



Colorado Mountain Estates

Architectural Control

Policies

This Architectural Control Policy Manual, updated October 5, 2022, supersedes all previous versions.

The official source of the most recent version of this document is on the CME website, www.CMEPOA.com. Any copies not on the web site may not be the most recent versions.

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Colorado Mountain Estates

ARCHITECTURAL CONTROL POLICY

Section 1: General Purpose and Responsibilities

1.1 Purpose of the Architectural Control Policy

The purpose of this policy is to establish procedures to receive, review, and respond to architectural review requests by the Architectural Review Committee and rules to be applied to new structures and when modifying existing structures, adding fences, and other structures as outlined in this policy, to establish acceptable property use guidelines to ensure harmony of external design and location in relation to surrounding structures and topography, and to ensure compliance with applicable laws, covenants, bylaws, rules, and policies. In doing so, the Architectural Review Committee's goal is to:

- A. Insure proper use and appropriate development of this land
- B. Protect all owners against such use as may depreciate the value of the properties
- C. Insure continued use and enjoyment of the property
- D. Encourage the construction of attractive improvements

1.2 Owner's General Responsibilities

It is the property owner/builder's responsibility to contact the Teller County Building Department to ensure compliance with the county building requirements. It is also their responsibility to meet all requirements of the Colorado Mountain Estates (CME) Covenants/ARC Policy prior to the start of any Improvement / Construction by obtaining approval from the ARC by submitting a signed application, set of Plans, Site plan and Exterior Building, Roof and Fence sample colors, and Teller County Building Permit number (if applicable) for any improvement. CME's ARC policies may be more restrictive than Teller County's.

ARC Approval is required for but not limited to all Construction/Excavation, Homes, Garages, Storage, Structures, Fences, Green Houses and any change of current or proposed color. (Please refer to the remainder of the ARC policy for further explanation). Teller County requirements are somewhat different from the CME requirements and the property owner/builder must comply with both requirements. Therefore, getting a Teller County permit does not exclude the property owner/builder from obtaining an ARC approval; nor will it ensure approval by the ARC. Before approval issuance of an ARC application and CME permit, the property owner shall be current on all dues with no unresolved violations or liens. Upon approval by the ARC a Colored placard will be placed on site visible from the road by a member of the ARC to

indicate the project has ARC approval and must remain in place until completion. Upon completion ARC must be notified and in turn will remove the placard.

1.3 Subdividing lots

No lot shall be subdivided

1.4 General Meaning of Terms

The terms CME, CMEPOA, CMEPOA, Inc., and POA are used interchangeably throughout the Policy Manual and other governing documents, and mean the Colorado Mountain Estates Property Owners Association, Inc.

The terms Board, Board of Directors, Directors, and Director are used interchangeably throughout the Policy Manual and other governing documents and mean the individuals separately or collectively who are elected or appointed and charged with duties as explained in the various documents.

Section 2: Architectural Review Committee

2.1 Architectural Review Committee Guidelines

The Architectural Review Committee (referred to as ARC or committee) is subject to the governing documents of the Colorado Mountain Estates Property Owners Association, Inc. These provisions are for the mutual benefit and protection of all owners of property within CME. The ARC performs its duties by reviewing plans/blueprints for new residences, and changes or improvements to existing homes/property within CME. The only charge to a property owner shall be \$100 for a new home review and approval.

CME Policy and Document Locations

The CME Policies and documents are recorded in Teller County and are on the CME web site, www.cmepoa.com. Property owners should familiarize themselves with the CME Covenants, By-Laws, Policy Manual, and Architectural Control Policies prior to submission of an Architectural Review Application (See attachment) to the ARC. The CME Email address is Office@cmepoa.com.

2.2 Architectural Review Committee Meetings

The Architectural Review Committee chairperson will record the minutes of each meeting and provide copies to the association board on an as-needed basis. Virtual meetings or email coordination shall be authorized when health and safety concerns are apparent.

2.3 Architectural Review Committee Members

The ARC is composed of volunteer members who are appointed by the Board of Directors as representatives, and who report to the Board. The chairperson of the ARC is an officer of the Association and should therefore meet the same requirements as necessary to qualify for election to the Board of Directors. The committee makes decisions autonomously from the Board, but is

bound to all policies and requirements of the covenants and rules in so doing. At least a majority of the ARC members must agree in order to approve an architectural submission. The ARC shall not waive or modify a covenant or policy.

