

**ARCHITECTURAL REVIEW COMMITTEE**  
**Revised Standards**  
**2007**

# Architectural Review Committee

## Revised Standards

### 2007

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**ARCHITECTURAL REVIEW COMMITTEE**  
**Revised Standards**  
**2007**

**Genesee Architectural Review Committee**  
**Mission Statement**

The goal of the Architectural Review Committee (ARC) is to facilitate and assist Owners in improving their properties consistent with the Governing Documents and utilizing the following principles:

- Improvements should complement the natural mountain environment.
- Designs should strive for architectural excellence.
- Genesee should be maintained as a premier mountain community.

## **INTRODUCTION**

A condition of Jefferson County's approval of the development of Genesee required the developer to preserve the natural appearance of the foothills environment. An important goal of the Protective Covenants and these Standards is to minimize the disruption of the existing natural environment through thoughtful and sensitive design and construction. These Standards were developed to help Owners, architects, designers and builders formulate design concepts that complement and enhance the natural environment and existing Improvements.

According to Article IV of the Articles of Incorporation of the Genesee Foundation, the Genesee Foundation was formed "to provide for maintenance, preservation and architectural control of the residence lots and common area within" Genesee. The Genesee Foundation Declaration of Covenants, Conditions, and Restrictions states:

"No improvements shall be constructed, erected, placed, altered, maintained or permitted on any Lot or on the General or Special Common Properties, nor shall any construction or excavation whatsoever be commenced or materials, equipment or construction be placed on any Lot, until plans and specifics with respect thereto in manner and form satisfactory to the Architectural Review Committee showing the proposed improvements, plat layout and all exterior elevations, materials and colors, landscaping, grading, easements and utilities, and such other information as may be requested by said Committee have been submitted to and approved in writing by the Architectural Review Committee." (Declaration, VI.1.b.)

When allowed by the Governing Documents, the ARC may set limitations more or less restrictive than otherwise suggested by the Protective Covenants, Development Guide, plat and other Jefferson County zoning restrictions. For guidance, please contact an ARC member. The ARC shall not arbitrarily or unreasonably withhold its approval of plans and specifications. Because no two Lots are exactly alike, the ARC reviews each Submittal in relation to the specific characteristics of that site and the surrounding natural environment and Improvements. What might be considered acceptable for one Lot might not be acceptable for another. For this reason, the Protective Covenants, the Development Guides and the Architectural Standards permit flexibility by the ARC.

As provided in Article VI, Section 1(c) of the Declaration, the ARC bases its decisions on, among other things:

- the "conformity and harmony of exterior design, colors and materials with neighboring structures;"
- the "relation of the proposed improvements to the natural topography, grade and finished ground elevation of the structure to that of neighboring structures and natural features of" Genesee; and
- the "conformity of the plans and specifications to the purpose and general plan and intent" of the Declaration.

Some specific items which may be considered, depending on the Lot and the surrounding Lots, roads and Open Space are:

- the general compatibility of the scale, style, height, mass and footprint of proposed Improvements on the Lot with similar Lots and with Open Space;
- the effect of the proposed Improvement on scenic views from neighboring Lots, roads and Open Space;
- the presence of rock outcroppings, wetlands, trees or other special natural features of the Lot, neighboring Lots and Open Space, and on occasion, animal habitat; and
- the privacy of neighboring Lots.

If you have questions about these standards, please contact an ARC member before making a Submittal.

## **DEFINITIONS**

Unless the context otherwise specifies or requires, the following words or phrases when capitalized and used in these Standards shall have the following meanings (which may be different than in other Governing Documents):

- 1. Construction** - all construction activities within Genesee, including partial demolition and Demolition (as defined below).
- 2. Construction Site** - such portion of Genesee (including, but not limited to a Lot) on which authority is given by the ARC to construct Improvements or temporarily store materials or equipment.
- 3. Declaration** - Declaration of Covenants, Conditions and Restrictions governing Genesee as recorded by the developer and any of its amendments.
- 4. Demolition** - the removal of a substantial portion of a Dwelling (generally over 75%) which results in the Dwelling becoming practically or legally uninhabitable prior to the commencement of Construction.
- 5. Development Guide** - that plan prepared by the Developer for any Filing that illustrates height restrictions, setback and/or other special limitations on specific Lots.
- 6. Dwelling** -- a residence and/or ancillary structure constructed or proposed to be constructed on a Lot in Genesee.
- 7. Fire Mitigation** - actions required and/or advised to create defensible space and conditions to reduce fire risk based upon relevant standards established by governmental authorities.
- 8. Form** – the appropriate submission form, available at [www.geneseefoundation.org](http://www.geneseefoundation.org).
- 9. Genesee** -- Filings in Genesee according to the recorded plat thereof, Jefferson County, Colorado, known as Filings 2, 3, 4 and 6 through 15, Sunrise, Genesee Reservation, Shingle Creek, High Point, Genesee Reservation (Tract O), Bear Creek Highlands, Genesee Grove and North Bowl at Genesee (also known as Genesee Village).
- 10. Genesee Fire** – The Genesee Fire Protection District and/or Genesee Fire Rescue and their Fire Chief, Fire Marshall or other authorized official.
- 11. Genesee Foundation** – a non-profit corporate homeowners’ association which has succeeded to the rights of the Developer under the Declaration. This is the homeowners’ association for all of Genesee except the North Bowl at Genesee (also known as Genesee Village).
- 12. Governing Documents** – the Development Guide, Protective Covenants, Recorded Plats, Articles of Incorporation of Genesee Foundation, Bylaws of Genesee Foundation and Standards.
- 13. Improvements** -- any alteration to the exterior of a Dwelling or addition to a Lot including, but not limited to the Dwelling and landscaping, exterior elevation alterations, Construction, excavation, yard ornaments and tree removal.
- 14. - Legal Holidays** - New Year’s Day, Presidents’ Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and December 25.
- 15. Lot** - a platted lot or building site within Genesee.
- 16. Major Addition** - a Dwelling addition in excess of 400 sq. ft.
- 17. Open Space** -- all land, improvements or other property owned or leased by, or from, the Genesee Foundation or the homeowners’ associations for North Bowl at Genesee (also known as Genesee Village), including but not limited to the General Common Properties and Special Common Properties defined in the Declaration, Article I.
- 18. Owner** – the Owner of record of a Lot, whether one or more persons or entities. For the purposes herein, the Owner may act through an Owner’s agent, provided that such agent is authorized in writing to act in such capacity.
- 19. Protective Covenants** - the Declaration and any Supplementary Declarations, as amended.
- 20. Replacement Dwelling** – a Dwelling built on the site of a previously-approved Dwelling.

## **DEFINITIONS**

### **(CON'T)**

**21. Standards** – the most recent Architectural Review Committee Standards.

**22. Submittal** – the signed, completed Improvement Form, including all required documentation, or the submission of all documents to the Genesee Foundation.

**23. Supplementary Declaration** -- any Supplementary Declaration of Covenants, Conditions and Restrictions affecting a particular Genesee Filing as recorded by the developer, and any amendments.

