

**RESOLUTION OF THE
PAWNEE HILLS COMMUNITY ASSOCIATION
REGARDING ARCHITECTURAL REVIEW STANDARDS AND PROCEDURES**

- SUBJECT:** Adoption of a policy and procedure to be followed regarding architectural review standards and procedure.
- PURPOSE:** To adopt standard procedures governing the construction of any building, fence, wall or other structure on the Properties and exterior additions, changes, and alterations, and to assist the Association to actively foster, promote and advance the common ownership interest in the community and to preserve the inherent architectural and aesthetic quality of the community.
- AUTHORITY:** The Declaration of Covenants, Articles, Bylaws of the Association and the Colorado Revised Statutes.
- EFFECTIVE DATE:** May 14, 2009 revised January 1, 2014
- RESOLUTION:** The Association hereby adopts the following procedures to be followed in adopting Policies of the Association.

The Association hereby gives notice of its adoption of the following policies and procedures regarding Architectural Review Standards and Procedures:

1. Establishment of the Architectural Control Committee. The Architectural Control Committee shall consist of three or more persons appointed by the Board of Directors of the Association. A majority of the Committee may designate a representative to act for it.
2. Required Approvals and Design Criteria. The Architectural Control Committee shall consider and act upon any and all plans and specifications submitted for its approval under the Declaration and perform such other duties as from time to time shall be assigned to it by the Board, including the inspection of construction in progress to assure its conformance with plans approved by the Architectural Control Committee.
3. Improvement Request Form. No improvements shall be constructed, erected, place, planted, applied, or installed upon any Lots until and Improvement Request Form (Attachment 1) is submitted to the Architectural Control Committee, along with plans and specification of the improvement, showing the nature, kind, shape, color, height, materials and location of the proposed improvement, and approved in writing by the Architectural Control Committee.

The Architectural Control Committee may require such further detail in plans and specifications submitted for its review as it deems proper. The Architectural Control Committee shall exercise its reasonable judgment to the end that all plans and specifications submitted for its approval shall comply with the requirements set forth herein and the Association's governing documents. Review shall be based upon, but not limited to:

- a. Conformity and harmony of exterior appearance of structures and improvements with neighboring structures;
 - b. The type and nature of the improvement.
 - c. Impact on views;
 - d. Effect of location and use of improvements on nearby Lots, improvements, operations and uses;
 - e. Shape, color (only neutral colors will be allowed) (including paint samples), size, dimensions, and exterior design;
 - f. Materials used for construction;
 - g. Conformity with the plan, specifications and purposes generally established within the community;
 - h. Materials of construction;
 - i. Exterior design; and
 - j. Location of the improvement.
4. Continuity of Construction. All structures commenced in the subdivision shall be prosecuted diligently to completion and shall be completed within 180 calendar days of commencement subject only to delays caused by inclement weather, Act of God, strike or unless some other exception is granted in writing by Declarants or his assigns.
5. Expense of Reviews. The Architectural Control Committee may obtain the services of an architect, engineer, attorney or other professional in its review and require that the applicant(s) reimburse the Architectural Control Committee for actual expense incurred by it payable to the Association to accompany each application for approval.
6. Review for Completion. The Architectural Control Committee will review the submitted package and complete a Receipt of Application Checklist (Attachment 2).
- If complete, the Architectural Control Committee shall send notification of receipt to the Owner.
 - If incomplete the Architectural Control Committee shall contact the Owner and request the missing item(s).
 - The 90-day clock begins once the **complete** package is received by the

Architectural Control Committee.

7. Review of Application. The Architectural Control Committee will review the request and complete the Review of Application Checklist. The decision will be based entirely on the compliance with all criteria on the Review of Application Checklist (Attachment 3). If the requested improvement complies with all criteria of the Checklist, such application will be approved.
8. Voting. The vote of a majority of the members of the Architectural Control Committee shall constitute action on any matter before it. The Architectural Control Committee from time to time may designate a single member to act on its behalf on such issues it defines as routing and not requiring a vote. Should an Owner request a reconsideration of an action taken by a single appointed member, then an affirmative vote of majority of the members of the Architectural Control Committee is required to sustain such action.
9. Decision. Decisions of the Architectural Control Committee and the reasons therefore shall be transmitted using the Decision Form (Attachment 4) and mailed to the applicant at the address set forth in the Improvement Request Form within 90 days after receipt of the complete application by the Architectural Control Committee.
10. Appeals. In the event an application for architectural approval is denied, the applicant shall have the right to appeal to the Board of Directors, if a written request for a hearing on an appeal of the same shall be submitted to the Board within 30 days after the applicant receives notice of the denial of their application.
11. Inspection Upon Completion. Upon notification of completion, the Architectural Control Committee will inspect the project to determine whether it has been completed in conformance with the plans. Results are noted on an Improvement Request Form. If the improvement has not been completed in accordance with the Improvement Request Form, the Architectural Control Committee will provide the Owner with a written notice of incompleteness and allow the owner another 45 days to correct the improvement. If the improvement remains uncorrected, the Architectural Control Committee will notify the Board for enforcement action.
12. Noncompliance. The Architectural Control Committee may issue and record a Notice of Noncompliance if the Owner fails to obtain written consent or fails to comply with the terms of the written approval. In the event a Notice of Noncompliance is issued, the premises shall be restored to their condition prior to the noncompliance within 30 days of issuance of the Notice of Noncompliance. The cost to restore the premises to their condition prior to the noncompliance shall be the responsibility of the Owner who made the improvement. The Owner who made the improvement shall also be liable for any damages or injuries

resulting from such improvement.

