitions and requirements. Please understand that this approach has left a relatively large area open for the DRC's judgment. In exercising that judgment, we will use our best efforts to make decisions in keeping with the design objectives on which Cherry Creek Crossing is founded. However, there may be individual decisions on your home or others with which you do not agree. We hope there will be very few of those and that you will understand the difficult balances we must make. Our goal is to build a community of which you are tremendously proud.

The focus of these Guidelines incorporates two elements:

One's perception of Cherry Creek Crossing is based upon what can be seen, heard, or otherwise sensed from outside each property. In using terms like "visible" or "screened", we refer only to visibility from the common areas of Cherry Creek Crossing, or from neighboring properties. What cannot be seen or heard from these areas is not controlled by these Guidelines and may be handled without the need for any review.

Builders will be encouraged to meet the standards of both the State of Colorado Built Green program and the EPA Energy Star Program. Both programs offer training for builders. Both are designed to reduce homeowners' energy bills, create a more comfortable and healthy indoor-air environment, and promote environmental stewardship.

Design Guidelines are binding on all properties within Cherry Creek Crossing in addition to the standards set forth in the Declaration of Conditions, Covenants, Restrictions and Easements recorded in reception no. 99182700 in the records of El Paso County, Colorado.

## SECTION I. SITE PLANNING

Climate, terrain, vistas, and existing vegetation at Cherry Creek Crossing have all contributed to shaping the guidelines for design of improvements to home sites within the community. The following guidelines are intended to ensure environmentally sound and aesthetically pleasing development in balance and harmony with the natural environment.

### 1.1. Views

Cherry Creek Crossing is set in a beautiful environment with varied vistas from all parts of the site. When planning your home, care should be taken to visually use natural materials to provide filtered and selected views. At the same time, care should be taken to screen and filter views back to the house and its service areas from public areas.

### 1.2. Building Envelope and Home Orientation

**a. Building Envelope:** The building envelope is the part of each site within which all structures, including buildings, walls, septic systems, and decks are located. The building envelope may not encroach on any required minimum setback (see S. 4.1), except for irrigation facilities and driveway access crossing the front setback.

**b. Home Orientation:** Passive Solar Design criteria may be implemented to maximize the energy efficiency of a home. Home orientation can lower energy costs as much as 50%. The following design criteria are encouraged: to maximize the solar efficiency of a home.

- A floor plan with east-west-oriented axis can present an efficient south wall for winter passive solar heating. Use of south-facing windows can capture sun's heat in winter.
- A high level of thermal mass, inside and out, stores heat and moderates temperature swings.
- A design with a roof overhang (around 2 feet) on south side can protect south windows from summer sun, but admit winter sun to heat house. (See S. 2.5)

### 1.3. Site Preparation

No excessive excavation or fill will be permitted on any lot except where specifically approved by the DRC due to terrain considerations. Strong efforts should be made to balance cut and fill with minimal use of retaining walls and engineered building pads.

### 1.4. Grading and Drainage

The goal of the land planners and landscape architects at Cherry Creek Crossing has been to preserve the natural existing topography and vegetation as much as possible. Improvements were planned to minimize alteration of the existing topography. These goals should be carried through to all levels of development, including individual home sites. For home sites, grading should maintain the natural existing softness of the terrain in natural, rounded, and varied contours, and not sharply defined slopes.

All site improvements should be designed to minimize the extent of grading required. Techniques to be utilized to minimize grading include

- “Stepping down” the building on slopes
- Providing access across slopes
- Using retaining walls where necessary.

Where grading is necessary, cut and fill slopes shall be kept to a minimum of three (horizontal) to one (vertical.) All graded slopes should be transitioned as smoothly as possible into existing slopes and re-seeded as soon as practical in native grasses beyond the limits of the formal landscaping. Upon completion of any dwelling, the lot shall be final graded to insure proper drainage away from the structure’s foundation. The grading pattern established by the grading permit should be maintained at all times.

Each lot owner is responsible for accepting historical drainage from uphill lots and diverting it away from critical areas on the lot, such as house foundations, driveways, and garden or walkout level features. Each lot owner is also responsible for diverting runoff water to the front street ditches or to the rear area of the lot. Each lot owner is responsible for controlling silt with hay bales or other acceptable methods.

Drainage swales or washes interrupted by site improvements or additional drainage structures created by such improvements shall be constructed or reconstructed of natural materials properly placed for positive operation of the drainage system. Structures that are artificial in appearance, for example, exposed drainage pipes, must be avoided. Erosion must be controlled in all circumstances. Special care must be taken during construction to protect and retain exposed earth to avoid erosion.

### **1.5. Access Drives**

Access drives will have a significant impact on the site, as seen from the road. The proposed access drive is subject to approval by the DRC. Driveway construction shall not negatively impact established drainage or road grades. From the garage, drives should move toward the roadway following the contours of the land in order to maintain a natural appearance and preserve important natural features (e.g. trees and drainage ways). Avoid long straight runs to soften the visual impact of the driveway. Generally, roadbeds cut into the slope are preferable to using fill. Roadways should drain to rock-lined ditches and culverts on the uphill side. Cut banks should have the natural, rolling character of surrounding terrain and should be replanted with native planting material.

The access roadway must be paved with concrete or a three-inch base of asphalt. Driveway materials may vary as they relate to individual architecture, but should be hard surfaced and be maintained in good condition. (Ref. S.1.7) The proposed driving surface is subject to approval by the DRC. The surface of an access drive shall be 12-15 feet in width where it crosses the road right-of-way and the front setback of the lot. An apron shall be installed at the intersection with the street. Driveways should intersect the road at approximately 90 degrees for maximum visibility. Construction within the road right-of-way shall be limited per County specifications.

Driveways and/or parking surfaces may not encroach into any side setback without specific approval of the DRC. Some limited encroachment may be considered where unique terrain, vegetation constraints, or limited lot width may be warranted.

Drainage across or under driveways, where required, should be integrated into the design of the driveway. Driveway culverts shall meet the requirements of the County Department of Transportation. Culverts shall be installed prior to construction on the Lot. Culverts should be graded to allow drainage water to properly flow, so as to avoid standing pools of water where mosquitoes may breed.

### **1.6. On-Site Parking**

Each site must provide an enclosed garage for at least two cars and shall include at least two guest parking spaces.

Off street parking areas should be located out of major site lines and screened with landscaping, earth forms, and plantings.