## **Additional Resources**

Residents may want to review the following resources, which are available in the Genesee Foundation office or at [www.geneseefoundation.org](http://www.geneseefoundation.org), for additional helpful information prior to making any Submittal.

Declaration  
Supplementary Declarations  
Recorded Plat for Subject Filing  
Development Guide for Subject Filing  
Official Development Plan for Genesee  
Articles of Incorporation of Genesee Foundation  
Bylaws of Genesee Foundation  
Colorado State Forest Service Fire Wise Plant List  
Native Plants of Genesee Booklet  
Genesee Tree Removal Policies and Procedures  
Manual  
Roofing Materials Guideline  
Color Guidelines  
ARC Member Code of Conduct

## **Forms**

### **New or Replacement Dwellings (Section 3)**

New Dwelling Submittal Form/Pre-Design  
New Dwelling Submittal Form/Preliminary Design  
New Dwelling Submittal Form/Final Design  
Notice of Commencement of Improvements  
Acknowledgement of Authority of Genesee  
Foundation  
Dwelling Foundation Submittal Form

### **Additions, Decks, Patio/Deck Covers, Ancillary Improvements and Landscape Improvements (Section 4)**

Tree Removal Form  
Open Space Tree Removal Form  
Staining/Painting Submittal Form  
Roof Improvement Form  
Landscaping Submittal Form  
Invisible Fence/Dog Run Improvement Submittal Form  
Deck and Patio/Deck Cover Submittal Form  
Play Equipment Submittal Form  
Ancillary Improvement Submittal Form – Hot  
Tub/Fences/Air Conditioning Unit/New  
Driveway Surface/Lighting/Other  
Notice of Commencement of Improvements  
(for Major Additions only)

### **Demolition of Existing Dwelling (Section 6)**

Application for Demolition  
Use of Dwelling for Training  
Notice of Completion of Remediation

### **Completion Notice – All Projects**

Owners Notice of Completion

## **SECTION 1**

### **GENERAL ARCHITECTURAL REVIEW COMMITTEE PROCEDURES**

#### **1.1. GENERAL**

The ARC consists of five (5) members: three (3) are members who volunteer their time, two (2) are paid professionals with expertise in land planning, architecture and/or contracting. Of the volunteer members, the members of the Genesee Foundation elect one (1) and two (2) are appointed by the Genesee Foundation Board of Directors. ARC members are subject to any Code of Conduct implemented by the Genesee Foundation Board. A quorum of ARC members must be present at any meeting to make a binding decision. Decisions are made by majority vote of members present.

The Governing Documents do not provide for the review of ARC decisions by the Genesee Foundation Board of Directors.

The ARC reviews Submittals during regularly scheduled meetings, which are usually held twice per month, except in unusual circumstances. Meeting times and agendas are posted on Mondays at noon at the Genesee Foundation office and on the Genesee Foundation website, [www.geneseefoundation.org](http://www.geneseefoundation.org). These meetings are open to the public. Comments of individual ARC members and Genesee Foundation staff are not binding.

#### **1.2. COMMUNICATIONS AND NOTICES**

The first formal step in the ARC review process is the filing of a written Submittal. Owners and/or their agents are encouraged to attend the ARC meetings in order to facilitate the review process. Any responses to an ARC decision must be in writing or provided personally by the Owner at an ARC meeting.

Questions regarding Submittals must be made through the Genesee Foundation office. The Genesee Foundation shall grant reasonable access to information relevant to all Submittals to other Owners. Any Owner or their agent may review the ARC file of any Lot. Records of all Submittals and associated documentation are placed in permanent public files in the Genesee Foundation Office.

#### **1.3. RELATED APPROVALS**

Approval of Submittals by the ARC shall not be deemed to constitute compliance with the requirements of any local building, zoning, safety, health, environmental or fire code. It shall be the responsibility of the Owner to ensure such compliance. Nor shall any ARC approval waive or be used as evidence of compliance with other mandatory setbacks, height restrictions or design requirements unless such waiver or variance is specifically requested at the time of submission and provided that the waiver or variance may properly be and is granted by the ARC. Owners should contact the Jefferson County Building Department, a fire mitigation consultant and Genesee Fire to obtain any necessary governmental approvals or reports as early in the development process as possible.

Any Owner who belongs to an additional Homeowner's Association (HOA) must also obtain approval from that HOA according to its published requirements.

#### **1.4. IMMUNITY FROM LIABILITY**

In Article VI, Section 1(e) of the Declaration, "[n]either the Architectural Review Committee nor Developer or their respective successors or assigns shall be liable in damages to anyone submitting plans to them for approval, or to any Owner of land affected by this Declaration, by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any such plans and specifications. Every Owner or other person who submits plans to the Architectural Review Committee for approval agrees, by submission of such plans and specifications that he will not bring any action or suit against the Architectural Review Committee or Developer to recover any such damages."

## **SECTION 1**

### **GENERAL ARCHITECTURAL REVIEW COMMITTEE PROCEDURES (CON'T)**

#### **1.5. NON-COMPLIANCE**

Non-Compliance with the Declaration, these Standards, any approval or condition of approval by the ARC or failure to submit any Improvement for approval can result in any one or more of the following actions:

1. The ARC may refer the matter to the Genesee Foundation Board of Directors with the recommendation that legal action be brought to require compliance and/or for damages.
2. The ARC may require the alteration or removal of any unapproved Improvements and/or the restoration of the landscape to the condition of the Lot prior to the unapproved alterations. The Foundation is authorized in Declaration Article VII, Section 1, to enforce the “conditions, covenants and restrictions” by entering onto the property where there is a violation to “abate and remove at the expense of the Owner” whatever is in violation or by bringing a lawsuit for an injunction and/or damages. This right of the Foundation to enforce the Covenants by bringing a lawsuit is limited in time by the Colorado Statute of Limitations. However, under the provisions of the Declaration (Article VII, Section 2), the failure of the Foundation “to enforce any of the conditions, covenants, restrictions or reservations...shall in no event be deemed to be a waiver of the right to do so for subsequent violations”.
3. The ARC may require remedial actions by the Owner to compensate for unapproved actions (such as a requirement to plant one or more new trees when a tree is removed without prior permission).
4. The ARC may take any other action or impose any other penalty, fee, fine, bond, deposit or requirement allowed by law or the Declaration or Bylaws, including, but not limited to the remedies provided in Article IV, Section 3 (c), Article V, Section 1 and Article VII, Section 1 of the Declaration.

#### **1.6. SUBMITTALS, REVIEW AND RESUBMITTALS**

##### **1.6.1. General Requirements**

All proposed Improvements must be submitted to the ARC for review and approval prior to commencement of Construction. Forms and all other relevant documents are available at [www.geneseefoundation.org](http://www.geneseefoundation.org) or at the Foundation office.

##### **1.6.2. Submittal Requirements**

Submittals must be complete, signed and in compliance with these Standards.