2.4 Architectural Review Committee Approval Process

The ARC shall provide **written** approval before any construction or excavation (other than soil testing) can proceed on a project. The property owner/builder shall not begin any project prior to having an approval from the ARC in hand. The ARC shall provide written approval before any construction or excavation (other than soil testing) can proceed on a project. The ARC shall approve or deny the application and provide the owner with a copy within 30 days of submission or the property owner may assume the application was approved and begin construction of their submitted project.

2.5 Architectural Review Committee Appeal

A property owner may appeal the decisions of the ARC to the Board of Directors. The appeal shall be made within 10 days of receipt of the notification by the property owner. The Board shall hear both sides of the issue and review the appropriate covenants, bylaws, and policies before making a decision.

Section 3: Building Requirements

3.1 Alternative Energy Sources

Alternative energy sources such as solar panels, wind generators, etc., must comply with state and county regulations.

3.2 Building Code Compliance

All structures placed in Colorado Mountain Estates shall comply with all current codes, including the IBC (International Building Code), ICC (International Code Council) and any additional building codes that have been adopted by the Teller County Building Department and CME.

3.3 Compliance Contract (See attachment)

All owners are required to sign a Compliance Contract prior to the initiation of any site development on a vacant lot or existing building prior to approval of plans for construction within Colorado Mountain Estates. If the owner is not a local resident and will not be present during the entire construction period, the contractor or builder, as the owner's representative, shall complete the Compliance Contract. This signifies the owner, contractor, or builder is cognizant of the CME requirements. The ARC officer shall also sign the Compliance Contract. Without this signed contract on file, the Architectural Review Committee cannot grant construction approvals.

3.4 Construction/Demolition Time Frame

Construction shall be commenced within 30 days of approval, and building or excavation shall be completed within eighteen (18) months unless delayed for reasons beyond the control of the owner (such as severe weather). If a new structure is going to replace an old structure, a completion date for removal of the old structure shall be stated on the Architectural Review Application. The removal date shall be no more than nine (9) months from the application date.

3.5 Driveways

All driveways (access roads) shall have a Teller County driveway (access road) permit.

3.6 Easements

In addition to any easements indicated on the subdivision plat, easements are hereby specifically reserved only for the purpose of installing and maintaining electric, telephone, gas, water, or sewer lines within ten (10) feet of the front, and rear property lines, and within five (5) feet of each side line of each residential building plot. A building may be constructed upon the dividing line prior to actual use of said utility easement only if the lot lines have been vacated by Teller County.

3.7 Exterior Building, Fence, and Roof Colors

Exterior colors of new homes, new outbuildings, new fences, and new roofs, shall be primarily earth tone colors approved by the Architectural Control Committee (ARC). The term “earth tones”, means a color scheme that draws from a color palette of browns, tans, warm grays, greens, oranges, whites, yellows, some reds, and some blues. The colors in an earth tone scheme are soft or muted in an emulation of the natural colors found in dirt, moss, trees, and rocks. Many earth tones originate from clay earth pigments, such as umber, ochre, and sienna. The ARC shall not approve exterior colors if they do not blend with the adjacent area mountain environment. The intent of this Policy is to prevent bold colors such as purple, bright orange, pink, and neon colors so as to maintain the environmentally blended appearance of our community.

Existing homes, outbuildings, fences, and roofs completed prior to January 20, 2018, the date this Policy was approved, are grandfathered, and not affected by this Policy. However, if a resident wants to change the external color of a grandfathered home, outbuilding, fence, or roof this policy shall apply.

Upon submission of the Architectural Application for a new home, outbuilding, fence, or color change to an existing home, outbuilding, fence or roof the owner/builder shall also provide color swatches or samples for review by the Architectural Review Committee. If the requested color does not follow the above “earth tone” definition, the Architectural Review Committee shall present the requested color at the next available Board Meeting for discussion and approval. This policy shall be reviewed in twelve months with actual data from ARC applications. Any required modifications shall be discussed and voted at that time.

If the homeowner disagrees with the decision of the ARC, they may follow current policy concerning requesting a hearing before the Board of Directors.