### **1.7. Paving**

Excessive areas of pavement, as determined by the DRC, are not allowed.

Paving materials for driveways, paths, steps, patios and other areas should have a dull, non-reflective surface and utilize colors that blend well with the natural surroundings.

Treatment of common areas at Cherry Creek Crossing will emphasize natural rock, rock walls, and simulated rock form composites. Paving materials that repeat, reflect, or refer to this theme are encouraged.

### **1.8. Fences and Walls**

**Function.** There is a functional need to enclose areas for privacy, for protection of children, and containment of pets. All fences and walls of any lot shall be of the type to coordinate with the Community and shall not be constructed without prior approval by the DRC. The DRC may choose to require a uniform design for the Community.

**Design.** Fences or walls should be designed to appear as an extension of the architecture and architectural materials. Natural plantings should be used to both mask and minimize the visual impact of fences and walls from the road and surrounding Properties.

**Fencing Materials and Color.** Fences shall be of the rail type. They shall be constructed so that all structural components are on the interior of the fence so as to enhance the visual appeal to adjacent lots. The use of arsenic treated wood is prohibited. Treated wood must be of a nontoxic preservative such as Alkaline Copper Quaternary Compound. Chain-link-type fencing, pipe rails and metal posts are expressly prohibited.

**Location.** No fence, wall or hedge is allowed in front of the centerline of the principal building. In the case of corner Lots, both sides of the residence facing the streets shall be considered a ‘front’ of the residence. Fence locations and fence types must be indicated on landscape plans, including the location of gates. The locations of fencing shall be submitted to the DRC and shall not be constructed without prior approval from the DRC.

**Privacy Screens.** Fences or walls utilized as sight screens must be conceived as an integral part of the overall design of the building, and not simply a tacked-on element dictated solely by function. Privacy and screening fences and walls shall be subject to approval of the DRC. Such fences and walls shall be no more than 6’ high and shall be compatible with the general detailing, coloring and construction of the residence. Natural plantings are encouraged to minimize the visual impact of privacy fences and walls to the surrounding properties.

**Perimeter Walls.** In order to preserve wildlife corridors, walls on the lot perimeter are prohibited. No fence or wall shall be closer than ten feet from any perimeter lot line.

**Pet Enclosures.** Prior approval by the DRC is required. The following criteria pertain to dog runs:

- Dog runs may not exceed five hundred (500) square feet.
- Shall not be located in front yards and shall generally be located in rear yards,
- Shall not be closer than nineteen feet from a property line.
- Rectangular wire or colored fabric mesh may be used on open rail fences. Wire mesh shall be 2” x 4”, heavy galvanized wire and must be installed on the interior of the open rail fence.

## **1.9 Structural Retaining Walls**

Structural retaining walls may not exceed an above-grade height of five feet. Multiple terraced retaining walls must be utilized where the overall height of retained earth exceeds five feet. Retaining walls may be constructed of cast concrete or concrete masonry units; however, all exposed wall surfaces and edges must be treated with an approved finish, such as stone veneer, so as to blend unobtrusively with the architecture of the residence and its natural surroundings.

## **1.10 Terraces, Decks & Exterior Steps**

Outdoor living is one of the great pleasures of having a home at Cherry Creek Crossing. The nature of the landforms will influence the choice among on-grade yards, terraces, and raised decks to provide the best spaces for that purpose. Yards and terraces should be designed so as to be an extension of the architecture, and of the land's natural contours. The landscape should provide a key element in a comprehensive design that integrates the man-made features with the natural terrain and vegetation. Natural materials such as stonewalls should be used as transition to more contained man-made landscapes set among Cherry Creek Crossing's natural open spaces.

Decks should be very carefully designed to preserve the beauty of the home as seen from the neighboring Properties. Decks located at the main level of a walkout shall be integrated with the architecture of the residence. Covered decks shall be encouraged where the roof form is consistent and blends with the residence. Attention shall be given to stairwell construction as it connects from

the deck to grade. Running the stair along the side of the residence to “meet grade” coming downhill is encouraged. Otherwise, a stair may be constructed of similar materials to the deck and its handrail, and may be constructed by use of cantilevering its support or supporting it with additional columns as previously described. All vertical surfaces, including rails, fascias and stair jacks shall be painted or stained to match the body color of residence.

Great care must be taken to aesthetically consider the undersides and finish of decks and terraces, especially on upper hillside sites. Where the vertical distance from the underside of a ground floor deck structure (along its perimeter edge) exceeds 30 inches above finish grade below, the deck edge must be skirted to screen the cavity beneath the deck. The only exception is for decks overhanging living space below, where access and light must be preserved for these living areas. In these cases, great care must be taken to support the deck posts should have with elements of sufficient visual substance so that they appear to be architecturally integrated with the residence itself. Simple posts or similar support systems for such decks will not be acceptable. The use of stone or stucco columns, detailed railings, and the integration of lighting fixtures are encouraged.

### **1.11. Swimming Pools and Spas**

The size, shape and site location of swimming pools and spas, if any, must be carefully considered to achieve a feeling of compatibility with the surrounding natural and man-made elements. Pool and equipment enclosures must be architecturally related to the house and other structures through the use of walls or courtyards so that they appear to be a visual extension of the home.

Aboveground pool and structures are not allowed. Pool decking for in-ground pools must be level with the finished grade. All pool equipment shall be screened from the view of neighboring property or roads. All pool equipment shall be located, or sound attenuated, in such a manner as to not disturb the occupants of adjacent or nearby Properties.

Spas are allowed to be located above ground, on at-grade patios, or on decks. The Spa and any associated equipment must be situated adjacent to the house and be screened as completely as possible from the view of neighboring properties and roadways. The screening may be with appropriate non-deciduous vegetation or with an enclosure compatible with the house. The location and the screening must have prior approval of the DRC.

### **1.12. Exterior Lighting**

Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from the direct view of light sources. All ground and building lighting shall produce no direct light rays or glare spill over which extends beyond the boundaries of the property from which the light originates.

The maximum permitted light post height shall not exceed twenty-five (25) feet on the Single Family Planning Area, and thirty-five (35) feet in other Planning Areas.

No floodlighting or flashing lights shall be permitted. Illumination necessary for evening activities must be subdued, directed downward, screened, and be only bright enough to provide for the safe

traverse of steps and paths. Light sources or luminaries shall not be located within landscape buffers, except on pedestrian walkways. Motion-activated lighting is encouraged.