The ARC will not review incomplete Submittals. Acceptance of a Submittal by Genesee Foundation staff and the forwarding of it to the ARC does *not* imply that the Submittal is complete. The ARC will attempt to give notice to the Owner of any deficiency in the Submittal prior to its formal meeting.

If the ARC finds that a Submittal needs significant changes or additional information, it may disapprove the Submittal and determine at that time whether a reposting of the Lot will be required for a resubmittal.

With the exception of architectural models, all materials submitted shall become the property of the Genesee Foundation.

##### **1.6.3. Review of Submittals**

After the posting the ARC will review Submittals and provide a written response to the Owner within ten (10) working days after completing the review but no later than thirty (30) days after receipt.

Submittals may be approved with no conditions, approved with conditions listed or disapproved. The Owner may withdraw a Submittal at any time prior to the ARC decision.

## **SECTION 1**

### **GENERAL ARCHITECTURAL REVIEW COMMITTEE PROCEDURES (CON'T)**

#### **1.6.4. Resubmittal of Documents**

In the event of disapproval of the Submittal by the ARC, the Owner may submit modified documents following the same procedure as for an original Submittal.

Reposting the Lot for five (5) calendar days prior to the meeting, at least three (3) of which must be days when the Genesee Foundation office is open, is required for resubmittals. An approval with conditions listed is not considered to be a rejection and will not require reposting unless, in the opinion of the ARC, there may be substantial community or neighbor interest in the manner in which the Owner proposes to satisfy the conditions.

#### **1.6.5. Access to Property**

By making a Submittal, Owners grant the ARC access to the subject Lot to obtain information relevant to the Submittal and to review Construction progress and completion. The ARC shall attempt to contact the Owner on the site at the time of any site visit. If the Owner is not home, the ARC shall leave a written notice that the ARC has visited the property as part of its review process.

#### **1.7. NOTIFICATION OF INTERESTED PARTIES AND POSTING**

The Genesee Foundation staff will post the Lot in a timely manner once the Submittal documents are received at the Genesee Foundation office. For new or Replacement Dwellings (except Sketch Plans) and Major Additions, the posting period is ten (10) days prior to the meeting. For all other Submittals the posting period is five (5) days prior to the meeting, at least three (3) days of which must be days when the Genesee Foundation office is open. See also, Section 1.6.4.

The posting sign will indicate the following:

1. The Lot and filing number of the posted Lot.
2. That documents have been submitted for the Lot and that such documents are available for public review in the Genesee Foundation office.

3. The date the Lot is posted, the final date of the posting period and the date of the ARC meeting at which it is anticipated that the Submittal will be considered.

The purpose of posting is to notify other Owners of pending changes to a Lot. One sign shall be posted on the Lot line near the access point. If the Lot is located on a private drive, a second sign shall be posted at the intersection of that private drive and the nearest county-maintained road. The ARC may require additional signs to be placed on other public access points, such as nature trails or roads from which the Improvements will be visible. With respect to Improvements which require a ten (10) day posting under these Standards, at the time the Submittal is received, the ARC, in its discretion, may notify other Owners who the ARC believes may have a significant interest in the Submittal given the nature of the proposed Improvements.

#### **1.8. COMMUNITY COMMENT**

Written comments regarding a posted Lot may be submitted by any Owner or an Owner's agent at the Genesee Foundation office at any time prior to the ARC meeting which immediately follows the posting period.

Owners may also present verbal comments during the ARC meeting at which the Submittal in question is being reviewed. Verbal comments made to Genesee Foundation staff or made at times other than during an official ARC meeting or visit will not be considered.

#### **1.9. COMMENCEMENT OF CONSTRUCTION**

Commencement of Construction of exterior Improvements will be deemed an acceptance of any conditions imposed by the ARC.

## **SECTION 1**

### **GENERAL ARCHITECTURAL REVIEW COMMITTEE PROCEDURES (CON'T)**

#### **1.10. TIME LIMITATION OF APPROVALS**

Notice of Commencement of Construction must be filed within twelve (12) months after approval for all new or Replacement Dwellings and all Major Additions. Construction on new or Replacement Dwellings and Major Additions must be completed no later than eighteen (18) months from the date of the Notice of Commencement.

Construction of all other Improvements must be completed no later than twelve (12) months from the date of approval.

The ARC may grant an extension of time to commence or complete Construction, upon written request. If Construction is not begun within the designated time limitations above including any extensions, plans must be resubmitted and will be reviewed again without further Submittal fees.

#### **1.11. COMPLETION OF CONSTRUCTION**

Upon completion of any approved project, the Owner shall submit to the ARC a signed Owner's Notice of Completion Form.

No later than forty-five (45) days following receipt of the Owner's Notice of Completion Form, the ARC shall visit the site and inspect the completed work. If the ARC finds that the work was not completed or does not comply with the approved final Submittal, including any conditions imposed by the ARC, it shall notify the Owner in writing of such non-compliance. The notice shall specify, in reasonable detail, the particulars of non-compliance. The Owner shall take the remedial action specified by the ARC. The Owner may propose alternative remedial actions to the ARC, subject to ARC approval. The Owner shall submit an additional Notice of Completion Form after the remediation has been completed.

#### **1.12. IMPROVEMENTS (INCLUDING LANDSCAPING) NOT NEEDING ARC APPROVAL**

Submission to and approval by the ARC is not necessary for the following items:

- Moveable planter boxes and plantings in such boxes.
- Hanging flower pots.
- Outdoor furniture, grills and free-standing hammocks.
- Moveable wall art or yard ornaments not visible from other Lots, trails on Open Space or roadways.
- The planting of flowers, shrubs or other plants in previously approved areas provided the plants do not exceed six feet in height at maturity.
- Plantings in one area per lot not to exceed 300 square feet which has not previously been approved by the ARC. Notice of said additional area shall be submitted for file documentation purposes within 10 days after planting such an area. Said areas shall not include a hedge or other plantings which serve as a hedge and shall not include plants which exceed six feet in height at maturity.
- Replacement of a dead tree with an identical species tree of the same or shorter height. The removal of dead trees is still subject to the Genesee Tree Removal Policies and Procedures.
- Satellite dishes not exceeding one (1) meter in diameter. (See Section 2.5.4.)
- Sealcoating of asphalt driveways.
- The placement of temporary roll-offs, sanitary facilities or storage facilities on the driveway of an existing Dwelling which is expected to be removed within sixty (60) days.
- Seasonal and holiday decorations, subject to the rules of the Genesee Foundation.
- Roof repairs covering 10% or less of the surface of the roof and using identical material to that which was previously approved by the ARC.

Any other landscaping or other Improvement must be submitted in advance to the ARC for review.

## **SECTION 2**

### **DESIGN STANDARDS**

#### **2.1. GENERAL PROVISIONS**

All Improvements shall be made only in compliance with provisions of this Section and the Governing Documents, to the extent applicable, unless explicitly excepted.