13. Communications. All communications and submittals shall be addressed to the Architectural Control Committee at the Association's principle address.
14. Variances. The Architectural Control Committee may grant reasonable variances or adjustments from any conditions and restrictions imposed by the Declaration and this Architectural Policy in order to overcome practical difficulties and unnecessary hardships arising by reason of the application of the conditions and restriction contained in the Declaration and this Architectural Policy. Such variances or adjustments shall be granted only when the granting thereof shall not be materially detrimental or injurious to the other Lots nor deviate substantially from the general intent and purpose of the Declaration and this Architectural Policy. In the event the Board of Directors disapproves a request for variance, the Owner shall have the right to make one request for reconsideration.
15. Waiver. The approval or consent of the Architectural Control Committee, or appointed representative thereof, to any application for design approval shall not be deemed to constitute a waiver of any right to hold or deny approval or consent by the Architectural Control Committee as to any application or other matters subsequently or additionally submitted for approval or consent pursuant to this Architectural Policy or other governing documents for community.
16. Liability. The Architectural Control Committee and the members thereof, as well as any representative of such Architectural Control Committee designated to act on its behalf, shall not be liable in damages to any person submitting requests for approval or for any approval or denial, or failure to approve or disapprove in regard to any matter within its jurisdiction under these covenants.
17. Records. The Architectural Control Committee shall maintain written records of all applications submitted to it and all actions taken by it with respect thereto. Such records shall be open and available to inspection in accordance with Colorado law.
18. Effect of Governmental and Other Regulations. Owners are responsible to ensure that use of the property and improvements to property comply with applicable building codes and zoning requirements. Approval by the Architectural Control Committee will not constitute assurance that the improvement will comply with the applicable city or county code or any proposed sewage disposal system from the appropriate governmental agency. Approval by the Architectural Control Committee may be conditioned on such approval from an appropriate governmental agency.
19. Interference with Utilities. In making improvements to property, Owners are

responsible for location all water, sewer, gas, electrical, telephone, cable television, or other utility lines or easements and are responsible for any damages to these utilities due to construction of any improvements.

20. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.
21. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.
22. Deviations. The board may deviate from the procedures set forth in the Resolution if in its sole discretion such deviation is reasonable under the circumstances.
23. Amendment. This Policy may be amended from time to time by the Board of Directors.

Approved this date: 2/13/14

PAWNEE HILLS COMMUNITY ASSOCIATION

Ronda Schultz
Vice President

Attest:

Sina O'Bryan
President and Secretary

Attachment 1

**APPLICATION FOR APPROVAL
SUBMISSION TO ARCHITECTURAL CONTROL COMMITTEE**

Pursuant to the Declaration of Covenants, Conditions, and Restrictions of Pawnee Hills Community Association, Inc., I/we hereby submit the following application to make Improvements:

Date: _____

Address of Property: _____

Names of Owners: _____

Mailing Address: _____

Phone Number: (H) (____) ____ - ____ (W) (____) ____ - ____ (C) (____) ____ - ____

Description of work (include nature, kind, exterior, color, and location of proposed improvement):

Planned Commencement Date: _____

Planned Completion Date: _____

Names and Addresses of architect, contractor, or other owner representative(s):

Attachments:

- _____ Construction Plans
- _____ Architectural Drawings
- _____ Elevation Drawings
- _____ Specifications (e.g. manufacturer's brochure)
- _____ Samples or Descriptions of Colors
- _____ Sample of Materials
- _____ Photographs
- _____ Other

I understand that I must receive the written approval of the Architectural Control Committee in order to proceed. Architectural Control Committee approval does not constitute approval of the local building or zoning department, drainage design or structural or engineering safety and/or soundness. I understand that I may be required to obtain building or other permits and approvals prior to the commencement of any work. I agree that my failure to obtain required building or other permits and approvals will result in the withdrawal of the Architectural Control Committee's approval.

I further agree not to alter existing drainage patterns on the Lots without the express approval in writing by the Board of the Architectural Control Committee. Within 10 days of completion of my improvement, I will notify the Architectural Control Committee in writing. Upon completion of my improvement, I hereby authorize the Architectural Control Committee or its delegate to enter onto my property for exterior inspection at a mutually agreed upon time, if requested. I agree that my failure to notify the Architectural Control Committee in writing of the completion of the improvement, or my refusal to allow inspection, shall result in the withdrawal of the approval.

