

**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 **revised August 2017**

RESOLUTION: The Association hereby adopts the following procedures to be followed in adopting Policy 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, placed, planted, applied, or installed upon any Lots until ~~and~~ **an** 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 ~~deeds~~ **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~~ **earth tone** 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 for construction;
- i. Exterior design; and
- j. Location of the improvement.

4. Continuity of Construction. All structures commenced in the subdivision shall be prosecuted **continued** diligently to completion and shall be completed within 180 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 the 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. **Necessary? Boundaries/limits?**

6. Review for ~~Completion~~ **Completed Application.** The Architectural Control Committee shall **approve or disapprove plans within thirty (30) days of the receipt of a completed application. (Attachment 1)** ~~will review the submitted package and complete a Receipt of Application Checklist (Attachment 2).~~

- If **Application (Attachment 1)** is complete, the Architectural Control Committee shall send **written** notification ~~of~~ **including date of** receipt to the Owner. **(Attachment 2)**
- 7. Review of Application. The Architectural Control Committee will review the request and complete the Review of Application Checklist. **(Attachment 2/3)** The decision will be based entirely on the compliance with all criteria on the Review of Application Checklist

(Attachment 2/3). If the requested improvement complies with all criteria of the Checklist, such application will be approved.

- If **Application (Attachment 1)** is incomplete the Architectural Control Committee shall contact the Owner and request the missing item(s).
- ~~The 90-day clock begins~~ Once the **completed application and supporting documents package** is received by the Architectural Control Committee, **the applicant will be informed of the committee's decision.(Attachment 4)**
- **The Owner has 180 days to complete the project from the date of Submission Approval. (Attachment 4)**

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 an 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~~ **30** 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; **35644 Cheyenne Trail, Elizabeth CO 80107.**

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 consideration.

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 of 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 Declarations 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 Community.

22. Deviations. The board may deviate from the procedures set forth in the Resolution if in its sole discretion 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

Vice President

Attest:

President and Secretary