#### **2.2. SITE DEVELOPMENT**

##### **2.2.1. Location of Improvements**

The location of Improvements shall be in accordance with the requirements of the Governing Documents. All Dwellings and garages shall be within the building envelope specified in the Official Development Plan for Genesee. If no building envelope is specified, then all Dwellings and garages shall be set back a minimum of twenty (20) feet from all public and private road rights-of-way unless this requirement is waived by the ARC. The ARC may require a greater setback.

All Improvements shall be placed where they take advantage of their natural surroundings and minimize their visual impact on the surrounding neighborhood. (See Section 2.3.2.)

##### **2.2.2. Conservation and Protection of Existing Natural Features**

Every effort shall be made to conserve, protect and minimize the disruption to the natural environment, including, but not limited to trees, topsoil, rock formations, topography and unique landscape features, through thoughtful and sensitive siting, design and considerate Construction procedures. Any proposed Improvement shall make use of these features to complement the design of the Improvement.

##### **2.2.3. Tree Removal and Fire Mitigation**

Permission must be obtained from the ARC for the removal of any living tree with a trunk diameter of greater than two (2) inches measured at a height of five (5) feet above grade. Application shall be made in accordance with the provisions of the Genesee Tree Removal Policies and Procedures manual. Trees to be removed on the Owner's Lot and adjoining Open Space (up to one hundred (100) feet from the Dwelling on the Lot) must be marked with a highly visible ribbon during the posting period. Dead trees may be removed in accordance with the Genesee Tree Removal Policies and Procedures manual.

The Genesee Foundation has a policy of encouraging voluntary Fire Mitigation on Lots through the use of fire resistant building materials and the creation of defensible space with respect to vegetation surrounding Dwellings. Homeowners wishing to create defensible space are encouraged to consider reviewing information available through the Fire District and the Genesee Foundation and/or retain a certified Fire Mitigation consultant. If tree removal is proposed for Fire Mitigation purposes, a mitigation expert (names available from Genesee Foundation office) must be utilized and the plan then submitted to the ARC for approval. Approval by ARC does not constitute approval by the Genesee Foundation with respect to tree removal on Open Space. To minimize the time necessary for approval, it is strongly suggested that an ARC member be present to work with the fire mitigation consultant on a plan that will incorporate the aesthetic concerns of the ARC while still meeting Fire Mitigation requirements.

##### **2.2.4. Grading and Drainage**

Grading work shall be done with minimum disruption of the Lot. Grading and alteration of drainage patterns resulting from Construction shall not be permitted to create a condition that could lead to soil erosion, depositing of debris or water collection.

All graded slopes shall be rolled back into existing slopes so that no sharp contrast exists between existing and disturbed slopes. Existing or natural drainage paths shall be preserved as much as possible. Where disruption or realignment occurs, reconstruction shall be completed in a natural manner to allow water to flow in a non-destructive course.

When grading on a Lot is proposed to extend beyond the Lot line, including onto Open Space, prior approval shall be obtained in writing from the ARC and the Genesee Foundation Board of Directors. The Owner must promptly restore the disturbed areas at the Owner's expense as directed by the ARC and as set forth in Section 2.2.7.

## **SECTION 2**

### **DESIGN STANDARDS**

#### **(CON'T)**

##### **2.2.5. Retaining Walls**

Retaining walls shall be as low as possible, preferably three (3) feet in height or less, and integrated into the overall site development plan. Terracing shall be used, where appropriate, to minimize a wall's height. Walls shall complement the natural surroundings, the materials, colors and textures of the Dwelling and the natural landscape. The use of boulders or large rocks is encouraged.

##### **2.2.6. Utilities**

New site utilities shall be installed with minimum disturbance to existing site conditions and the natural landscape. The Owner should work with utility companies to appropriately locate above-ground utility boxes so they are as unobtrusive as possible.

##### **2.2.7. Site Restoration and Revegetation**

Prompt revegetation is very important both for erosion control and to provide a finished appearance. The minimum required restoration shall be:

- to correct any soil compaction
- to fine-grade the land to blend with the original contours
- to re-seed all areas disturbed by Construction activities using the seed mix specifically formulated for Genesee and available through the Genesee Foundation office or an equivalent mix approved by the ARC.

In addition to the required minimum restoration, as specified above, restoration shall include the completion of any and all other landscaping Improvements set forth on the approved landscaping plan and the implementation of any other restoration measures specified by the ARC.

## **2.3. BASIC DESIGN GUIDELINES**

### **2.3.1. Height Restrictions**

Height restrictions are set forth in the Governing Documents. In order to preserve openness and views, building to the maximum height may not be allowed. The ARC reserves the right to impose lower height restrictions when the proposed Construction of any structure or other Improvement would appear excessive in height when viewed from neighboring Lots, Open Space or roads. Generally, the ARC will not approve a height in excess of twenty-five (25) feet measured from the highest point of the natural grade adjacent to the foundation of the structure.

### **2.3.2. Relationship to Existing Dwellings**

Height and/or configuration of an Improvement shall respect established views of adjacent Lots. All Improvements shall be designed with consideration of the relative size, architectural style, privacy and views of existing nearby Dwellings. The ARC may request a study showing how the proposed Improvement will impact the affected Dwellings. See also Section 2.4.1.

### **2.3.3. Floor Space, Architectural Style, Scale and Massing**

Floor space shall be in accordance with the Supplementary Declaration and shall be compatible in scale with neighboring Dwellings and the natural environment. While there is no maximum square footage limit, the proposed mass of a Dwelling or Improvement including height, footprint and impervious coverage, will be considered in relation to the natural features of the Lot and adjacent Dwellings, Lots, Open Space and roads.

Improvements should incorporate an architectural style which is consistent with a premier mountain community. There is no mandatory style of architecture in Genesee.

Proposed Improvements shall incorporate quality design and materials.

## **SECTION 2**

### **DESIGN STANDARDS**

#### **(CON'T)**

##### **2.3.4. Colors and Materials**

When selecting a color, it is often helpful if the Owner contacts the ARC and has an on-site consultation with an ARC member. Materials and colors used on any exterior Improvement shall be subdued and blend with the colors of existing Dwellings and the natural landscape. Permitted colors, including trim colors, include muted earth tones of browns, beiges, taupes and grays. Exterior colors, including trim colors, shall not exceed a light reflectance value (LRV) of sixty percent (60%). In general, pinks, purples, reds (except for natural cedar color stains), yellows (except for natural yellow tinted stains), oranges, lighter greens, blacks, blues (including cold, slate blue-gray) and whites (if the whites do not meet the LRV standard) are not appropriate for Genesee.

Colors which have been recently approved by the ARC are listed in the Color Guidelines. The ARC assesses color and material choices in the context of their proposed location. Colors and materials on other existing Dwellings may not be appropriate for a structure of different design or location. Adjacent Dwellings (excluding townhomes) may not be allowed to use the same color but may be permitted to use a similar color of a slightly different shade. In determining how colors will look on a particular Dwelling, it is highly recommended that the Owner paint an inconspicuous four (4) foot by four (4) foot section of the Dwelling with the proposed color for review by the ARC.