Ornate lighting types such as colored lights or extensive yard lighting will be prohibited, with the exception of seasonal lighting such as Christmas lights. Light sensitive automatic lighting is discouraged, in favor of motion-activated lighting.

### **1.13. Outdoor Storage**

Outdoor areas housing trash containers, firewood, clotheslines, maintenance or service equipment such as lawnmowers and snow blowers or overflow storage shall be screened from all adjacent properties by a wall or fence.

### **1.14. Antennae and Satellite Dishes, and Flagpoles**

Satellite reception dishes (not more than 18" in diameter) may be installed on the exterior of a residence, provided it has been approved by the DRC and is screened from view. No electronic or radio transmitters of any kind (other than in-home types such as garage door remote controls, cordless phones, or security systems and similar types) are permitted.

The Committee must approve permanent flagpole installation.

### **1.15. Heating and Cooling Equipment**

No roof mounted or wall mounted heating or cooling equipment will be permitted. Any exterior heating and/or cooling system components must be ground mounted, adjacent to the residence and hidden from view of the roadway, or neighboring Properties. Such equipment must also be insulated for noise so as not to be heard from the neighboring Properties.

### **1.16. Utilities**

Utility services other than sewer lines are all stubbed to a property line of each site. The extension of services from these stub locations to the residence shall be the responsibility of each Owner. All utility extensions must be underground and must be routed to minimize disruption to the natural landscape and to avoid, as much as possible, root systems of trees over 4" in diameter. As a general rule, utility trenches may not encroach into any required setback unless warranted in instances where adjoining properties share a utility trench and where they cross the front setback between the service tap and the building envelope. All disturbed areas of the site must be re-seeded. All meter panels must be screened so that they are not visible.

### **1.17. Homesite Identification and Signage**

In order to create continuity within the Community, a standard form of address and resident identification sign and standard location for placement of such signs has been established by the DRC and all identification signs used must comply with that standard.

No additional signage, of any kind will be permitted, except directional signs provided by the developer and temporary construction signs, which must be approved by the DRC. Real estate sale or lease signs, banners, flags, and other devices intended to call attention to any Lot are prohibited.

### **1.18. Mailboxes and Newspaper Delivery Boxes**

Due to service restrictions and guidelines of The U.S. Postal Service, mail delivery to individual mailboxes for each home is no longer available. Consequently, no owner may construct a mailbox for U.S. mail on his Lot.

Cherry Creek Crossing has developed a cluster mail service plan acceptable to the Postal Service that provides each residence with a mail box at one of the mail box kiosks. Each Owner, through the Property Owner's Association, shall pay a pro rata share of the cost of maintenance of the kiosk in which his box is located.

The DRC, with prior approval, will permit one standard newspaper delivery box located at the end of access drives. The DRC shall require a uniform design for the Community.

### **1.19. Tennis or Basketball Courts**

Tennis courts, basketball courts, and any associated lighting will be discouraged unless the DRC can be shown that the court will not aesthetically detract from the area visibly adjacent thereto. The impact of the court and any lights that shine on surrounding lots or that will illuminate the dark sky will determine whether approval is given.

Installation of all backboards and associated lighting (i.e. basketball, tennis, handball, etc.) installed on the house or as a free-standing improvement shall be screened from view from neighboring properties and roadways, be shielded on the sides and top, be of a color compatible with the house and have prior approval of the DRC before installation.

### **1.20. Barbecue Facilities**

Permanent outdoor barbecue facilities shall be located at the rear of the residence and be screened from neighboring Properties and roadways, using appropriate non-deciduous vegetation or enclosures of a design compatible with the house.

## **SECTION II. ARCHITECTURAL DESIGN**

Architectural standards have been developed in response to aesthetic goals and environmental considerations at Cherry Creek Crossing. The purpose of these standards is not to create look-a-like residences, or to suggest that they should all use identical finishes, but rather to create an interesting and harmonious community. The architectural approach should be compatible with the land itself. No one residence or structure should stand out apart in its design or construction from the environment which it occupies. Rather, each should make its own contribution to a harmonious whole by reflecting, in its own way, the design themes that make up the look of Cherry Creek Crossing.

### **2.1. Style**

No specific architectural style is required or desired at Cherry Creek Crossing. Rather, the goal of architectural harmony is to be achieved through the use of a controlled range of complimentary materials and colors such as natural wood siding, native stone, and concrete shake type or high-dimensional architectural asphalt tile roofs in medium to dark ranges of earth tones within a very wide range of architectural designs. Using these materials, a very wide range of architectural designs can be a comfortable part of and enhance the natural environment at Cherry Creek Crossing. However, certain architectural styles, while having a beauty of their own, are so closely associated with other times and other places that their use would be a distraction from the harmony of the Cherry Creek Crossing community. An example of an inappropriate style would be experimental or radical building designs, such as an earth ship; although they may have merit, they are not in keeping with the quiet, more conservative character of Cherry Creek Crossing.

### **2.2. Design Repetitions**

Each home constructed at Cherry Creek Crossing shall express its own unique architectural design, thereby having a custom character to each home site. Repetition is discouraged. Required changes in similar floor plans shall include significant massing changes in combination with differences in material uses and placement, architectural details, and exterior colors.

### **2.3. Size**

There are no predetermined maximum sizes of residences at Cherry Creek Crossing. However, homes that are excessively large or small for their sites and their contexts can distract from the setting and will be discouraged. (Ref. S. 13.3 CC&Rs).

### **2.4. Heights of Structures**

Currently, there is a fixed maximum height of 30 feet for buildings in Cherry Creek Crossing. The PUD mandates this. The County definition of building height is as follows: *the vertical distance measured from the average elevation of the finished grade adjoining the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridges for gable, hip and gambrel roofs.* Notwithstanding, the DRC will

consider suitability of building height to the site and its surroundings in order to minimize the impact of structures on sensitive natural areas.

## **2.5. Four -Sided Architecture**

Four-sided architecture, which creates interest, texture and balance, is required on all exterior elevations. Architecture details, such as the use of windows, doors, dormers, porches, decks, stucco pop-outs, trim of natural materials, extensive cultural rock, use of complementary, multiple exterior materials, etc., is required for all elevations. Any long expanse of façade, bare of architectural details, must be avoided.

