

**BEAR CREEK AT ESTES**  
A SMALL COMMON INTEREST PLANNED COMMUNITY

DESIGN GUIDELINES, RULES, REGULATIONS,  
AND CONSTRUCTION REGULATIONS  
June 2021

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Any Alterations After This Date Must Be Highlighted in Yellow and Revision Dated Added.

# BEAR CREEK AT ESTES

## A SMALL COMMON INTEREST PLANNED COMMUNITY

### DESIGN GUIDELINES, RULES, REGULATIONS, AND CONSTRUCTION REGULATIONS

June 2, 2021

These Bear Creek at Estes Design Guidelines, Rules, Regulations, and Construction Regulations Guide was prepared and approved by the Bear Creek at Estes Architectural Control Committee (ACC) to promote good design in the areas of architecture, site, and landscape planning. In addition, this Guide outlines the ACC's architectural review process to assist homeowners and builders in the community in preparing ACC submittals. The Bear Creek at Estes Architectural Control Committee (ACC) may from time to time update this Guide as changing conditions dictate to achieve the primary objective of maintaining good design, while enhancing property values.

#### **ARCHITECTURAL, SITE, AND LANDSCAPE STANDARDS**

The Bear Creek at Estes the ACC intends to encourage good design by Professional Architects (or by Professional Residential Home Designers), Civil Engineers, and Landscape Architects. The architectural, site and landscape standards are as follows:

##### **ARCHITECTURAL STYLE**

The Bear Creek at Estes Design Guidelines, Rules, Regulations and Construction Regulations Guide does NOT mandate one (1) architectural style with the Community. However, the Guide does require good and thoughtful architectural, site and landscape planning. The chosen architectural style shall use design elements such as massing, elevation articulation, design features, fenestration, open decking, covered decking, open patios, covered patios, entry walks, material detailing, material changes, color changes, lighting, site planning, landscape planning, etc. to develop a high quality design. In addition, the City of Lakewood's Zoning Ordinance – ARTICLE 6: Residential Building and Site Design Standards should be referenced for General Standards (17.6.1), and Building Design Standards (17.6.2). Please review the most current City of Lakewood's Zoning Ordinance for details.

##### **EXTERIOR MATERIALS AND COLORS**

The Bear Creek at Estes Design Guidelines, Rules, Regulations and Construction Regulations Guide does NOT mandate one (1) limited collection of exterior materials and colors within the Community. However, the guide does require good and thoughtful selection of materials and colors that are representative of the chosen architectural style. Architectural materials shall be natural wood, manufactured siding, stucco, brick, metals, natural stone, manufactured stone, dimensional composite shingles, and/or other materials appropriate to the chosen architectural style as approved by the ACC. All exterior colors shall be muted colors with a limited amount of brighter accent colors, unless otherwise approved by the ACC. No bright primary colored homes will be allowed.

##### **DECKING STYLE**

All decking including posting shall be properly scaled for the selected architectural style. Decking materials and colors shall be compatible with the selected architectural style of the home.

## MINIMUM BUILDING FOOTPRINT AND BUILDING ENVELOPE

The minimum total square footage (of a two-story home with a main level and an upper level) is 3,000 S.F. of habitable space (garages, lower levels, decks, landings, patios, accessory structures, and/or ADUs shall not be included in the minimum total square footage calculation). In addition, the minimum main level garage footprint is 875 S.F. (which is a typical three car garage). ADUs do not have a minimum square footage per this guide. The building envelope of a lot is defined by the Building Setbacks found in the City of Lakewood's Zoning Ordinance - Zone District R-1-43. Please review the most current City of Lakewood's Zoning Ordinance for details.

The minimum total square footage (of a one-story home with a main level and no upper level) is 2,200 S.F. of habitable space (garages, lower levels, decks, landings, patios, accessory structures, and/or ADUs shall not be included in the minimum total square footage calculation). In addition, the minimum main level garage footprint is 875 S.F. (which is a typical three car garage). ADUs do not have a minimum square footage per this guide. The building envelope of a lot is defined by the Building Setbacks found in the City of Lakewood's Zoning Ordinance - Zone District R-1-43. Please review the most current City of Lakewood's Zoning Ordinance for details.