Whether requested by the Genesee Foundation or by the Owner, a Submittal is required when restaining or repainting to a new color or opacity. The Submittal should clearly show all of the colors selected, specifically showing which color is to be used for the trim, deck, railing, body and accent colors.

##### **2.3.5. Roofs**

The ARC will consider the use of high definition asphalt shingles, cement, tile, metal, stone, composition shingles and appropriate flat roof materials, all of which must be fire resistant. (See Roofing Materials Guidelines). All flashing, drain caps, roof jacks and vents must match the roof color, siding or trim color or as required by the ARC or be painted to match.

##### **2.3.6. Building Projections**

All exposed projections, including but not limited to chimney flues, vents, caps, gutters, downspouts, utility boxes, porches, railings and exterior stairways, shall match the permanent color of the surface from which they project or shall be finished with an approved trim color. Roof vents shall be consolidated wherever practical.

##### **2.3.7. Decks**

Wood decks may be stained, painted or remain the original natural color. Composite materials are permitted. Concrete foundation pillars must project no more than six inches above the ground and foundation pillars and support beams must be painted or stained to match the deck. If visible, cross beams, support beams and the underside of decks must be painted or stained to match the deck or house.

##### **2.3.8. Garage Doors**

The visual impact of garage doors shall be minimized by such measures as the sensitive location of the garage portion of the Dwelling, the configuration of the garage floor plan, the recessing of the garage doors from the front wall of the garage and the utilization of protective overhangs, wall projections and special door facing materials.

## **SECTION 2**

### **DESIGN STANDARDS**

#### **(CON'T)**

##### **2.3.9. Foundation Walls**

The exposed portion of foundation walls and footings shall not exceed six (6) inches. Wall finish materials shall cover stepped foundations to within six (6) inches of grade. Any exposed portion of foundation walls shall be finished to blend with the general design and color of the Dwelling.

##### **2.3.10. Exterior Equipment**

All utility equipment permanently attached to the exterior walls, including but not limited to gas and electric meters and electrical distribution equipment, shall be incorporated into the overall design of the Dwelling or be permanently enclosed by a material approved by the ARC. Free-standing and other mechanical equipment, such as air conditioning compressors and hot tub pumps, shall be appropriately located, muffled and adequately screened and approved by the ARC.

Adequate screening includes landscaping and enclosure walls to prevent an unreasonable level of noise on adjacent Lots and to conceal the equipment from view from adjacent Lots, roads and Open Space.

##### **2.3.11. Exterior Lighting**

If exterior lighting is part of any Improvement, an Ancillary Improvement Submittal Form must be submitted. All exterior lights are subject to the approval of the ARC. Approval will be based on the visual impact of the lights on the Lot, neighboring Lots, Dwellings, roads and Open Space.

Exterior lighting shall be subdued. Subdued lighting is defined as light fixtures with low wattage lamps installed for the purpose of illuminating entrances, decks and driveways. Acceptable fixture types include fully recessed downlights, low voltage landscape lighting, step lighting or pathway lighting and wall bracket lights with a completely shielded light source. To preserve the dark skies, the upper portion of globe-type or similar fixtures shall be shielded so as to prevent excess light from escaping upwards.

The Supplementary Declaration provides: “No permanent exterior lighting of any sort shall be installed or maintained on any dwelling or other improvement on a Lot, the light source of which is

visible from a neighboring Lot or Lots”, roads or Open Space or “which lighting is not otherwise in conformity with” these Standards.

##### **2.3.12. Paved Surfaces**

All driveways, private lanes and parking areas shall be of a hard surface and may be composed of asphalt, brick, colored concrete or stone in an ARC-approved color. Materials used to create special paving patterns are subject to ARC approval. Driveways and private lanes shall be constructed to design specifications which will allow them to accommodate heavy vehicle loads such as fire trucks, trash trucks and moving vans. Walkways shall be of asphalt, brick, colored concrete, stone, wood or gravel in an ARC-approved color.

Cuts and fill slopes are discouraged. To reduce erosion, driveway culverts with stone riprap at both ends may be required.

## **2.4. LANDSCAPING**

Landscaping shall be in accordance with the Governing Documents. The goal is to preserve the natural foothills environment by minimizing disruption through thoughtful, sensitive and context-considerate design and installation. As a general rule, the ARC will exercise more stringent controls on areas visible from roads and nearby Lots. Tree removal shall be in accordance with Section 2.2.3.

### **2.4.1. Protection of Views**

All landscaping shall be sited with respect for adjacent Dwellings and the views therefrom, taking into account the potential future growth of planned vegetation.

### **2.4.2. Trees, Shrubs and Ground Covers**

Information regarding acceptable plant material is published in the Native Plants of Genesee booklet and the Colorado State Forest Service Fire Wise Plant List.

When reviewing landscape Submittals and when requiring the installation of landscaping, the ARC will take into consideration the principles underlying the Fire Mitigation and defensible space guidelines available for our region.

## **SECTION 2**

### **DESIGN STANDARDS**

#### **(CON'T)**

#### **2.4.3. Turf Grass Seed and Sod**

The use of irrigated and mowed turf grass may be approved in limited areas only. If such turf grass is proposed, it must be part of a landscape design and located where it is less visible from roadways, adjoining Lots or Open Space.

#### **2.4.4. Landscape Irrigation**

Any permanent irrigation system must be buried and avoid intrusion into utility rights-of-way.

#### **2.4.5. Water Features**

Water features such as ponds, streams, waterfalls and fountains shall be integrated into the natural landscape. Formal fountains must be enclosed within an interior courtyard. Noise shall be minimized so as not to intrude on the neighbors' peaceful enjoyment.

The depth of any pond or stream shall be no greater than two (2) feet. Pumps and mechanical equipment shall be submersible or completely enclosed in a structure approved by the ARC.

#### **2.4.6. Yard Ornaments**

Yard ornaments which can be seen from other Lots, roads or trails on Open Space including, but not limited to geometric designs, bird baths, sculptures, carved animals or animal sculptures, artificial plants or flowers and other statuary, must be submitted for review and may be approved depending upon their size, character, color, location and screening

#### **2.4.7. Exterior Wall Art**

Exterior wall art, pictures or hangings which can be seen from other Lots, roads or trails on Open Space will not be approved.

### **2.5. ANCILLARY IMPROVEMENTS**

#### **2.5.1. "Invisible" Dog Fences**

"Invisible" dog fences are strongly encouraged as an alternative to physical dog runs. Electric wires of "invisible" fences must be buried at least ten (10) feet inside all property lines. All flags marking the fence must be removed within thirty (30) days of installation.

#### **2.5.2. Dog Runs**

To be approved, dog runs must blend with the character and style of the Dwelling and shall be integrated with the existing topography. Dog runs shall match the material, color and details of the existing Dwelling unless the ARC determines that another material, color or detail would be more appropriate under the specific circumstances. Chain link fencing is not allowed.

The ARC may require the top of the enclosure to be stepped vertically to follow the ground contours. The height shall be the minimum sufficient to contain the animal(s). The size of a dog run is variable depending upon the number and size of the animal occupants and the overall visual impact of the enclosure on the Dwelling and the Lot.