## **2.6. Roofs**

Visually, the roof is probably the single most important element in the overall building design. All residences at Cherry Creek Crossing must have pitched roofs with a minimum pitch of four feet in twelve and a maximum pitch of twelve feet in twelve. Steeper pitches are most appropriate in settings with tall trees nearby. Flatter pitches are most suitable on sites with lower, more rolling topography. Mansard roofs are prohibited. The use of major rooftop elements such as dormers, chimneys, or skylights should appear integral, and not as an appendage.

Concrete roof tiles, 50 year high-dimensional architectural asphalt tiles, slate, or high-dimensional architectural metal tiles are permitted. The tiles selected must have a fire restrictive Class A rating. Because of their inherent fire hazard, wood shakes or wood shingles are prohibited. Flat asphalt shingles and barrel or "S" tiles are prohibited. A list of approved materials may be obtained from the DRC. Colors will be limited to non-reflective medium to dark earth tones.

## **2.7. Foundations**

The foundation walls or wood stem walls that connect the house to the ground, particularly on sloped sites, can be just as important as the roof in their impact on the overall design and on the relationship of the home to the surroundings. Therefore, design and material selection for this important element should be adequately planned and budgeted for. The use of "heavy" natural materials in foundation walls to form the base provides a natural transition to the ground. Whatever the material, it should be an extension of other elements such as walls or terraces and not accentuate a break between them. Exposed posts and cross-braced under-structures are unsightly, especially to neighbors, and provide no visual connection to the ground.

Visible surfaces of concrete masonry or concrete foundation walls and piers may not exceed 12 inches above finished grade unless they are faced with approved masonry. Surfaces not faced with approved masonry must receive stucco or mortar-wash finish colored and be painted to blend unobtrusively with adjacent materials. Wood siding that extends from walls down over foundation walls to cover foundation surfaces should smoothly follow grade lines, not the steps in the concrete foundations. Foundation walls that occur under a skirted deck so that they are no longer visible are exempt from the facing requirements stated above.

## **2.8. Garages**

Each residence must have an enclosed garage for at least two cars. Carports are prohibited. Wherever possible, garages should be oriented so that access is indirect, and garage openings do not directly face the road. Garages should be designed to open to the side of the house. If garages open toward the road, great care must be taken to design their openings to be as subtle as possible. All garage doors must be equipped with automatic door openers. Garage doors shall be colored or painted to blend unobtrusively with surrounding materials. Earth tones are encouraged. White-colored garage doors are discouraged unless the color blends unobtrusively with adjacent materials.

## **2.9. Exterior Materials**

Exterior materials should generally be natural materials that blend and are be compatible with the native landscape. The predominant exterior material should consist of stucco, stone masonry, brick, and/or indigenous wood species, including beveled or tongue-in-groove board siding, board-on-board, board and batt, and similar siding treatments. The siding must run in one consistent direction on all exterior walls and be of one wood species only. Semi-transparent or solid body stains in colors that harmonize with the surrounding landscape must be used. All reflective metal must be painted to match or blend with surrounding materials using colors approved by the DRC.

The aesthetic merits of any combination of exterior materials are subject to review and approval by the DRC in order to maintain the architectural integrity and consistency of the visual experience at Cherry Creek Crossing. Plywood siding and pressed board siding are prohibited unless the applicant can demonstrate to the DRC that the specific proposed application would result in a finished appearance indistinguishable from an individual board siding application. The use of metal siding, fiberglass siding, or composition asbestos siding is prohibited. Aluminum windows, doorframes, light fixtures, and skylights must be bronzed or anodized. Steel windows and doorframes must be painted to match or blend with surrounding materials.

Draperies and window coverings that can be seen from the exterior of the home shall be a color that harmonizes with the surroundings.

## **2.10. Exterior Colors**

All exterior colors are subject to prior approval by the DRC. The color of all exterior materials should be subdued to blend with the natural landscape. Earth tones are encouraged, although muted accent colors that are used judiciously and with restraint may be permitted.

In no case will Primary colors approaching the primary range (red, blue, and yellow) be permitted, nor will any drastic contrasts in value (light to dark) be allowed. It is the intent at Cherry Creek Crossing to preserve the appearance of the natural landscape and preclude the use of colors that would appear out of place and, therefore, offensive to the eye.

## **2.11. Front Doors and Entry Steps**

Front doors and entries are an important focal point for most home designs. Doors and surrounding architectural details should be substantial relative to the home and design that is in keeping with the architecture of the home itself. Where entries are located above the lowest grade of the home, particular care must be taken to ensure that the entry appears to be solidly connected to the ground, that the grade will not be altered so substantially to accommodate such entry that it appears unnatural, and that the front elevation of the home remains in balance and proportion.

### **2.12. Windows and Skylights**

The glass of windows and skylights must not be highly reflective, nor may their frames consist of reflective material. This guideline especially applies to aluminum frames, which must be anodized or finished with baked enamel. White translucent lenses on skylights should be avoided in favor of gray or clear finishes.

### **2.13. Building Projections**

All projections from a building or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, porches, railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials. All building projections must be contained within the building envelope.

### **2.14. Solar Applications**

Passive solar design is encouraged. Active solar applications that do not create excessive glare and reflection should be chosen. Such applications will be approved by the DRC if the hardware is integrated into the structure or the landscaping of the lot so as to shield it from any other lot or Common Area.

### **2.15. Prefabricated Buildings**

No building, whole or partially assembled, that is constructed off-site and requires transportation to any lot will be permitted. This prohibition includes mobile homes, and stock modular buildings, or any other structures requiring transportation and setup in a partially completed state. This excludes pre-fabricated insulated concrete walls designed for energy efficient or sustainable dwellings that have been pre-approved by the DRC.

### **2.16. Changes or Additional Construction**

All changes or additions to the approved plans, before, during, or after the construction must first be approved by the DRC.

## **SECTION III. LANDSCAPING**

The landscaping goals at Cherry Creek Crossing are to reflect the best of Colorado's natural environment, enhanced by careful use of trimming, cleaning, planting, and irrigation. All existing

trees and other significant natural features should be preserved as much as possible and enhanced by judicious trimming and cleaning. Native grasses, trees and shrubs may be added. Irrigation should be added to allow these species to thrive in their optimum forms. Lawns and more formal planting styles are encouraged. The following are specific guidelines intended to implement these goals.

### **3.1. Preservation of Existing Trees**

No living trees, unless diseased, may be removed without the approval of the DRC. During construction, tag trees that are to remain. Temporary fencing should be used to assure that no grading takes place within the drip line of trees to be preserved. Exposing roots or filling over them must be strictly avoided. If the DRC determines that certain trees must be removed to accommodate structures or other improvements, such trees, if not needed on that site, may be moved to other areas of the development within 30 days after approval of removal of such trees.

