

General Intent of Amendment.

Restate and replace the 75 (74?) and 81 Covenants.

Specific Substantive Changes.

1. Statement of purpose:

Added: to promote the health, safety, welfare and common benefit of the owners and residents. To protect the environment.

2. Commercial Use:

Restrict pure commercial use to the lots north of the Greenbelt on Unit 3.

Restrict all other lots to residential use. However provide a framework allowing the Board to review and approve or disapprove limited home/commercial use on residential lots.

3. Definitions:

“building site” redefined to eliminate previous concept of 1 dwelling on several lots.

“common property” defines what is common property.

“common expenses” Expands what expenses Board can incur (and what Members can be assessed for. See further comment below.

“documents” Attempts to list documents governing Members. Does not include Water Decrees.

“lots/tracts” Attempts to provide a working definition of Lots and Tracts which are shown on the original plats and which have been created by combining lots. Definition controls building restrictions, assessments and voting.

Other technical definitions intended to streamline the document.

4. Common Expenses. The original covenants allowed the Board to collect assessments for operation, repair, and maintenance of roads and common areas. The amendment allows assessment for:

operation of the Zapata Subdivision

administration, maintenance, construction, improvement, repair, or replacement of the Common Property;

expenses of utilities;

expenses determined to be Common Expenses by the Board, or by Colorado law, including administrative, legal, professional, and consulting

reserves established by the Association, for repair, replacement, or addition to the Common Elements or any other property acquired or held by the Association.

The Board may provide services that benefit fewer than all lot owners subject to billing the benefited owners.

5. Nuisance restrictions:

A. The prior Covenants presented the following aesthetic control.

Prohibited noxious or offensive trade or activity or activities which would be an annoyance or nuisance to the neighborhood.

Required refuse, trash cans and/or clotheslines to be within fenced service yards.
Prohibited trash burning

Required lots and structures to be maintained and used so as not to be annoying or unsightly or a nuisance or constitute a violation of law or regulations or in a manner which would disturb the peace and comfort of other occupiers.

Prohibits refuse or junk.

B. The proposed amendment:

Requires an owner to beautify and keep neat, attractive, sightly, and in good order, lots and residences and to maintain, repair, and replace exterior portions of residences.

Requires lots and structures to be maintained, used and constructed so as not to be annoying or unsightly or a nuisance.

Prohibits refuse and junk.

Prohibits unlawful uses

Prohibits improper use which or disturbs the peace and comfort of other Owners,

Prohibits noxious or offensive activity or anything that is or may become a nuisance or cause an unreasonable embarrassment, disturbance, or annoyance to other lot owners, residence occupants

Prohibits noxious or offensive trade or activity or anything which may be or become an annoyance or nuisance to the neighborhood. Old Covenants.

Prohibits activity or improvement that is or might be unsafe or hazardous to any person or property.

Prohibits recreational discharge of firearms. Incorporates existing firearms policies into the Covenants.

Prohibits activity that could result in adverse consequences to Association insurance.

Prohibits emission of noxious or offensive sound or odor, including those caused by house pets and animals or sounds or odors that would interfere with the rights, comforts, or convenience of owners, including exterior speakers, horns, whistles, bells, or other sound devices, other than security.

Limits on site storage to personally owned operating vehicles or vehicles related to Association project work provided they don't create a nuisance

Allows RVs to be stored year round if there is a residential structure on the lot or a building permit has been obtained.

Prohibits on street placement of vehicles other than personal automobiles.

Prohibits any repair lasting more than 48 hours outside of an enclosed structure screening sight and sound.

Prohibits refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, compost, metal, bulk materials, scrap, refuse, or debris of any kind on any Lot except within an enclosed structure or screened from view, excluding firewood storage.

Prohibits all open burning.

Prohibits unsightly structures, facilities, equipment, objects, and conditions.

Requires garden, snow removal and maintenance equipment to be enclosed within a structure, except when in actual use

Permits clotheslines on the rear of the property out of sight of the street.

Allows temporary use of a RV (up to 3 months/year) or tent under limited conditions.

prohibits temporary structures, or building materials on any lot except during construction.

Expands mineral exploration restriction to prohibit removal of any soil. Deletes water exploration tests, or core drilling, or the drillings, maintenance and operation of water wells any political subdivision as an exception.

Permits a 2 foot "dish" without architectural committee approval

6. Powers and Responsibilities of the Association:

Requires the Association to maintain the Common Property

Limits the Association's right to enter an owner's lot

Allows the Association to:

- construct underground utilities on Lots

- withdraw and grant easements and licenses to utility companies districts and to convey Common Property improvements for this

- allow an Owner to combine two or more lots or divide one lot for the purpose of combining portions of said divided lot with adjoining lots and to change the allocated assessments in connection with this.

- construct improvements for the benefit of the subdivision, such as a management office, firehouse or other community building with membership approval.

Requires the Board to maintain certain levels of insurance.

Requires the board to rebuild Common Property.

7. Architectural Committee.

Removes specific procedures for architectural review and refers them to architectural guidelines.

Provides for commercial architectural guidelines.

Provides exculpation from liability of Architectural Committee when performing its work.

8. Construction of Improvements.

Removes specific permission for guest houses and servant quarters.

Removes 30 foot rear yard setback.

Specifically allows unenclosed carports.

Prohibits basements.

Allows mobile homes and modular housing on all lots subject to a 22 by 43 foot minimum size.

Requires reconstruction or demolition of improvements following casualty damage.

Gives Board authority to expand landscaping in street side utility easements.

9. Pets and animals.

Allows up to 15 female chickens on a lot.

Increases number of allowed horses to 4 on a 10 acre site and 6 on a 15 acre or larger site. Adjacent lots under common ownership will be considered a site.

10. Water and Sewer

Eliminates statement that each lot is approved for a well

Eliminates prohibition on lawn watering.

Does not reference water decrees.

Deletes prohibition of septic tanks on certain lots.

11. Leases and Time share.

Prohibits time share.

Requires leases to be 30 days or more

12 Amendments to Covenants

1. Confirms right of a simple majority to amend the Covenants.

2. Establishes a 1 year statute of limitations on protesting amendments.
3. Requires unanimous consent of Owners to increase the number of lots, change the boundaries of the subdivision or lots, the assessments allocated to lots, or the uses to which a Lot is restricted.

13. Assessments

States that assessments will be set by the Bylaws and the Board.

Allows Board to use assessment procedure:

To collect from lot owners to whom the board has provided services where the services are provided to fewer than all the lots

against a lot owner who causes a common expense.

to collect fees, charges, taxes, impositions, late charges, fines, collection costs, and interest charged against a Lot Owner

Limits assessment to pay a judgment against the Association to those Lots in existence at the time the judgment was entered.

Makes payment of assessments a personal obligation of the owner.

Miscellaneous

Creates a private right of action by an owner to enforce the covenants against another owner

Prohibits discrimination on various social issues

Prohibits an owner from denying access to the Common Property to another owner.