

RESOLUTION 17-2020

**RESOLUTION OF THE BOARD OF DIRECTORS OF
COLORADO CITY METROPOLITAN DISTRICT
AMENDING RULES AND REGULATIONS TO ADD PROVISIONS REGARDING
ARCHITECTURAL REVIEW AND APPROVAL AND COVENANT ENFORCEMENT**

WHEREAS, Colorado City Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, C.R.S. § 32-1-1001(1)(m) states that, among other powers, the Board of Directors (the “Board”) has the power “[t]o adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district”; and

WHEREAS, pursuant to C.R.S. § 32-1-1004(8), the District “has the power to furnish covenant enforcement and design review services within the district”; and

WHEREAS, many of the properties within the District are subject to recorded Declarations of Protective Covenants (the “Covenants”) that require approval of design plans by the architectural committee before any building or improvement may be constructed on the property, to ensure compliance with covenant requirements and restrictions and to review the proposed location, form, texture, color and external appearance of the proposed structure; and

WHEREAS, the District has assumed the duties of the architectural control committee as set forth in Covenants and has the power to enforce covenants and provide design review and approval for property within the District; and

WHEREAS, pursuant to Resolution 16-2019, the Board established the Colorado City Architectural Advisory Committee (CCAAC) to review alleged covenant violations and architectural review applications and to make recommendations to the District Manager and the Board; and

WHEREAS, the Board would like to amend the Rules and Regulations of the District (the “Rules”) to set forth requirements regarding the CCAAC and the requirements to obtain architectural approval; and

WHEREAS, the Board held a public hearing on the proposed amendment to the Rules on December 8, 2020 after notice provided on the District’s website, posted within the boundaries of the District, and published; and

WHEREAS, the Board finds that it is in the best interest of the residents of the District to amend the Rules as set forth herein.

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

- 1) The Board hereby amends the District’s Rules and Regulations to adopt new Section 21, as shown on **Exhibit A** attached hereto and incorporated herein by this reference, *effective immediately*.
- 2) The District Manager is directed to update the Rules and post an updated version on the District’s website.
- 3) This Resolution will amend Resolutions 16-2019 and 17-2020 to the extent of any inconsistencies.

Adopted and approved on December 8, 2020, by the Board of Directors of Colorado City Metropolitan District, Pueblo County, Colorado.

COLORADO CITY METROPOLITAN DISTRICT

Section Twenty- One

21. DESIGN REVIEW AND COVENANT ENFORCEMENT

21.1 Architectural Control Committee and Advisory Committee:

21.1.1 Architectural Control Committee: Most of the properties within the District are subject to a recorded Declaration of Protective Covenants, which places certain restrictions on use of the property, including without limitation properties located in Units 1 – 35, 37-39, 41, and 45, Colorado City, Pueblo County, Colorado (collectively the “Covenants”). The Board of Directors of the District, as successor to the Declarant, serves as the architectural committee or architectural control committee under the Covenants, except to the extent that the Board has delegated duties and responsibilities to District employees or the CCAAC.

21.1.2 Colorado City Architectural Advisory Committee: Colorado City Architectural Advisory Committee (“CCAAC”) consists of at least three members, appointed by the Board of Directors of the District, to review and make recommendations regarding design review and covenant enforcement. In addition, the District Manager serves as an *ex officio* member of the CCAAC. The Board may remove any member of the CCAAC, in the Board’s discretion, at a public meeting. The CCAAC receives applications and complaints related to the Covenants, performs investigations, and makes recommendations to the Board of Directors. The Board may delegate other duties and responsibilities to the CCAAC via Resolution or motion.

21.2 Applications for Design-Review.

21.2.1 Design-Review Applications Required for New Buildings: No owner of real property within the District shall commence construction of or Capital Improvements to any Building prior to submitting an application for review of design plans to the District (“Design-Review Application”) and receiving architectural approval of the plans, if required by applicable covenants. For the purpose of this Rule 21.2.1, Capital Improvements shall include, without limitation, expansions and additions to a Building, construction of fences, garages, carports, decks, accessory dwelling units, or other permanent structures, or remodeling the exterior of a Building with a new roof, repainting or structural changes.

21.2.2 Process for Design-Review Applications: The owner shall submit tentative plans to the CCAAC for review and comments before commencing working drawings. Then, the owner shall submit a Design-Review Application to the District, signed by the fee owner of the property, along with all required application fee. The Design-Review Application will include working drawings showing complete elevations, plot and site development plans, and proposed colors, textures, and materials. Upon receipt of an application, it will be referred to the CCAAC for review to confirm that the design is consistent with all applicable covenants. The CCAAC may physically inspect the property to review property pins and staked placement of the building to ensure that required setbacks are met per the Covenants and then-current Pueblo County Land Use Code (Title 17). The CCAAC will make a recommendation to the Board of Directors regarding whether the application should be approved because it is in compliance with all applicable covenants. If the CCAAC finds that changes are needed to comply with the covenants, the CCAAC may work directly with the applicant to resolve the concerns before providing a recommendation to the Board. Based on the recommendations of the CCAAC, the Board will issue to the owner notice of approval of the design plans or notice of denial, specifying the changes needed to

comply with the covenants and explaining the appeal process. The decision of the Board shall be final.

21.2.3 Stop Work Order if No Design-Review Application Submitted: The District Manager may issue a Stop Work Order for any property if the District Manager determines, based on his/her own review or review by the CCAAC, that construction is commenced prior to architectural approval required by the applicable covenants. The Stop Work Order shall be mailed by USPS certified mail, return receipt requested, to the property owner of record with the Pueblo County Assessor and to the Pueblo County Department of Land Use and Development. A copy shall also be hand-delivered to the construction workers on site, if applicable. The District may require the owner to reimburse the District for its costs associated with the Stop Work Order, in addition to paying the application fee, prior to approval of the design for the project.

21.2.4 Appeals of Design-Review Decisions: Any decision to issue a Stop Work Order pursuant to Sec. 21.2.3 above may be appealed to the District Board by providing written notice of appeal within 15 days following the date of Stop Work Order. Upon receipt of an appeal, the District shall schedule a public hearing at a regular or special meeting of the Board of Directors at which time the owner and other owners subject to the same Covenants shall have an opportunity to present testimony and evidence to the Board. Following said hearing, the Board's decision shall be final.