### **3.2. Enhancement of Native Landscaping**

To limit fire hazards and improve the appearance of existing trees, all branches should be removed from the trunk to an average height of 6 to 12 feet. In order to avoid a "barbered" look, the height to which limbs are removed should vary within the site. All dead branches and limbs should be removed., up to a height of 20 feet, taking care to avoid a "too-perfect" look.

To limit fire hazards within Cherry Creek Crossing and to allow native grasses and wildflowers to thrive, noxious weeds must be removed on a regular basis.

All dead and fallen materials, all piles of dirt, and other man made disruptions in the grounds condition should be removed, and the area ground should be raked clean of all debris.

### **3.3. Additions to Landscaping**

The DRC provides a list of recommended trees and plants. The introduction of new plant and other landscaping materials will be subject to approval of the DRC in order to protect the overall landscaping goals of the Community.

Areas between the residence and the native areas are to be treated as cultivated areas. Cultivated areas may have lawns. Introduced trees and shrubs should be from species indigenous to the area. In order to avoid an excessively unnatural appearance, the line between cultivated areas and native areas should not be straight, but should wander in a curved form up to 10 feet on either side of the line. At sidelines, the cultivated areas of each site should begin where the neighboring property's cultivated area ends in order to avoid obvious delineation of property lines and disruption of the natural flow of these areas. In the event of conflict, the first property to obtain DRC approval of its landscaping plans shall determine the exact location of the line between cultivated and native areas at sidelines between the two sites.

Private areas are those areas located within walls, courtyards, or other approved structures so that they are not visible. Within private areas, an owner may create as varied or formal landscape as

desired. However, no plants that could cause harm to the community's landscaping approach by propagating may be used, even in private areas.

### **3.4. Irrigation**

To allow all existing and re-vegetated landscaping to thrive, cultivated areas should be fully irrigated with an underground sprinkler with manual or automatic controls. Sprinkler heads should be of "pop-up" design or discretely located, and black risers should be used in order to minimize visual awareness of these systems. Sprinkler systems shall be utilized as needed, to maintain active growth and healthy green color for all plant material, except when dormant in winter.

### **3.5. Landscape Plans**

Before the installation of any landscaping, a specific landscape plan for the landscaping must be submitted and approved by the DRC.

### **3.6. Completion of Landscaping**

All landscaping work and re-seeding of exposed dirt must be completed within 90 days of receipt of a Certificate of Occupancy for the residence. Extensions will be granted for weather conditions, which prevent installation of plant materials or other landscaping improvements.

### **3.7. Outdoor Furniture**

Location of permanently placed outdoor furniture or accessories such as swings, tables, barbecues, arbors, jungle gyms, and swing sets need not be approved by the DRC. However, outdoor furniture and accessories may not infringe on setbacks and must be properly maintained. Swing sets and other play equipment should be screened from adjacent view or be painted or constructed to blend with natural surroundings.

### **3.8. Outdoor Ornamentation or Statuary**

Placing, erecting, constructing or allowing any permanent, unnatural or man-made ornaments, signs, statuary, pink flamingos, relics, flagpoles, machinery, equipment, basketball backboards, game poles and nets, or other such items which are unattached to approved structures are prohibited unless the same are included and made a part of a landscape plan submitted to and approved by the DRC. "Unnatural" shall mean any object that is not naturally growing upon, indigenous to, or accumulated upon a home site in its undeveloped state.

Bird feeders made of natural materials and simple designs are encouraged, but may be subject to DRC approval.

Any ornamentation or statuary item described above which is to be attached to or intended to be a part of an approved structure or deck shall first be submitted to the DRC for approval.

### **3.9. Adjacent Rights of Way**

Under the Declaration, the area for which the Owner is responsible for landscaping treatment as provided above includes the Owner's Lot and all land within rights of way adjacent to such Lot between a property line and the pavement of any roadway within such right of way. All of such area, whether it is within the Lot or in rights of way adjacent to it, will be landscaped to comply with this Section.

## **SECTION IV. CONSTRUCTION REGULATIONS**

In order to ensure that the natural landscape of each lot is preserved and the nuisances inherent to any construction process are kept to a minimum, the following regulations will be enforced during the construction period of all improvements at Cherry Creek Crossing. A violation of these regulations by an Owner's agent, representative, builder, contractor, or subcontractor will be treated as a violation by the Owner.

### **4.1. Building Envelope**

All activities related to construction must be confined to the building envelope. The building envelope, which is the limit of development on each lot, is also the area within which all activities related to the improvements to be constructed must be confined.

### **4.2. Construction Trailers**

Upon Two weeks prior to commencement of construction, a construction trailer or portable field office may be located on the building site within the building envelope, clear of all setbacks. The type, size, and color of any portable office must be approved by a representative of the DRC during the pre-construction conference. The field office may not be placed on-site earlier than two weeks prior to the actual onset of continuous activity. A construction trailer may not remain on site for a period of time exceeding six months without written approval of the DRC.

### **4.3. Trash Receptacles and Debris Removal**

Owners and builders shall clean up all trash and debris at the end of each day. An approved trash receptacle such as a roll-off container or dumpster must remain on the site at all times for this purpose to contain all lightweight materials or packaging. The receptacle must be positioned on the site alongside the access drive, clear of side and rear setbacks, adjacent road right(s)-of-way and neighboring properties. Trash receptacles must be emptied on a timely basis to avoid the overflow of refuse. Disposal shall be at a suitable off-site facility. Owners and builders are prohibited from dumping or burying trash anywhere on the site or elsewhere in Cherry Creek Crossing. Heavy debris, such as broken stone, wood scrap, and the like, must be removed from the site immediately upon completion of the work of each trade that has generated the debris.

All concrete washouts, from both trucks and mixers, must occur within the building envelope of the lot in a location where it will ultimately be concealed by structure or covered by backfill. Washout in road rights-of way, setbacks or on adjacent properties is strictly prohibited.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or detriment to other Units or Properties. Any clean-up costs incurred by the DRC or the Association in enforcing these requirements shall be payable by the owner and/or general contractor. The DRC may use the Damage and Compliance Deposit described in Section 5.8 to pay any clean-up costs it may incur in this connection.

#### **4.4. Sanitary Facilities**

Each Owner or builder shall be responsible for providing adequate sanitary facilities for construction workers.