Dog runs shall be located in an area which provides the minimum visual and auditory impact on other Lots, roads and Open Space. Only one dog run is allowed per Lot.

## **SECTION 2**

### **DESIGN STANDARDS** **(CON'T)**

#### **2.5.3. Play Equipment**

Play equipment includes, but is not limited to swing sets, swings attached to a structure or tree, slides and ramps, climbing structures, forts and play houses, basketball hoops and backboards, trampolines, soccer goals and skate board railings and ramps.

Play equipment shall blend with the natural features of the Lot and complement the existing adjacent structures. Muted, dark, earth-tone or forest-tone colors are strongly encouraged for all play equipment, including fabric canopies, slides and accessories. Primary colors are not allowed.

1. Play equipment shall be located away from Lot lines and direct view lines to neighboring Lots, roads or Open Space.
2. Any Dwelling-mounted basketball backboard shall be either transparent or colored to match the surface to which it is affixed. Free-standing backboards shall be transparent and mounted on a pole painted black or other approved muted, dark color.
3. Pursuant to the Governing Documents, where screening is required to limit visibility from roads, Open Space or neighboring Lots, the Owner shall submit a Landscaping Submittal Form in addition to the Play Equipment Submittal Form.
4. The ARC shall require that any play equipment be removed when it is no longer in use.

According to the Declaration, play equipment which can be seen from roads, other Lots or Open Space must be “surrounded by fencing or other screening approved by the” ARC.

#### **2.5.4. Antennas and Satellite Dishes**

All television, radio and special communication antennas or aerials shall be concealed within the structure of the Dwelling. Satellite dishes larger than one meter in diameter must be placed in as unobtrusive a location as possible and additional screening may be required by the ARC.

To preserve the aesthetics of Genesee, it is highly recommended that satellite dishes with a diameter of less than one (1) meter should be located as low and as unobtrusively as possible when viewed from roads, adjacent Lots and Open Space. No submission is necessary for satellite dishes smaller than one (1) meter in diameter.

All exterior wiring must be buried, concealed within the Dwelling or surface-routed in an unobtrusive manner. All exterior conduit or wiring shall be painted to match the color of the surface on which it is mounted.

#### **2.5.5. Fences**

In order to preserve the natural quality and aesthetic appearance of Genesee, all Lot lines shall be kept free and open to one another. No fences, enclosures, structures, plantings, hedges, barriers (physical or visual) or objects which simulate fences (including wood piles) shall be allowed along property lines. The ARC may permit fences if they are designed to become part of the Dwelling and integrate with the existing topography. Fences shall match the material, color and details of the existing Dwelling unless the ARC determines another material, color or detail would be more desirable under the circumstances. Chain link fencing is not allowed.

The top of the fence shall be stepped vertically to follow the ground contours. The height shall be as approved by the ARC. Fences shall be located in an area which provides minimum visual impact on other Lots, roads and Open Space.

#### **2.5.6. Outdoor Hot Tubs.**

Outdoor hot tubs must be submitted to the ARC for review. Color must be in accordance with Section 2.3.4. Screening, where appropriate, will be required. Adequate screening may include landscaping and/or enclosure walls to prevent an unreasonable level of noise which can heard on adjacent Lots and to conceal the equipment from view from adjacent Lots, roads and Open Space. Mechanical equipment, such as hot tub pumps, shall be appropriately located, muffled and adequately screened.

## **SECTION 3**

### **DESIGN AND CONSTRUCTION OF NEW OR REPLACEMENT DWELLINGS**

#### **3.1. OVERVIEW**

This section outlines the procedures and requirements for making an application to the ARC for the Construction of a new or Replacement Dwelling and for Additions reclassified under Section 4.2.

Prior to development of plans for a new or Replacement Dwelling it is strongly recommended that Owners contact neighboring property owners to seek their input and understand their concerns about development on the Lot.

A licensed architect must design Submittals for new Dwellings and Replacement Dwellings. This same architect or members of the same architectural firm must be actively involved with the project during the Submittal process.

#### **3.2. PRE-DESIGN CONFERENCE AND MEETING**

##### **3.2.1. Optional Conference For Interested Owners**

Owners of Lots in Genesee may notify the Genesee Foundation office in writing that they have an interest in any proposed development of a Lot in Genesee. The Genesee Foundation staff shall notify such Owners of the scheduling of any Pre-Design meeting for that Lot. The interested Owner or Owners may then schedule a meeting with the ARC representatives who will be attending the Pre-Design meeting, to discuss any concerns the interested Owner or Owners may have with development of the Lot. The interested Owner or Owners must reimburse the Genesee Foundation for any professional fees incurred by the Genesee Foundation beyond the first hour.

##### **3.2.2. Mandatory Pre-Design Meeting**

A pre-design meeting is mandatory. A New Dwelling Submittal Form/Pre-Design should be submitted to the Genesee Foundation Office and the meeting scheduled by phone. This meeting shall be attended by at least a quorum of ARC members, including at least one of the professional members, the Owner or agent, the Owner's architect and the Genesee Foundation Open Space Coordinator. The purpose of this meeting is to acquaint the Owner and architect with the ARC's design review process, to review general and unique features of the Owner's Lot that may impact the location and the design of the Dwelling and to discuss issues regarding Improvements in Genesee. This informal review is to offer guidance prior to initiating preliminary design and is not intended to review any specific design concept. The meeting is intended to take place prior to the design and documentation process. If a topographical map of the Lot is available it should be presented to the ARC at this time. If the Owner has a rough sketch, it should also be given to the ARC.

Neither the ARC, Owner nor the Genesee Foundation is bound by any representations made at the pre-design meeting. An appointment for a pre-design meeting should be made at least one week in advance.

#### **3.3. SKETCH PLAN SUBMISSION**

After the pre-design meeting, it is strongly recommended that an informal sketch or design idea illustrating the style of the new or Replacement Dwelling, the placement of that Dwelling on the Lot, the approximate size and height of the new Dwelling and any other ideas about the impact of that Dwelling on the surrounding Lots and Open Space be submitted to the ARC for review before formal blueprints are drawn up. The sketch plan shall be submitted to the Genesee Foundation office.

### **SECTION 3**

#### **DESIGN AND CONSTRUCTION OF NEW OR REPLACEMENT DWELLINGS (CON'T)**

##### **3.4. PRELIMINARY SUBMITTAL**

A New Dwelling Submittal Form/Preliminary Design shall be completed by the Owner at the time of preliminary Submittal and submitted with all required attachments. All Submittals should be in accordance with the Design Standards. (See Section 2.) A Submittal review fee as set forth in the Declaration must accompany this Submittal. (See New Dwelling Submittal Form/Preliminary Design.) A Submittal of a different design on the same Lot requires payment of another review fee.

##### **3.5. FINAL SUBMITTAL**

A New Dwelling Submittal Form/Final Design shall be completed by the Owner at the time of final Submittal, and submitted with all required attachments. All Submittals should be in accordance with the Design Standards. (See Section 2.)