## SITE PLANNING AND EROSION CONTROL

All proposed site grading should NOT exceed a maximum slope of 4:1, unless otherwise approved by the ACC with a design justification. All proposed grading should be smooth, rolling, and blend naturally into the existing topography, drainages, and/or adjacent lots. High quality boulder, high quality rock, and/or high quality mortarless stackable one-piece concrete unit retaining walls as approved by the ACC may be utilized in landscape design. Foundation walls may be exposed for a maximum of 12" inches only. In addition, the City of Lakewood's Zoning Ordinance – ARTICLE 6: Residential Building and Site Design Standards should be referenced for General Standards (17.6.1), and Parking Layout and Design Standards (17.6.3). Please review the most current City of Lakewood's Zoning Ordinance for details.

Appropriate permanent and temporary Best Management Practices (BMPs) for Erosion Control shall be utilized at all times. BMPs shall be established by the general contractor and be in conformance with the City of Lakewood BMPs. Generally, residents, contractors and civil engineers are required to use BMP's and erosion control practices in order to protect the detention pond and adjacent Hodgson Ditch and adjoining properties.

## VEHICLE PARKING

All recreation vehicles must be parked and stored within garages. A maximum of one (1) vehicle (Non-RV) may be parked outside of the garage over night. Such vehicle shall be parked only on an asphalt or concrete driveway, within its respective building lot and shall not be parked on the Private Drive shown as Tract A, on the Subdivision Plat. In addition, short-term guests may park outside of the garage over night (for a maximum of five nights). Generally, residents are discouraged from parking on the Private Drive and if necessary, only on one side, in order to allow traffic flow and emergency vehicle access.

## ACCESSORY STRUCTURES, SOLAR STRUCTURES, AND FENCING

The design of all accessory structures such as gazebos, garden structures, garden sheds, etc. shall be compatible with the architectural style of the home. Roof mounted solar equipment shall be integrated into the design of the architecture when possible. The solar panels should be at the same angle of the home's roof and/or wall and attached directly to the home's roof and/or wall, unless otherwise

approved by the ACC with a design justification. No more panels maybe installed than are required to provide service to the home. Ground mounted solar equipment and locations must be approved by the ACC.

## FENCING

All fencing shall be limited to side yards, rear yards, and/or to Community boundary lines, unless otherwise approved by the ACC with a design justification. The fencing shall blend with the colors, materials, and forms of the home unless otherwise approved by the ACC with a design justification. The height and location (only) of these fence standards are per the City of Lakewood's fence standards. A 6' tall metal fence with a minimum of an 80/20 openness or transparency is allowed only at the north rear lot line and along the side lot lines no further forward than the front line of the house. The below three pictures illustrate the allowable metal fencing design. Fence colors similar to the black and brown fences depicted are permissible. All metal fencing must be powder coated ~~using Cardinal powder coat color TO91-BR47 Rust texture polyester TGIC powder coating, exterior.~~ The balance of fencing, regardless of location, is up to 4' tall, 3-rail split type fence. The 3-rail fence may have 2" x 4" wire stapled to the interior side or a continuation of the metal fence, but only to the allowable height per City of Lakewood Code, for animal control. Please review the most current City of Lakewood's Zoning Ordinance for details.

Examples of permissible fencing are as follows:







SIGNAGE

No signage shall be attached or fastened to any natural feature, existing Community tree, and/or Community fencing. No flashing lights will be allowed. Signage shall be limited to the following:

- A. Signage required by legal procedures.
- B. Residential identification signage required by the City of Lakewood.
- C. Trade signage used by builders may be posted during construction. Trade signage shall be limited to two (2) signs per lot with Signs may be no larger than 3 x 5 feet..
- D. Standard Real Estate signage may be posted during construction and during any “For Sale” period. Real Estate signage shall be limited to one (1) standard Real Estate Sign per lot with NO more than five (5) square feet per sign.
- E. Any additional signage, as approved by the ACC with a justification or required by Colorado law.
- F. All signs shall be professionally lettered and maintained in good condition at all times.

## LANDSCAPE

Water Wise and Xeriscape landscape design principles appropriate for the region shall be applied to all landscape planning within the Bear Creek at Estes Community. All landscape designs shall be sensitive to the aesthetic of the adjacent City of Lakewood’s Bear Creek Greenbelt. The City of Lakewood’s Zoning Ordinance – ARTICLE 6: Residential Building and Site Design Standards should be referenced for General Standards (17.6.1), Landscape Design Standards (17.6.4), Residential Fence and Wall Standards (17.6.5 and 17.6.6), and Exterior Lighting Standards (17.6.7). Please review the most current City of Lakewood’s Zoning Ordinance for details. See Landscape Guidelines for more detail.