#### **4.5. Construction Access**

The approved access drive will be the only construction access to any lot.

#### **4.6. Vehicles and Parking Areas**

Construction crews may not park on, or otherwise use, undeveloped portions of lots or Properties. All vehicles shall be parked within the building envelope. During very busy construction periods involving multiple trades when all construction vehicles cannot be confined to the site proper, the overflow vehicles may be temporarily parked along the shoulder of the roadway. During these limited occurrences, vehicles must allow continual unconstrained access by normal traffic and emergency vehicles, including fire trucks. Vehicles may not be parked on neighboring lots, in nearby driveways, or on open space. Changing oil or other vehicle maintenance on any site is prohibited.

#### **4.7. Conservation of Landscape**

Trees that are to be preserved must be marked and protected by flagging, fencing or barriers. The DRC shall have the right to flag major terrain features or plants which are to be fenced for protection. Any trees or branches removed during construction must be promptly cleaned up and removed from the construction site.

#### **4.8. Excavation Materials and Blasting**

If any blasting is to occur, the DRC must be notified in advance, and approval appropriate approvals must be obtained from any appropriate agencies. Blasting may only be done by licensed demolition personnel, with all requisite insurance coverage as mandated by county and state statutes specific to their blasting activity at Cherry Creek Crossing. The DRC shall have the authority to require written documentation of anticipated seismic effects, with confirmation such effects will not be injurious to other persons or properties, public or private, and that all appropriate protection measures have been utilized.

All excess materials resulting from blasting or, as well as all other excess excavation materials, must be promptly removed from Cherry Creek Crossing.

#### **4.9. Dust and Noise Control**

The contractor shall be responsible for controlling dust and noise from the construction site, including the removal of dirt and mud from public or private roads that is the result of construction activity on the site.

The playing of radios or use of other audio equipment by construction crews during the improvement of any lot at Cherry Creek Crossing is restricted so as not to disturb neighboring residents.

#### **4.10. Material Deliveries**

All building materials, equipment and machinery required to construct a residence on any lot at Cherry Creek Crossing must be delivered to and remain within the building envelope of each lot, clear of all setbacks. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes, and any other equipment or machinery that will remain at Cherry Creek Crossing overnight. Material delivery vehicles may not drive across adjacent lots, or tracts to access a construction site.

#### **4.11. Alcohol and Controlled Substances**

The consumption of alcohol or use of any controlled substance on any construction site or Common Area within Cherry Creek Crossing is prohibited.

#### **4.12. Fires and Flammable Materials**

Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard, is prohibited. At least two ABC-Rated Dry Chemical Fire Extinguishers shall be present and available in a conspicuous place on the construction site at all times.

#### **4.13. Pets**

Pets shall not be permitted to run free off leash.

#### **4.14. Preservation of Property**

The use of, or transit over any other Lot, Common Area, Tract, or amenity, is prohibited. Similarly, the use of, or transit over the native area or setbacks outside the building envelope of any lot is prohibited. Construction personnel shall refrain from parking, eating, or depositing rubbish or scrap materials (including concrete washout) on any neighboring Lot, Tract, or right-of-way.

#### **4.15. Restoration of Property**

Upon completion of construction, each Owner and builder shall clean his construction site and repair all property which has been damaged, including but not limited to, restoring grades and planting shrubs and/or trees as approved or required by the DRC, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing.

In addition, the Owner and general contractor (builder) shall be held financially responsible for any damage repair, site restoration/re-vegetation and refuse removal required on any and all adjacent properties as a result of trespass or negligence by them, their employees, or sub-contracted agents.

#### **4.16. Construction Signage**

With the exception of one small sign identifying the general contractor, other company signs identifying individual contractors, sub-contractors, tradesmen, or suppliers are prohibited. Identification of licensed tradesmen, when required by state or county statutes, shall be confined to the posting location of the building permit.

Attachment of signs or similar material to trees is strictly prohibited.

#### **4.17. Daily Operation**

Daily working hours for each construction site shall be from 30 minutes before sunrise to 30 minutes after sunset. Construction activity which generates excessive noise, such as hammering, sawing, excavation work, concrete delivery, etc., must be confined to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 7:00 p.m. on Saturday. Noisy activity should be curtailed on Sunday of each week.

#### **4.18. Site Visitations**

Due to the inherent danger associated with an active construction site, visitors to any site should be limited to those persons with official business relating to the construction activity, such as construction workers and tradesmen, building officials, security staff, design review observers, sales personnel, and the owner. Construction personnel should not invite or bring family members or friends, especially children, to the job site.

#### **4.19. Licensing, and Insurance, and Deposit Requirements**

All contractors and sub-contractors must maintain and may be required to provide evidence of proper licensing and insurance to the lot owner and to the DRC prior to entering the construction premises. Should confirmation be requested by the DRC, it shall be evidenced in the form of a valid Colorado Construction Contractors Board certificate of registration and a Certificate of Insurance naming both the lot owner and Cherry Creek Crossing as certificate holders. The insurance must provide coverage not less than the applicable limits of coverage relating to comprehensive general liability, automobile liability and workmen's compensation. The minimum limits of liability shall not be less than \$500,000 each for general liability and automobile liability. General liability coverage shall contain provisions for contractual liability and broad form property damage. Any certificate requested by the DRC shall provide for a 30-day notice to the certificate holders in the event of cancellation or material change in the limits of coverage.

## **SECTION V. DESIGN REVIEW PROCEDURES**

In order to establish a framework of periodic review and comment on each residence as it proceeds through the design development and review process, the Design Review Committee of Cherry Creek Crossing has established the following procedures to submit plans. Plans and specifications shall be submitted to the DRC in accordance with the following conference and submittal requirements and review procedures.

### **5.1. Pre-Design Conference**

The Owner may request a meeting with a representative of the DRC for guidance and information prior to submitting plans. Prior to preparing preliminary plans for any proposed improvement, the Owner and/or the Owner's architect may meet with a representative of the DRC to discuss proposed plans and to resolve any questions regarding building requirements at Cherry Creek Crossing. The purpose of this informal review is to obtain guidance from the Committee concerning the possibilities and sensitivities of the site prior to initiating preliminary design. These meetings should occur on site whenever possible.

### **5.2. Design Submittal**

The following documents are to be submitted for review. No review will commence until the submittal is complete.

