

Section 1: [Article VII, Section 7.14] Roofing and Exterior Building Materials in Wildfire Zone

All roofing materials, siding, and exterior decking on any Improvement shall strictly conform to the rustic natural wood and cedar shake aesthetic standards established by the Architectural Review Committee. Non-wood composite, metal, or cementitious siding and roofing materials are prohibited unless granted a specific architectural variance.

MARKUP #1 ->

ISSUE #1

Section 2: [Article VII, Section 7.8] Signs and Political Displays

No sign of any kind shall be displayed to the public view on any Lot or Common Area except one (1) sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article VII, Section 7.8 (p. 1): Covenant restricts protected homeowner rights under C.R.S. § 38-33.3-106.5 (flags, signs, xeriscaping/drought-tolerant landscaping, vegetable gardens, emergency vehicles, or fire-hardened roofing).

Statutory / Legal Reference: C.R.S. § 38-33.3-106.5 (HB 23-178)

Statutory Comparison: Under C.R.S. § 38-33.3-106.5, notwithstanding any provision in the declaration, bylaws, or rules, an association may not prohibit flags or signs, parking of emergency/first-responder vehicles, replacement of flammable roofing materials with fire-resistant materials, backyard/sideyard/frontyard vegetable gardens, or water-wise xeriscaping (including the requirement under HB 23-178 for single-family HOAs to offer at least 3 pre-approved water-wise garden designs).

CURRENT WORDING IN DOCUMENT:

[Article VII, Section 7.8] Signs and Political Displays - No sign of any kind shall be displayed to the public view on any Lot or Common Area except one (1) sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to C.R.S. § 38-33.3-106.5 (including HB 23-178), nothing in the governing documents shall prohibit or penalize: (a) the display of flags or political/noncommercial signs within statutory size limits; (b) water-wise xeriscaping, drought-tolerant turf, or vegetable gardens; (c) the installation of Class A fire-rated roofing or wildfire-hardened materials; or (d) the parking of qualified emergency service vehicles.