## ARCHITECTURAL REVIEW PROCESS

All construction within the Community including any updates and/or any changes is subject to the Bear Creek at Estes Design Guidelines, Rules, Regulations, and Construction Regulations Guide. A Bear Creek at Estes Architectural Control Committee (ACC) Review Fee will be required at the time of submittal to the ACC (see fees below). The ACC Review Fee is expressly for the purpose of covering professional fees and administrative costs of the ACC. The ACC review process is as follows:

### PRE-DESIGN MEETING

Prior to preparing an ACC Submittal, the homeowner and his/her design representatives shall meet with the ACC’s representative onsite to discuss the proposed improvements. This informal meeting will provide guidance and answer any questions the homeowner and his/her design team might have regarding the Bear Creek at Estes Community and/or the Community’s Design Guidelines, Rules, Regulations, and Construction Regulations.

### PRELIMINARY SITE and ARCHITECTURAL SUBMITTAL

The preliminary site and architectural submittal package shall include (at a minimum) the following:

- A. ACC Application Form and ACC Application Fee in the amount of \$950.00.
- B. A Preliminary Site Plan prepared at an appropriate scale (NOT less than 1”=20’-0”) and based on a professionally prepared Site Survey. The Preliminary Site Plan shall include existing two foot (2’) contours, property boundary, easements, building setbacks, existing site features, building footprint, decks, patios, ancillary structures, walks, driveway, proposed two foot (2’) contours

with appropriate spot elevations between the proposed two foot (2') contours to communicate drainage patterns, building finish floor elevations, garage top of slab elevations (at the overhead doors), and general drainage detail.

- C. Architectural elevations and floor plans prepared at an appropriate scale (1/4"=1'-0"). The plans shall include four (4) elevations (include existing and proposed grade lines), floor plans, and a roof plan.
- D. A general indication (via photos, drawings, and/or via writing) of exterior materials and colors.
- E. Any ancillary improvements contemplated on the lot.
- F. Any additional drawings, materials and/or samples requested by the ACC.
- G. Any review staking requested at the option of the ACC.

The ACC will review the preliminary submittal and will provide a written response within thirty (30) days. In the event of disapproval, a revised preliminary submittal will be required. Each preliminary submittal beyond the second disapproval will require an additional \$950.00 ACC Application Fee. NO ACC submittal shall be considered approved without an ACC approval letter.

#### FINAL SITE and ARCHITECTURAL SUBMITTAL

The final site and architectural submittal package shall include (at a minimum) the following:

- A. A Final Site Plan at an appropriate scale (NOT less than 1"=20'-0") and based on a professionally prepared Site Survey. The Final Site Plan shall include existing two foot (2') contours, property boundary, easements, building setbacks, existing site features, building footprint, decks, patios, ancillary structures, walks, driveway, proposed two foot (2') contours with appropriate spot elevations between the proposed two foot (2') contours to communicate drainage patterns, building finish floor elevations, garage top of slab elevations (at the overhead doors), and drainage detail.
- B. Architectural elevations and floor plans prepared at an appropriate scale (1/4"=1'-0"). The plans shall include four (4) elevations (include proposed grade lines), floor plans, wall sections, exterior detailing, and a roof plan.
- C. An Exterior Materials and Colors Board including a sample of all exterior materials and colors. In addition, a typed letter shall be provided including the homeowner's name, lot number, material manufacturer/supplier's names, color names, color numbers, finishes, mixtures, etc. for all exterior materials. This detailed Materials and Colors Submittal may be made after construction has begun and sixty (60) days prior to the installation of any exterior materials. All submittals made after the ACC's Final Submittal Approval will require a \$100.00 ACC Submittal Fee.
- D. Any additional drawings, materials and/or samples requested by the ACC.
- E. Any ancillary improvements contemplated on the lot.
- F. Any review staking requested at the option of the ACC.

The ACC will review the final submittal and will provide a written response within thirty (30) days. In the event of disapproval, a revised final submittal will be required. Each final submittal beyond the second disapproval will require an additional \$600.00 ACC Application Fee. NO ACC submittal shall be considered approved without an ACC approval letter.

#### LANDSCAPE PLAN, AND/OR REVISIONS/ADDITIONS/UPDATES TO APPROVED PLANS

Once final ACC approval has been received, all revisions, additions, and updates must be approved by the ACC prior to installation. The submittal shall include (at a minimum) the following:

- A. ACC Application Form and ACC Application Fee in the amount of \$100.00.