##### **3.6. DWELLING FOUNDATION SURVEY**

Once Construction is begun and a Notice of Commencement has been filed as required by Section 1.10, a surveyor licensed in the State of Colorado shall complete a Dwelling foundation survey which will be filed by the Owner using the Dwelling Foundation Submittal Form.

### **SECTION 4**

#### **CONSTRUCTION OF IMPROVEMENTS (INCLUDING LANDSCAPING) OTHER THAN NEW OR REPLACEMENT DWELLINGS**

##### **4.1. OVERVIEW**

This section outlines the procedures and requirements for making application to the ARC for all Improvements other than new or Replacement Dwellings.

##### **4.2. RECLASSIFICATION OF SUBSTANTIAL SUBMITTALS**

If, in the reasonable judgment of the ARC, proposed changes to an approved Dwelling submitted for approval pursuant to this Section 4 are of sufficient magnitude to significantly change the Dwelling's relationship to its surroundings and adjacent structures, the ARC will require that Submittal be treated as a preliminary Submittal as set forth in Section 3. The Owner will be notified of the ARC's decision and provided with a written explanation of the reason for the decision. No pre-design meeting or Submittal fee will be required in such instances. The fact that the prescribed preliminary Submittal documents under Section 3 are not filed will not serve as the basis for non-consideration of the Submittal. The Owner in such circumstances will, however, be required to submit all applicable preliminary Submittal materials in connection with their final Submittal.

##### **4.3. SUBMITTAL REQUIREMENTS**

Plans, specifications and other descriptive documentation, including photographs, shall be submitted to the ARC in accordance with the following Submittal and review procedures.

The appropriate Improvement Submittal Form shall be completed by the Owner at the time of Submittal including submission of all items required by the appropriate Improvement Submittal Form. All Submittals should be in accordance with the Design Standards. (See Section 2.)

## **SECTION 5**

### **CONSTRUCTION REGULATIONS**

#### **5.1. GENERAL**

For the benefit of all Genesee Owners and residents, in order to ensure a safe, clean and orderly Construction Site, the ARC and the Genesee Foundation have established the following Construction and safety regulations. These regulations apply to all Construction and Demolition in Genesee.

It is of the utmost importance that anyone conducting Construction activities in Genesee use extreme care in preventing conditions that are unsafe or that could contribute to a fire or other hazard. No outdoor fires are permitted on any Lot at any time in Genesee. (See Supplementary Declaration.)

#### **5.2. GENESEE WATER AND SANITATION DISTRICT REQUIREMENTS**

Application for water and sewer connection permits and copies of the district specifications for service and meter installation shall be obtained from the Water and Sanitation District by the Contractor. Applicable permits, letters and approvals from Jefferson County and Genesee Fire must be obtained.

#### **5.3. SAFETY AND HEALTH COMPLIANCE**

It is the Owner's and Contractor's obligation to strictly observe all applicable regulations and guidelines, including those of OSHA at all times.

#### **5.4. DUMPSTERS, CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES AND SANITARY FACILITIES**

Any Owner or Contractor who desires to place a dumpster, construction trailer, field office or sanitary facility in a location other than on the driveway of an existing Dwelling shall first obtain written approval from the ARC. Such facility shall be removed within five (5) days after completion of Construction.

The area where such facilities are located shall be considered part of the area of the Construction Site and must be restored to the original or approved contour and re-vegetated according to approved plans.

#### **5.5. LIMITS OF CONSTRUCTION SITE DISTURBANCE**

The Construction Site disturbance limits as designated on the approved final documents shall be delineated on the site and maintained throughout Construction with properly supported, temporary construction fencing. This fencing shall be maintained in good condition throughout the Construction process. There shall be no disruption of natural conditions or use of any areas outside the delineated limits by Construction related activities.

Owners and Contractors will not disturb, damage or trespass on other Lots or on Open Space. Any damage must be reported to the ARC and must be restored and repaired promptly at the offending Owner's expense and to the reasonable satisfaction of the ARC, Genesee Foundation and Owner of the damaged Lot.

#### **5.6. STORAGE OF MATERIALS AND EQUIPMENT AND PARKING**

Owners and Contractors are permitted to store construction materials and equipment only within the limits of the Construction Site. Materials shall be neatly stacked and secured as necessary to prevent theft and/or the creation of an unsightly or hazardous condition.

Any storage of materials and equipment shall be the Owner's and Contractor's responsibility. The Genesee Foundation does not provide security for such storage.

Private and construction vehicles and equipment shall park within the designated Construction Site and shall not park on other Lots or Open Space. Parking on adjacent private drives must be approved in advance by the ARC.

**SECTION 5**

**CONSTRUCTION REGULATIONS**  
**(CON'T)**

**5.7. DEBRIS AND TRASH REMOVAL**

Owners and Contractors must maintain a trash receptacle of substantial construction and sufficient size to contain all trash and debris generated between emptying or replacement cycles. Trash receptacles shall be removed and/or emptied at a legal disposal site outside of Genesee as often as necessary. Lightweight materials and packaging shall be covered or weighted down to prevent wind from moving such items off site. Owners and Contractors are prohibited from dumping, burying or burning trash anywhere in Genesee.

In order to avoid insect infestation, all trees and branches removed during the initial site grading and excavation must be removed from the Lot before submitting the Owner's Notice of Completion or burned in the fireplaces within the Improvements within two (2) years from Construction completion.

During the Construction period, the Construction Site shall be properly kept clean and neat at all times. Dirt, mud, trash or other debris resulting from Construction activity shall be promptly removed from public and private roads, Open Space, driveways and other Lots. Permission should be obtained from Owners of affected Lots before entering and removing debris.

Clean-up costs incurred by the Genesee Foundation as a result of Construction activities including, but not limited to trash collection and mud removal from roadways, will be billed to the offending Owner.

**5.8. CONSTRUCTION HOURS**

All exterior Construction activities that create noise disturbances, including but not limited to Demolition, excavation, foundation forming and placement, framing, roofing, siding, exterior trim installation and landscaping, shall be limited to the following hours:

Monday – Friday ..... 7:00 a.m. to 6:00 p.m.  
Saturday ..... 8:00 a.m. to 5:00 p.m.  
Sunday ..... None  
Legal Holidays..... None

**5.9. CONSERVATION OF LANDSCAPING MATERIALS**

Owners and Contractors should be aware that many Lots contain valuable native plants and other unique natural landscaping materials, such as topsoil, rock (moss rock and unique rock outcroppings), shrubs, trees, weathered wood and rustic structures, which shall be preserved to the fullest extent possible. The ARC will contact the Genesee Foundation Open Space Coordinator when the pre-design meeting is scheduled. The Open Space Coordinator will visit the site and identify unique and/or valuable plant and landscaping materials and make recommendations regarding their preservation or relocation. Plant and landscaping materials to be preserved must be protected during Construction with special fencing and barriers as required by the ARC.

**5.10. EXCAVATED MATERIALS**

Materials excavated during Construction and not re-used as an element of the landscaping portion of the approved final documents shall be removed from the Lot and disposed of legally.