I further agree that if, at any time during the process, the Architectural Control Committee requests to enter onto the Lots or requests further information to determine if the improvement is being constructed in accordance with the approval plan and in compliance with the covenants, I will comply with the request. I agree that my failure to comply with the request shall result in withdrawal of the approval. I further understand that the Association may request additional information prior to reviewing this request. In addition, I agree that my failure to start or complete the improvement within the time specified on the application shall result in withdrawal of the approval unless an extension is requested in writing and approved in writing.

Homeowner

Homeowner

RECEIPT

I hereby acknowledge receipt of the above and its marked attachments this _____ day of _____ . _____ o'clock ____ .m.

This receipt is not an acknowledgment that such submission is complete.

By: _____

Attachment 2

**RECEIPT OF APPLICATION
CHECKLIST**

<u>REQUIREMENTS (SUBSTANCE)</u>	<u>YES</u>	<u>NO</u>	<u>N/A</u>
1. NATURE OF IMPROVEMENTS	_____	_____	_____
2. KIND OF IMPROVEMENT	_____	_____	_____
3. SHAPE OF IMPROVEMENT	_____	_____	_____
4. EXTERIOR COLOR OF IMPROVEMENT	_____	_____	_____
5. MATERIALS OF IMPROVEMENT	_____	_____	_____
6. LOCATION OF IMPROVEMENT	_____	_____	_____
7. EXTERIOR DESIGN OF IMPROVEMENT	_____	_____	_____
8. PLANS AND SPECIFICATIONS OF IMPROVEMENT	_____	_____	_____
9. HARMONY WITH SURROUNDING COMMUNITY	_____	_____	_____
10. SIZE AND DIMENSIONS OF IMPROVEMENT	_____	_____	_____
11. IMPACT ON VIEWS	_____	_____	_____
12. OTHER _____	_____	_____	_____
13. OTHER _____	_____	_____	_____

ARCHITECTURAL FORMS

1. REQUIRED COPIES	_____	_____	_____
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STATUS OF SUBMISSION (Circle one)

- COMPLETE

- COMPLETE WITH REQUEST FOR SUPPLEMENTAL INFORMATION

- INCOMPLETE APPLICATION: RETURNED FOR RESUBMISSION

DATE OF DETERMINATION: _____

DATE WRITTEN NOTIFICATION OF
DETERMINATION GIVEN TO APPLICANT: _____

Attachment 3

**REVIEW OF APPLICATION/PLANS
CHECKLIST**

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
1. IMPROVEMENT COMPLIES WITH APPLICABLE PROVISIONS OF PROTECTIVE COVENANTS	_____	_____	_____
2. IMPROVEMENT REASONABLY SUITABLE FOR LOT	_____	_____	_____
• NATURE OF IMPROVEMENT			
• KIND OF IMPROVEMENT			
• SHAPE OF IMPROVEMENT			
• EXTERIOR COLOR OF IMPROVEMENT			
• MATERIALS OF IMPROVEMENT			
• LOCATION OF IMPROVEMENT			
• EXTERIOR DESIGN OF IMPROVEMENT			
• PLANS AND SPECIFICATIONS OF IMPROVEMENT			
• HARMONY WITH SURROUNDING COMMUNITY			
• SIZE AND DIMENSIONS OF IMPROVEMENT			
• IMPACT ON VIEWS			
• OTHER _____			
• OTHER _____			

Attachment 4

**DECISION OF THE ARCHITECTURAL CONTROL COMMITTEE
FOR PAWNEE HILLS COMMUNITY ASSOCIATION, INC.**

The Architectural Control Committee, having reviews the Submission for Approval of:

_____, Dated _____,

Hereby finds that the request is:

- ____ approved as submitted
- ____ approved subject to (see below)
- ____ denied for the reason(s) stated below

Comments/Conditions/Reasons:

- IMPROVEMENT DOES NOT COMPLY WITH APPLICABLE PROVISIONS OF DECLARATION OF CONVENANTS, CONDITIONS AND RESTRICTIONS OF PAWNEE HILLS COMMUNITY ASSOCIATION
- IMPROVEMENT IS NOT REASONABLY SUITABLE FOR THE LOT
 - NATURE OF THE IMPROVEMENT
 - KIND OF IMPROVEMENT
 - SHAPE OF IMPROVEMENT
 - EXTERIOR COLOR OF IMPROVEMENT
 - MATERIALS OF IMPROVEMENT
 - LOCATION OF IMPROVEMENT
 - EXTERIOR DESIGN OF IMPROVEMENT
 - PLANS AND SPECIFICATIONS OF IMPROVEMENT
 - HARMONY WITH SURROUNDING COMMUNITY
 - SIZE AND DIMENSIONS OF IMPROVEMENT
 - IMPACT ON VIEWS
 - OTHER _____
 - OTHER _____

Other Comments:

PAWNEE HILLS COMMUNITY ASSOCIATION, INC.

By: _____

Date: _____