- B. Complete revised/updated landscape plan at an appropriate scale (NOT less than 1"=10'-0" or as approved by the ACC) based on a professionally prepared Site Survey. The landscape plan shall include areas to be irrigated, natural grass seed mixtures to be used (if other than the Bear Creek at Estes approved Natural Grass Seed Mixture), plant material locations, plant material names, mulch types, additional decking, additional patios, additional walks, stepping stone paths, boulder massing, lighting, signage, retaining wall locations with grading, retaining wall details, and any other landscape components.
- C. Non-native turf grass and artificial turf grasses in the rear yard shall be permitted.
- D. Revised/updated site plan.
- E. Revised/updated architectural drawing.
- F. Revised/updated material and color board.
- G. Any additional drawings, materials or samples requested by the ACC.
- H. Any review staking requested at the option of the ACC.

The ACC will review the submittal and will provide a written response within thirty (30) days. In the event of disapproval, a revised submittal will be required. Each additional submittal will require an additional \$100.00 ACC Application Fee. NO ACC submittal shall be considered approved without an ACC approval letter.

## COMMUNITY RULES AND REGULATIONS

The Rules and Regulations in this Guide are an addition to the Community's Declaration of Covenants, Conditions, and Restrictions and are NOT a replacement. These Rules and Regulations apply to all homeowners, household members, guests, contractors, and service personal. Any uncertainty or questions regarding the Community's Rules and/or Regulations should be directed to the Community's Board of Directors. The ACC will NOT involve itself in personal or neighborhood disputes.

### SITE

- A. All driveways, landscaping, site structures, animal areas, gardens, outdoor work areas, patios including adjacent areas, and decks must be maintained in a neat and orderly appearance. Woodpiles are prohibited unless screened from view in a location and approved by the ACC.
- B. Hanging large flags (larger than 3 feet x 5 feet), banners, garments, rugs, cloths, etc. from decks, fences, windows and from the house is prohibited.
- C. One (1) United States of America Flag and/or one (1) OTHER Flag (two wall-mounted Flags total) may be flown per lot on wall-mounted poles (with a pole length no longer that seven feet). The United States of America Flag and/or the OTHER Flag may NOT exceed seven (7) feet in width.
- D. One (1) ground-mounted flagpole will be allowed per lot that is NOT taller than twenty feet (20'). The ground-mounted flagpole may fly one (1) United States of America Flag and/or one (1) OTHER Flag. The United States of America Flag and/or the OTHER Flag may NOT exceed seven (7) feet in width.
- E. Other signs may be displayed as permitted by Colorado law but shall be limited to no more than two total signs and flags.
- F. NO items of personal property (such as tools, hoses, furniture, toys, trailers, cars, etc.) may be stored on roadways, driveways, decks, patios, in yards, and/or in open spaces.
- G. NO fireworks or firearms may be discharged anywhere within the Community.
- H. Open Fires of any kind in the Community's Platted Open Spaces are strictly prohibited.
- I. NO loud or disturbing noises (music, television, shouting, etc.) are permitted in the Community. Any complaints on this issue should be directed to the City of Lakewood's Police Department.



- J. The Bear Creek at Estes Community is a residential Community. Commercial Enterprises of any kind are subject to the City of Lakewood's Zoning Ordinance. Any complaints on this issue should be directed to the City of Lakewood's Planning Department.
- K. All flags and signs must be professionally made, in good condition, not faded or torn.
- L. Clotheslines must be screened from view and retracted when not in use.

**TRASH**

- A. Homeowners agree to have one (1) coordinated trash pickup day with one (1) Trash Pickup Service. This service may be included in the HOA fees with approval by the Board Members.
- B. Trash for pickup shall be put out on trash pickup day or the night before. Trash Containers shall not be overfilled leaving the potential for animals and/or high winds to spread trash about the Community.
- C. All Trash Containers must be concealed from view during the week.
- D. No trash or debris of any kind may be placed, accumulated, and/or allowed to emanate an odor from outside the home or from the Community's Platted Open Spaces.