3.8 Fences and Hedges

No fences or hedges may be erected or maintained which will unreasonably obstruct the view from adjoining lots or materially impair the continuity of the general landscaping of the subdivision. Fences or hedges located within thirty (30) feet of the road right-of-way shall not exceed four (4) feet in height. Fences are subject to the CME Exterior Building, Fence, and Roof Colors policy that became effective January 20, 2018.

3.9 HUD-manufactured Homes (Mobile Homes) and Modular Homes

Colorado Mountain Estates Architectural Control Policies do not permit HUD-manufactured (formerly known as mobile homes). Modular homes that meet the State of Colorado home certification and meet all Teller County building codes are permitted in CME. Plans and State of Colorado Home certifications are issued by the builder and shall be submitted with the other documentation required by the Architectural Control Policy to the Architectural Review Committee (ARC) for approval.

HUD manufactured homes that were installed on metal frames and attached to a permanent foundation within CME prior to April 1, 2016 are grandfathered.

3.10 Lighting

Lighting requirements apply to the following types of exterior lighting:

- A. Fixed lighting including but not limited to lighting mounted on a building, pole, or the ground.
- B. Vehicle mounted, or other portable lighting used to illuminate a building's exterior or exterior area, or to cast light into the sky (such as a searchlight or beam).
- C. Building-mounted lighting shall not exceed the building height by more than 5 feet. Pole or ground-mounted lighting shall not exceed 25 feet in height.
- D. Except where county safety regulations require otherwise, any exterior lighting shall be downcast, shielded, and shall not cast direct light onto an adjacent public road or onto adjacent Residential Property.

3.11 Plans

Plans for new residences, modifications to existing home exteriors, structures (as defined later in this policy), buildings, fences, walls, and any other exterior addition to, change, or alteration to the property shall be submitted by the property owner/builder in writing to the ARC and approved in writing as to the harmony of the exterior design and location in relation to surrounding structures and topography by the ARC prior to commencement of excavation, construction, or modification.

3.12 Setback Requirements

Buildings must be located so they meet Teller County property line setback requirements. These requirements are defined in the Teller County Land Use Regulations, which may be found on line at the Teller County Planning Department website. A copy of the current Teller County Setback requirements can be found in the ARC Policy Attachments.

3.13 Site Survey

Many properties within CME are incorrectly located to the original legal road survey. The Architectural Review Committee requires a copy of a location Plot Plan survey or Land Survey (on file with Teller County or can be provided by a licensed surveyor). All surveys must contain the stamp of the surveyor who completed the plan and the "footprint" of the new construction showing the distance (setbacks) of the building(s) from the property lot- lines. This is required for both new residences and proposed improvements or exterior changes.

3.14 Square Footage Requirements

The minimum square footage of enclosed living area for residence is as follows: (a) Filing numbers 1 through 10, four hundred (400) square feet; (b) Filings numbers 11 and 12, eight hundred (800) square feet.

3.15 Temporary Housing

The property owner may live on his or her property during the construction of a permanent dwelling on the same property, with a valid Temporary Housing Permit.

A. Standards and Duration. Upon payment of the required inspection fee and review of the proposed temporary housing permit application, the Planning Director may approve a permit for temporary housing so long as the property owner has demonstrated that the following conditions are, and continue to be, met:

1. An approved water supply, sewage disposal system, and electrical service are installed on the property and connected to the temporary housing.
2. The permanent dwelling Building Permit has been issued by the Building Department and remains active, and no more than 180 days has elapsed between inspections required by the Building Department in accordance with the Teller County Building Code.
3. The temporary housing is currently a Colorado-licensed trailer, motor home, RV, or similar unit. On-site constructed units as defined by the Teller County Building Code for a Dwelling or Efficiency Dwelling Unit (as defined by the Teller County Building Code), are not considered temporary housing. Mobile Homes that meet the standards for a Manufactured Home or Factory Built Housing as defined in *Chapter 12 Definitions: Dwelling* will not be considered temporary housing. These Regulations do not permit the use of campers,

trailers, lean-tos, tents, motor homes, recreational vehicles, or any other such property as a permanent residence or allowable dwelling unit.