**5.11. BLASTING**

If any blasting is to occur as a part of Construction activities, the Contractor is responsible for informing the Genesee Foundation office and all residents within five hundred (500) yards of the Construction Site at least 24 hours in advance. No blasting material shall be stored at the Construction Site.

The Owner and Contractor are responsible for the safety of all people and animals and the integrity of adjacent existing structures and natural features during blasting activities.

**5.12. ROAD CLOSURES**

Access to all neighboring Lots shall be maintained during the entire period of Construction. The Owner and Contractor are responsible for notifying the Genesee Foundation office and all residents affected by the temporary closure of any road or private drive at least forty-eight (48) hours in advance of such closure. Temporary closure exceeding fifteen (15) minutes requires prior approval of affected neighbors.

## **SECTION 5 (cont.)**

### **CONSTRUCTION REGULATIONS** **(CON'T)**

#### **5.13. RESTORATION AND REPAIR OF PROPERTY DAMAGE**

Upon completion of Construction, each Owner and Contractor shall clean the Construction Site. Repair after Construction shall include, but not be limited to damage to roads, driveways, existing structures, Open Space, pathways, culverts, drainage ways, signs, lighting, fencing, landscape, natural grade and vegetation. Such damage shall be promptly repaired and the Lot restored to the satisfaction of the ARC. If the Owner does not satisfy the ARC within a reasonable amount of time, the Genesee Foundation may complete the repair and restoration at the Owner's expense.

#### **5.14. GENERAL CONSTRUCTION REQUIREMENTS**

##### **5.14.1. Conduct and Behavior**

All Owners in Genesee shall be responsible for the proper conduct and behavior of their agents, builders, Contractors, subcontractors and construction personnel.

##### **5.14.2. Fire Extinguishers**

At least two (2), five (5) pound capacity, ABC dry chemical fire extinguishers must be operational and conspicuously available at all times on opposite sides of the Construction Site.

##### **5.14.3. Prohibited on Site**

The following practices are prohibited anywhere on the Construction Site:

1. Changing or disposing of oil in or from any vehicle or heavy equipment.
2. Leaving concrete residue and/or waste materials on the Construction Site after completion of Construction.
3. Cleaning concrete trucks and delivery equipment. This practice is strictly forbidden anywhere within Genesee.

4. Removing any rocks, plant material, topsoil or other natural feature or stockpiled items from any Lot or Open Space not part of the Construction Site.

5. Using natural spring or surface water for Construction.

6. Carelessly disposing of cigarettes and other flammable materials. On High or Extreme fire risk days, as determined by the Genesee or Foothills Fire Districts, no cigarette smoking is permitted outdoors. On all other days, smoking is permitted, provided that proper and adequate disposal receptacles are provided by the Contractor. At no time are cigarette butts allowed to be left on the ground, even if they have been extinguished. The Owner and Contractor will be held responsible for any damage to other Lots, Open Space or Genesee Foundation property as a result of a fire originating from the Construction Site or from the negligent behavior of the Contractor, subcontractors or other construction personnel.

7. Possessing any pets in violation of Genesee Foundation rules and/or Jefferson County Animal Control Regulations.

8. Playing audio equipment at a level that can be heard from neighboring Lots.

#### **5.15. WORK IN PROGRESS**

The ARC may inspect all work in progress and, if necessary, will give notice of non-compliance to the Owner. The absence of such inspection or notification during the Construction period does not constitute either approval by the ARC of work in progress or a determination of compliance with these Standards or Governing Documents. The Owner and/or Contractor shall provide the ARC notice within three (3) days after a foundation, framing, electrical, plumbing or any other type of building inspection from Jefferson County has been requested.

## **SECTION 6**

### **DEMOLITION OF EXISTING DWELLINGS**

#### **6.1. OVERVIEW**

This section outlines the procedures and requirements for Demolition of an existing Dwelling prior to Construction of a Replacement Dwelling. If the Construction of a Replacement Dwelling is not commenced within one (1) month after Demolition, the Owner shall submit a revegetation plan to the ARC on the Landscaping Submittal Form and shall begin the approved revegetation as soon thereafter as possible.

It is of the utmost importance that anyone conducting Demolition activities in Genesee use extreme care in preventing conditions that are unsafe, that would reasonably be expected to create a nuisance or that could contribute to a fire or other hazard. Demolition must be conducted in accordance with all the regulations contained in Section 5 of these Standards.

#### **6.2. GENERAL REQUIREMENTS**

All Demolitions must be submitted to the ARC for review and approval prior to initiation.

Debris generated from Demolition is classified into two categories: inert waste and hazardous waste.

1. Inert waste requires no immediate remediation. Inert waste includes waste that is unlikely to pollute surface or ground water or serve as food for insects, rats, mice, etc. Inert waste items include wood, bricks, plaster, ceramics, plastic, metal, siding, insulation (except insulation containing asbestos, see Section 6.2.2.), shingles, glass, asphalt and concrete. Inert waste must be disposed of in an appropriate manner and in compliance with all applicable laws and regulations prior to filing a Notice of Commencement of Improvements.
2. Hazardous waste must be identified and removed from the Dwelling prior to Demolition and must be disposed of in an appropriate location immediately upon removal. All regulated asbestos-related material (RACM) that would be disturbed during Demolition must be properly removed and disposed of prior to Demolition by a Contractor certified and licensed for asbestos removal by the state of Colorado. Hazardous waste includes household garbage; food; toxic or

dangerous liquids, solvents and paints; maintenance and cleaning chemicals or products; pesticides, fertilizers, and other yard, garden or agricultural chemicals; oil and used oil containers; lead-acid batteries and all appliances; fluorescent light fixtures and bulbs; mercury-containing electrical switches and thermostats; electrical transformers; any item which contains asbestos; and any other item that might contaminate or pollute the water or air, attract insects, rats, mice, etc. or might reasonably be expected to pose a health risk to the Contractor, subcontractors, construction personnel or residents during Demolition.

All hazardous waste must be remediated prior to commencement of Demolition. If training which might disturb RACM is to be performed pursuant to Section 6.3., RACM must be remediated prior to such training. Documentation showing that all RACM has been removed from the structure prior to such training must be provided to Genesee Foundation staff prior to the beginning of any such training.

Upon completion of all remediation procedures, a Notice of Completion of Remediation shall be submitted to the ARC for review and approval. Upon approval, the Demolition may proceed.

#### **6.3. USE OF DWELLING FOR TRAINING PRIOR TO DEMOLITION**

The use of a Dwelling immediately prior to Demolition for Genesee Fire, Highland Rescue or Jefferson County Sheriff's Department training purposes is permitted under specific guidelines appropriate to each organization. The Genesee Foundation Board of Directors has pre-approved certain training for Genesee Fire and all such training shall be subject to the conditions set by that Board. Any variance from such approved procedures must be approved by the Genesee Foundation Board of Directors prior to the beginning of training. Any training by entities other than Genesee Fire shall be subject to Board approval and shall be subject to such requirements as the Board shall make.