**ANIMALS**

- A. Household Pets and Animals will be allowed and limited as detailed in the Community's Amended and Restated Declaration of Covenants, Conditions, and Restricted.
- B. NO animals may be chained, tied or tethered within the Community's Open Spaces. Animals are to be on attended leashes at all times. Animals roaming about, whether attended or unattended, are strictly prohibited. Household pets may roam on homeowner's own property.
- C. Animal feces must be cleaned up on a daily basis adjacent to a home and cleaned up immediately in the Community's Platted Open Spaces.
- D. Dogs are NOT permitted to bark excessively. Any complaints on this issue should be directed to the City of Lakewood's Animal Control Department.
- E. The City of Lakewood's Animal Control should be contacted regarding any animal complaints or questions. Animal Control officers provide services involving animal-related offenses of the municipal code. These include responding to leash law violations, investigating animal cruelty, neglect, animal noise complaints, regulating aggressive and dangerous animals, rabies control, bite investigations and dog licensing. Other services they provide include wildlife conflict-monitoring and educational presentations.

**COMMUNITY CONSTRUCTION REGULATIONS**

The homeowner and his/her representatives are responsible for all construction related to their lot. The Community Construction Regulations address primarily neighborhood items and will be enforced by the Community's Board of Directors and the ACC. The Community Construction Regulations are as follows:

**CONSTRUCTION SAFETY**

Builders shall maintain appropriate construction safety rules and guidelines at all times.

**TEMPORARY STRUCTURES**

Builders who desires to bring a construction trailer, storage trailer, field office, or the like into the Bear Creek at Estes Community shall first apply for and obtain written approval of the ACC. To obtain the ACC approval, the homeowner and/or his/her representatives shall submit a copy of the site plan

showing the proposed location (and size) of any construction trailer, storage trailer, field office, portable toilet, trash receptacle, other construction related structures, and/or equipment. Such temporary structures shall be removed upon completion of construction.

#### DEBRIS AND TRASH REMOVAL

Builders shall clean up all trash and debris on the exterior of the construction site daily. The trash and debris shall be removed from the construction site by a covered or enclosed vehicle or contained as needed, to a legally established dumping site. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site. Homeowners and/or his/her representatives are prohibited from dumping, burying, or burning trash anywhere in the community. During the construction period, the construction site and the routes to the construction site shall be kept neat and clean. The ACC will fine homeowners \$100.00 per day plus cleanup costs for non-compliance after notice and opportunity for a hearing.

#### CONSTRUCTION HOURS

Construction hours shall be limited to 7:00 AM to 7:00 PM Monday through Saturday for all loud construction work. Loud construction is defined as excavation, framing, roofing and generally any work being performed outdoors. Indoor, construction and finishing work can be performed from 7:00 AM to 7:00 PM Monday through Saturday, provided all windows and doors are closed. The ACC may allow construction outside of the allowed construction hours, if the builder can show the variance will NOT create a disturbance to neighbors. Extreme weather conditions may be a reason for work to be done outside these hours.

No construction shall be conducted on New Years, Easter, Thanksgiving, or Christmas.

#### EXCAVATION

Excess excavation material and debris NOT utilized in the site grading shall be hauled off-site. Homeowners and/or his/her representatives are prohibited from spreading excess excavation material and debris beyond the approved Site Plan's grading limits. No excess excavation material and/or debris may be stockpiled or stored on Community property or property other than the homeowner's and only for the time necessary to be removed.

#### VEHICLES AND PARKING

All construction related vehicles shall NOT be parked on adjacent lots, adjacent driveways, and/or platted open spaces. Emergency access shall be maintained to the construction site at all times. NO dogs and/or other pets will be allowed during construction. NO over night camping on the construction site will be allowed.

#### RESTORATION AND REPAIR OF CONSTRUCTION SITE DAMAGES

The homeowner and/or his/her representatives will be responsible to restore and repair any construction site damages within thirty (30) days unless additional time for restoration and repair is allowed by the ACC. Weather and damage conditions shall be considered by the ACC. This includes but is not limited to all Tract A asphalt, valley pan, ADA compliant ramps and easement landscaping.

## ADDITIONAL REGULATIONS

The homeowner and/or his/her representatives will be responsible for the behavior and conduct of their builder, sub-contractor, representatives, all employees, etc. in the Bear Creek at Estes Community. Prohibited in the Bear Creek at Estes Community is the following:

- A. NO oil changes on any vehicle or equipment without proper containment of the oil. All used oil must be removed properly from the Bear Creek at Estes Community.
- B. NO cleaning of concrete trucks, equipment, forms, etc. on the Community's Street.
- C. NO loud music on the construction site will be allowed.
- D. NO smoking on the construction site will be allowed.
- E. NO firearms on the construction site will be allowed.
- F. NO alcoholic drinks on the construction site will be allowed.
- G. NO illegal drugs or marijuana on the construction site will be allowed.