4. All minimum setbacks for the zone district are met.

B. The temporary housing unit must be vacated within 30 days of the issuance of the Certificate of Occupancy for the permanent dwelling unit.

Section 4: Structures

4.1 Allowable Structures

All garages, storage buildings, fences, greenhouses, and other such structures are allowed in accordance with the CME governing documents but are subject to approval by the ARC.

4.2 Temporary Structures

A "temporary" structure encompasses the definition of a structure (above) but may not exist in a place for a period exceeding 30 days.

4.3 Number of Allowable Structures

No more than one single family residence plus one garage and two utility structures shall be allowed on any lot. Neither a garage nor a utility structure will be permitted on a lot that does not contain a house, nor can they be used for living purposes. One (1) commercially available and/or ARC approved greenhouse, up to 200 square feet, will be permitted per lot without counting against the lot building limitations. Additional greenhouses must comply with current building count restrictions.

4.4 Greenhouses

All greenhouses or storage sheds require ARC approval and the owner must comply with all State and County water restriction limitations. Greenhouses or storage buildings/sheds over 200 square feet also require a building permit from the Teller County Building Department.

4.5 Used or Second-hand Structures

No used or second-hand structures, shacks, or other similar structures shall be placed temporarily or permanently within CME except those discussed in the ARC Policies, *Temporary Structures*, and *Conex Style Containers*.

4.6 CONEX Style Containers

CONEX style containers, typically used by the transport industry to temporarily store goods being transported, shall not be placed permanently within CME, including use as a home. CONEX containers may be used temporarily subject to the following provisions:

A. Members shall receive approval to temporarily use a CONEX style container from the Architectural Review Committee before it is placed on their property.

B. Only 1 CONEX style container will be permitted temporarily on each property subject to the following:

1. Rented or member-owned CONEX style containers that are intended to be used as temporary storage while a home is being built are exempt from the CME colors policy and may remain on the property for a period not to exceed 180 days.

2. Rented or member-owned Conex style containers that are intended to be used to store household goods while moving into a home are exempt from the CME colors policy and may remain on the property for a period not to exceed 45 days.

4.7 Items Not Considered Structures

For the purposes of this section, flagpoles, utilities such as wells, utility poles, gas lines, propane tanks, septic tanks, cisterns, or any utility in an easement shall **not** be considered a structure and therefore do not require ARC approval.

Section 5: Use of Property

5.1 Altering uniform grade

No soil shall be removed which will lower the uniform grade relative to adjoining property.

5.2 Billboard Advertisements

No billboard advertisement or sign of any kind shall be displayed on the lot, except one sign not over four (4) square feet advertising the lot for sale or a sign displayed by a builder actually working on the lot.

5.3 Parcel Maintenance

The owner of any parcel in Colorado Mountain Estates shall at all times maintain the parcel and any improvements situated thereon in such a manner as to prevent the parcel or improvements from becoming unsightly, and, specifically, such owner shall abide by the following:

A. Trash, rubbish, and debris shall not be allowed to accumulate and shall be disposed of only by removal from the subdivision. The burning of trash is not allowed within the CMEPOA borders. Any accumulation of rubbish on any property, improved or unimproved, is declared to be a nuisance, except when leaves, grass, shredded woody material and other similar organic matter is accumulated for composting and used as a soil amendment. Rubbish is defined as garbage, useless waste, rejected or unused matter such as discarded appliances, organic or inorganic refuse, rejected or waste food, offal, swill, ash, yard clippings, branches, leaves, manure, sawdust, tires, wood, and unused or unusable vehicle parts, unused or unusable building materials, with the following exception:

A. With **ARC approval** and a building permit, building materials may remain on property for eighteen (18) months.

B. Keep the exterior of all structures in such a state of repair or maintenance as to avoid their becoming unsightly.

C. Prevent the existence of any other condition that reasonably tends to detract from or diminish the appearance of the property.

D. A lot that has a house may store on the property a Motorhome, and/or a Boat Trailer, and/or a Utility Trailer, and/or Camping Trailer which displays current license plates and registration. Storage of more than a combination of any two (2) of those mentioned will require a request and review by the CME Board and must meet Teller County Code Requirements. Compliance with all minimum setbacks of these units is required.