1. Site plan (scale at 1" = 20'), showing lot boundaries and dimensions; and the location of the building envelope; the residence and all buildings, and the driveway, and parking areas, well and septic location; existing and proposed topography; finished floor elevations; all protected plants or and any special terrain features to be preserved; trees or terrain features to be removed; all utility sources and connections; and all site walls, fences, or similar structures.
2. Survey of the site (scale 1" = 20'), prepared by a registered land surveyor or licensed civil engineer showing lot boundaries and dimensions, topography (2 foot contours or less), major terrain features, all trees of 6 inch diameter or greater, edge of pavement and utility locations.
3. Floor plans (scale 1/4" = 1'0") showing finished floor elevations.
4. Building section (scale 1/4" = 1'0" or larger), indicating existing and proposed grade lines.

5. All exterior elevations (scale 1/4" = 1'0") showing both existing and proposed grade lines, plate heights, roof pitch and an indication of exterior materials and colors.
6. Exterior material samples, paint chips, photographs, or illustrations depicting or describing all exterior materials, finishes, and colors. (May be deferred.)
7. Prints: The submittal shall consist of one set of prints, which will be retained by the DRC.
8. A design review fee in the amount of \$300.00.
9. Complete landscape plan (scale 1" = 20') showing location, size, and type of all existing and proposed plants, irrigation system facilities, decorative materials, paving or other impervious surfaces, walls, steps, fences, or borders. (May be deferred to buyer).

### **5.3. Deferral of Material and Color Selection and Landscape Plan**

An applicant may wish to delay the submittal of confirmation of landscaping plans (if any) and final color or stonework external material selections until some point in time after the start of construction in order to better visualize landscape considerations, or to test an assortment of potential colors with actual materials intended for use. The DRC will cooperate with the applicant in this regard, provided that no landscape work may be started, nor color or material shall be applied, until such time as the Committee has had the opportunity to review and consent to the final selections. The submittal shall occur before the placement of any orders for materials in order to avoid potential restocking costs in the event of denial of the submitted item(s). Any Design Approval shall be conditional on the Owner obtaining DRC approval of any materials or colors on which approval was deferred at the time of the Design Submittal. Application of any exterior material or color prior to obtaining approval, coating or finish without the requisite submittal to the DRC shall have the effect of voiding the Design Approval in its entirety.

### **5.4. Site Inspection**

As soon as the submission of final plans is complete, a representative of the DRC will inspect the site to determine that the conditions as depicted in the Design Submittal are accurate and complete.

### **5.5. Final Design Review**

The DRC will review the final plans and respond in writing within 10 days after the review, but no later than 30 days after a submittal is complete. If, in the opinion of the DRC, the submittal is a logical and direct development of the approved preliminary drawings and is otherwise in compliance with these Design Guidelines, approval will be granted. Should the design be a substantial variance from the preliminary drawings or violate any of these guidelines, disapproval may result, and a revised submittal will be required. In the event of any disapproval by the DRC, a resubmission of plans should follow the same procedures as an original submittal.

Members of the DRC will not discuss results of reviews over the telephone with an Owner, his architect, or builder. No Owner, architect, or builder shall have the right to attend any meeting of the DRC unless specifically requested by the DRC. Any response an Owner may wish to make regarding the results of a design review must be addressed to the DRC in writing.

## **5.6. Resubmittal of Plans**

In the event of any disapproval by the DRC of either a preliminary or a final submittal, a resubmission of plans should follow the same procedures as an original submittal.

## **5.7. Pre-construction Conference**

Prior to commencing construction, the builder may request a meeting with a representative of the DRC to review construction procedures and coordinate his activities in Cherry Creek Crossing.

## **5.8. Damage and Compliance Deposit**

To assure the Owner's and builders' compliance with these guidelines and their agreement to build all structures, landscaping, and other improvements in complete conformance with approved plans, the Owner shall deliver to the DRC a Compliance and Damage Deposit in the amount of \$500.00. This deposit must be delivered prior to commencement of construction and will be held by the DRC in a non-interest bearing account until the final release described below has been issued by the DRC. If either the Owner or builder fails to comply in any way with these Design Guidelines, with approved plans, or with the Construction Rules described in Section V, then the funds held in the Damage and Compliance Deposit may be used to pay the costs of correcting such failure. Any funds remaining, excluding interest earned, in such deposit after the final release has been issued will be promptly returned to the Owner.

## **5.9. Commencement of Construction**

Upon receipt of final approval, from the DRC, payment of the Damage and Compliance Deposit, and satisfaction of all El Paso County review processes, the Owner shall satisfy all conditions and commence the construction or any work pursuant to the approved plans within one year from the date of such approval. If the Owner fails to begin construction within this time period, any approval given shall be deemed revoked.

The Owner shall, in any event once construction has begun, complete the construction of any improvement on his lot within one year after commencing construction thereof, except for so long as such completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities.

If the Owner fails to comply with this schedule, the DRC shall either have the exterior of the improvement completed in accordance with the approved plans or remove the improvement, with all expenses incurred reimbursed to the DRC by the Owner.

## **5.10. Inspections of Work in Progress**

The DRC may inspect all work in progress and give notice of noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the DRC of work in progress or compliance with these Design Guidelines.

### **5.11. Subsequent Changes**

Additional construction or other improvements to a residence or lot, or changes during construction or after completion of an approved structure, including landscaping and color modification, must be submitted to the DRC for approval prior to making such changes or additions.

### **5.12. Final Release**

Upon completion of any residence or other improvement, the Owner shall give written notice of completion to the DRC. Within 10 days of such notification, a representative of the DRC may inspect the residence or other improvements for compliance. If all improvements comply with these Design Guidelines, the DRC may issue a written approval to the Owner, constituting a final release of the improvements by the DRC. Final release is to be issued within 30 days of the final inspection.

If it is found that the work was not done in strict compliance with the approved plans or any portion of these Design Guidelines, the DRC may issue a written notice of noncompliance to the Owner, specifying the particulars of noncompliance. Said notice is to be issued within 30 days of the final inspection. The Owner shall have 30 days from the date of notice of noncompliance within which to remedy the non-complying portions of his improvement. If, by the end of this time period, the Owner has failed to remedy the noncompliance, the DRC may take action to remove the non-complying improvements as provided for in these Development Standards, including, without limitation, injunctive relief or the imposition of a fine.

### **5.13. Nonwaiver**

The approval by the DRC of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any of the development standards shall not constitute a waiver of same.

### **5.14. Right of Waiver**

The DRC reserves the right to waive or vary any of the procedures set forth herein at its discretion.