5.4 Prohibited Use of Property

1. The property may not be used as a junkyard, dumping ground, or auto graveyard. Storage of junk vehicles, defined as any vehicle which is inoperable, or which is wholly or partially dismantled, or which does not bear current license plates and which is visible from roads or adjoining, adjacent or neighboring property, is prohibited. A junk vehicle covered by a tarp covering is "visible" within the meaning of this section.

5.5 Storage on Vacant Parcels

Vacant parcels shall not be used to store building materials or personal items.

5.6 Use of Properties for Business

Policies concerning use of properties for business are defined in the CME Policy Manual.

5.7 Home Ignition Zone

Every parcel in CME, regardless of whether a home is built thereon, is encouraged to complete a Home Ignition Zone checklist (found on the CME website). Residents and parcel owners are further encouraged to perform fire mitigation to the maximum extent possible. Twice yearly chipping events for the disposal of tree trimmings is arranged by the association.

ATTACHMENT 1

Teller County Setback Rules

Excerpt from the Teller County Land Use Regulations Effective Date

January 1, 2008 **Chapter 2: ZONING**

Section 2.6 AGRICULTURAL AND RESIDENTIAL ZONE DISTRICTS AND STANDARDS

Section 2.6.3 RESIDENTIAL ONE ZONE DISTRICT (R-1)

The purpose of the Residential One Zone District (R-1) is to provide for non-rural, non-agricultural single- family or duplex residential uses.

C. Dimensional Limitations

1. Minimum Setbacks: Front: 25 feet
Rear: 30 feet
Side: 15 feet
2. Minimum Road Frontage: 40 feet
3. Maximum Height: 35 feet
4. Maximum Impervious Coverage:
45% on lots less than 15,000 square feet
35% on lots 15,000 square feet or great

Colorado Mountain Estates Property Owners Association (CME)
Architectural Review Application

Date: _____

Property Owner's Name:

CME Property Address:

Mailing Address:

Lot Number(s) and Filing:

Property Owner's Contact Number(s):

Property Owner's Email:

If by Builder: Builder's Name:

Builder's License Number:

Builder's Address:

Builder's Contact Number(s):

Builder's Contact Email:

The application is for: (Check all that are appropriate)

_____ Existing Home Addition _____ Fence _____ Driveway/Access

_____ New Home* _____ Garage/Shed Greenhouse

_____ Other (explain)

If an existing structure is to be torn down and/or removed as part of this

application please state the type of structure and the date the structure will be removed (no more than 9 months from the date of this application).

Structure _____ Date by which it will be removed: _____

Property Owner's Signature: _____ Date: _____

Additional Information for the Architectural Review Application

The following are key items the ARC requires to ensure compliance with the CME covenants & Rules.

1. Copy of a location plot or Land Survey showing the stamp of the surveyor who did the plan and with the home, building, fence, or wall drawn on the plot showing proper setbacks.
2. Builder/owner and ARC Officer, prior to the beginning of construction, must sign the condition of approval letter.
3. Copy of the Teller County Building Permit, if applicable. Any specific reference made to the Reservations, Restrictions, and Protected Covenants herein is not intended to replace or modify the existing recorded documents that the member is required to follow.

* New home fee of \$100 payable with application submission by check or money order.

----- **Below this line is For ARC use only** -----

The Project is: _____ Approved; _____ Approved subject to conditions below; _____ Disapproved (Explain)

This application is disapproved for the following reason(s):

You will need to make the following corrections before the ARC can approve this:

Thank you for your application submission. If we can be of further assistance or if you have questions, please contact us through the CMEPOA office at 719-748-3100, or online at www.cmepoa.com or Email at Office@cmepoa.com . The Board Member retrieving the messages will relay your message and we will contact you as soon as possible.

Architectural Review Committee Signatures:

Review Date:

Colorado Mountain Estates Board Member Signature:

Review Date:

ARC Application Number

year

number

Compliance Contract

The following is a list of items that are required for the approval of any new residential construction within Colorado Mountain Estates. All owner/contractors shall sign this Contract as acceptance and adherence to the conditions listed. The Architectural Review Committee (ARC) must receive this Contract before the start of any construction/excavation. Failure to return this Contract is automatic denial of plans for construction/excavation. A signed copy shall be maintained in each property owner's file.

The Agreement is entered into this ____ day of _____, 20____, between the COLORADO MOUNTAIN ESTATES PROPERTY OWNERS' ASSOCIATION, hereinafter referred to as "CMEPOA" and (if applicable),

CONTRACTOR (Printed Name)

License Number

AND/OR

OWNER (Printed Name)

LOT#

FILING #

Are any lot lines being vacated as part of this construction project? YES ____ NO ____

(If YES, the homeowner/Builder must provide the CMEPOA a copy of the Teller County Approval.) Upon execution of this "Agreement", and receipt thereof by CONTRACTOR (includes Subcontractors), and OWNER, you shall comply with the following:

1. A written approval issued by the ARC shall be provided before any construction or excavation (other than soil testing) can proceed on a project.
2. All Contractors and sub-contractors must have and maintain a current business license and all necessary insurance and bonding required by Teller County Building Department Rules & Regulations.
3. All property owners/contractors shall abide by the building code adopted by the Teller County Building Department and shall obtain a building and driveway permit from the Teller County Building Department. Each person or entity involved in this project shall, at all times, abide by the covenants and policies of Colorado Mountain Estates Property Owners' Association, Inc.
4. Failure to abide by any of these requirements will result in the immediate issuance of a Stop Order issued by CMEPOA, Inc. Any costs related to the stoppage of work to a breach of this contract shall be borne solely by the owner/builder whose name appears in signature as per the agreement to this contract.
5. All property lines and markers are to be protected during the construction process. It will be the responsibility of the owner or builder to have corner pins surveyed if they are lost or destroyed.

6. At the time of a Temporary or Permanent Certificate of Occupancy/final inspection, construction materials and equipment shall be removed from the property. The Property Owner may store additional materials if he plans to use them in the future, in accordance with CME Policies.
7. A trash container is required on site during the entire construction project. The container shall be emptied as needed.
8. There shall be temporary toilet facilities on site and maintained during the entire construction project in accordance with Teller County Code/Requirements.
9. At no time is anyone authorized to access the property of another for any reason without the permission of the owner/ owners.
10. All slash, trees, and root balls, that are a result of excavation or construction, are required to be removed from the property at the time of a Permanent Occupancy Permit/final inspection.

DATED this _____ day of _____, 20____.

COLORADO MOUNTAIN ESTATES PROPERTY OWNERS' ASSOCIATION, Inc. By: Architectural Review Committee (signatures of a majority of current ARC members are required)

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Board Member Signature:

Signature: _____

Date: _____

Signature: _____

Date: _____

DATED this _____ day of _____, 20____

Owner Signature: _____ Date: _____

CME Address: _____

AND (if applicable)

Builder/Representative Signature: _____

Address: _____



Revision History

1. Amended July 2012 (ARC policies removed from the CMEPOA Policies Manual and Approved as a new Document by CMEPOA Board of Directors)
2. Amended July 2012 (Added information that was residing in the Rules, Policies, and Covenants to clarify and simplify the ARC Policies)
3. Amended April 2014 (Synchronized with new Covenant related updates)
4. Amended September 2015 (Reorganized and Rules document incorporated into ARC Policy)
5. Amended 11-21-15 (Site survey and setback requirements)
6. Amended 3-19-16 (HUD manufactured homes prohibited, 5/12 roof pitch rule eliminated)
7. Amended 1-20-2018 (Exterior Building, Fence, and Roof Colors)
8. Amended 7-21-2018 (Added numbering outline for each section, updated logo, updated Owner's General Responsibilities, added correct contact email address in CME Policies and Document Locations, revised section 11, revised Conex style containers in Structures, updated Architectural Review Application attachment and Owners Submission form, updated Compliance Contract form, moved Historical Summary to end of document.)
9. Amended 2-24-2019 (Added Teller County Setback Rules as an attachment, moved Index to end of document.)
10. Amended 2-1-2020 (Added last two sentences to section 2.1 for the \$100 application fee for a new home and Attachment 2 footnote for new home application fee.
11. Amended 03-1-2022 minor editorial changes and changed "must" to "shall" throughout.
12. Amended 10/6/2022 addition of "with Arc approval" section 5.3 A-A. Addition to the Compliance Contract of #10