### **5.15. Exemptions**

Utility and maintenance buildings and other structures located on non-residential tracts are exempted from the architectural design standards portion of this document. However, the DRC will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

### **5.16. Relationship with Association**

The DRC shall serve as an agent of the Association concerning the review, enforcement, and other matters described in these guidelines. All funds held or disbursed as, or from, Design Review fees, Damage and Compliance Deposits, payments of fines, and payment or reimbursements of expenses

of enforcing compliance with these guidelines will be held and/or paid for the account of the Association and will in all instances be the property of the Association.

## **SECTION VI. DESIGN REVIEW COMMITTEE**

### **6.1. Members**

The Design Review Committee shall consist of six members, three of whom are necessary for a review and may sign for decisions. Members shall consist of people who are trained or work in construction, design or landscape, or are residents of Cherry Creek Crossing. Two of whom shall be familiar with high quality residential construction in Colorado. Each member shall hold his or her office until such time as he or she has resigned or been removed or his other successor has been appointed as set forth herein.

### **6.2. Selection of Members**

Members of the DRC shall be selected as provided in Section 11.2 of the Declaration.

### **6.3. Resignation of Members**

Any member of the DRC may, at any time, resign from the DRC upon written notice delivered to the Association.

### **6.4. Duties**

It shall be the duty of the DRC to consider and act upon proposals or plans related to the development of Cherry Creek Crossing as submitted pursuant to the Design Guidelines, to enforce these Design Guidelines, and to amend these Design Guidelines when, and in a manner deemed appropriate by the DRC.

### **6.5. Meetings**

The DRC shall meet from time to time as necessary to properly perform its duties. The DRC shall keep on file all submittals and copies of all written responses to Owners to serve as a record of all actions taken.

### **6.6. Compensation**

Unless authorized by the Association, any members of the DRC who are affiliated with the Declarant shall not receive any compensation for services rendered.

All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of their duties. Professional consultants and representatives of the DRC retained for assistance in the review process shall be paid such compensation as the DRC determines.

## **6.7. Amendment of Guidelines**

Until the designated "turnover" date, the DRC may, from time to time and at its sole discretion, amend or revise any portion of these Development Guidelines. All such amendments or revisions shall be appended to and made a part of the Design Guidelines. Subsequent to the "turnover" date, administrative changes may be made in like manner by the Committee, while changes of a substantial nature may be recommended by the Committee for consideration by the Board of Directors.

Each Owner is responsible for obtaining a copy of the most recently revised Development Guidelines from the DRC.

## **6.8. Nonliability**

Neither the DRC, any member thereof, nor the Declarant, shall be liable to the Association or to any Owner or other Person for any loss or damage claimed on account of any of the following:

- The approval or disapproval of any plans, drawings and specifications, whether or not defective.
- The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.
- The development, or manner of development, of any property within Cherry Creek Crossing.

Every Owner or other Person, by submission of plans and specifications to the DRC for approval, agrees that he will not bring any action or suit against the DRC, any of its members, or the Declarant, regarding any action taken by the DRC.

Approval by the DRC of any improvement at Cherry Creek Crossing only refers to the Cherry Creek Crossing Design Guidelines and in no way implies conformance with local government regulations. It shall be the sole responsibility of the Owner to comply with all applicable government ordinances or regulations, including but not limited to zoning ordinances and local building codes.

## **6.9. Enforcement**

The DRC may, at any time, inspect a lot or improvement and, upon discovering a violation of these Design Guidelines, provide a written notice of noncompliance to the Owner and if applicable, to the contractor, including a reasonable time limitation within which to correct the violation. If an Owner and/or builder fail(s) to comply within this time period, the DRC or its authorized agents may enter the lot and correct the violation at the expense of the Owner and/or builder of such lot. Said expense shall be the primary responsibility of the Owner and shall be secured by a lien upon such site enforceable in accordance with the Declaration. In addition, if the DRC is holding a Compliance Deposit from the Owner or a Damage and Compliance Deposit from the general contractor, funds in the Compliance Deposit and/or Damage and Compliance Deposit may be used to satisfy, in whole or in part, the obligation of the Owner and/or builder to pay such expense.

In the event of any violation of these Development Standards, the DRC may, at its sole discretion and in addition to restoration expenses, impose without limitation a punitive fine, commensurate with the severity of the violation. Such fine shall be paid and secured as provided above for other expenses for which the Owner and/or builder is liable.

## **6.10. Severability**

If any provision of these Design Guidelines, or any section, clause, sentence, phrase, or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of these Design Guidelines shall be construed as if such invalid part were never included herein.

**CHERRY CREEK CROSSING  
SUBMITTAL APPLICATION FORM FOR HOUSE AND PLAT**

Owner/Builder: \_\_\_\_\_ Date: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Filing \_\_\_\_\_ Lot No: \_\_\_\_\_ Model Name/Numbers: \_\_\_\_\_

Street address: \_\_\_\_\_

\_\_\_\_\_ Spec \_\_\_\_\_ Pre-Sold

\_\_\_\_\_ Initial Submittal \_\_\_\_\_ Re-submittal

\_\_\_\_\_ Custom Design \_\_\_\_\_ Previously Approved \_\_\_\_\_ New Plan

Finished Floor Area:

Upper Level: \_\_\_\_\_

Lower Level: \_\_\_\_\_

Basement/Walk-out: \_\_\_\_\_

Architect/Designer: \_\_\_\_\_

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

## EXTERIOR MATERIALS

Please submit samples of color and materials either in brochures or paint chips.

Please list; Manufacturer, Color name and number for the following:

Roof Material: \_\_\_\_\_

Fascia Trim Paint: \_\_\_\_\_

Stucco: \_\_\_\_\_

Siding & color \_\_\_\_\_

Brick/Stone: \_\_\_\_\_

Windows: \_\_\_\_\_

Garage Door Paint: \_\_\_\_\_

Front Door Paint: \_\_\_\_\_

## SUBMITTAL OF LANDSCAPE PLAN

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

Lot: \_\_\_\_\_

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

Work Telephone Number: \_\_\_\_\_

Home Telephone Number: \_\_\_\_\_

Attach a complete landscape plan (scale 1"=10' or 1"=8') showing location, size (show trees at  $\frac{3}{4}$  of mature size), and type of all existing and proposed plants, irrigation system facilities, decorative materials, paving or other impervious surfaces, walls, steps, fences, or borders.