

**RESOLUTION OF RIVERLAND LOT OWNER ASSOCIATION REGARDING RULES
AND REGULATIONS FOR SHIPPING CONTAINERS LOCATED IN THE RIVERLAND
INDUSTRIAL PARK**

SUBJECT: Adoption of a policy regarding the rules and regulations related to allowed uses for shipping containers on lots within the Riverland Industrial Park.

PURPOSE: The purpose of this Resolution is to consider a Board-initiated adoption of rules and regulations relating to the temporary or permanent placement of shipping containers located on lots within the Riverland Industrial Park.

LEGAL AUTHORITY: C.R.S. § 38-33.3-302(1)(a) and (q)

EFFECTIVE DATE: August 22nd, 2018.

RESOLUTION: RIVERLAND LOT OWNER ASSOCIATION, a Colorado nonprofit corporation (the "Association"), hereby adopts the following policy:

WHEREAS, shipping containers are reusable transport and storage units of steel construction and are loaded on trucks, trains or ships for moving products and materials; and

WHEREAS, due to their portability, strength, security and affordability, shipping containers have gained popularity for use as temporary and permanent storage structures within the Riverland Industrial Park; and

WHEREAS, the use of shipping containers for permanent and temporary storage in the Riverland Industrial Park has recently become more frequent; and

WHEREAS, property owners and tenants have expressed concerns regarding the negative impact of such containers on the aesthetics of the Riverland Industrial Park; and

WHEREAS, the Riverland Lot Owners Association Board of Directors has held multiple meetings during the past two years where the regulation of shipping containers in the Riverland Industrial Park has been discussed; and

WHEREAS, the Riverland Lot Owners Association Board of Directors has now determined that it is in the best interest of property owners and tenants that these rules and regulations be adopted to clarify the time, place and manner in which shipping containers are allowed within the Riverland Industrial Park.

NOW THEREFORE, the Riverland Lot Owners Association Board of Directors hereby adopts the following rules and regulations regarding the time, place and manner in which shipping containers may be used within the Riverland Industrial Park:

1. Definition of “shipping container”: For purposes of these rules and regulations, the phrase “shipping container” shall mean any portable container with strength suitable to withstand storage and handling, principally used for purposes of storage of materials, goods, or other personal property. The definition includes, but is not limited to, large reusable steel boxes known as “intermodal freight containers.” The definition includes semi-trailers, but excludes containers used for the short-term storage of trash and refuse.
2. Interpretation of Covenants
 - a. Shipping containers are considered “sheds” within the meaning of section 4.F.(i) of the Declaration of Protective Covenants for Riverland Industrial Park (the “Covenants”).
 - i. Shipping containers within the Riverland Industrial Park shall only be used for the storage of materials, goods, or other personal property.
 - ii. All residential uses of shipping containers is prohibited.
 - b. Shipping containers are not considered a “structure” for purposes of the limitations found within 4.C. of the Covenants.
 - c. The use of a shipping container authorized herein is permitted pursuant to section 5.A.3. of the Covenants, subject to other restrictions contained within the Covenants.
 - d. All uses of shipping containers is subject to section 6. of the Covenants, Design and Use Review and Approval.
 - i. The Association hereby prohibits the placing a shipping container on any lot within the Riverland Industrial Park without compliance with this Resolution and the Covenants.
3. Treatment of Existing Shipping Containers:

- a. All unstacked shipping containers which exist upon a Riverland Industrial Park lot as of the date of adoption of this Resolution shall be deemed to be approved and allowed, only in their current location, color and type of use, for purposes of compliance with these rules and regulations.
 - i. In the event a shipping container which exists as of the date of adoption of this Resolution is moved, removed, painted, or for which the specific use has changed, the deemed approval shall be revoked and lapsed. The lot owner shall not have a right to replace or return the original shipping container following a move, removal, painting or change in use.
 - b. Any change in color or use of an existing shipping container shall require approval of the Architectural Review Board.
4. New Shipping Containers:
- a. Shipping containers shall be allowed upon all lots within the Riverland Industrial Park at all times of the year provided that such containers are in compliance with these rules and regulations and the Covenants.
 - b. Maximum Number of Shipping Containers.
 - i. Each Owner shall have the right to place two (2) shipping containers on their Lot without the approval of the Architectural Review Board, but only as long as those shipping containers are in compliance with these rules and regulations.
 - ii. For Lots on which no structure has been constructed, the maximum number of shipping containers allowed on the Lot shall be fifteen (15). All additional shipping containers in excess of the two (2) shipping containers allowed by Section 4.b.i. above may only be placed on the Lot after Architectural Review Board review and approval.
 - iii. For Lots on which a structure has been constructed, all additional shipping containers in excess of the two (2) shipping containers allowed by Section 4.b.i. above may only be placed

on the Lot after Architectural Review Board review and approval, including a finding by the Architectural Review Board that all requirements set forth in these rules and regulations have been sufficiently met.

- iv. In the event that a Lot Owner wishes to place shipping containers upon a Lot in excess of the maximum set forth in Section 4.b.ii. above, the Owner may only do so with Architectural Review Board approval, including a finding by the Architectural Review Board that all requirements set forth in these rules and regulations have been sufficiently met.

c. Color of Shipping Containers.

- i. All shipping containers must comply with the Architectural Review Board color requirements.
- ii. Prior to repainting a shipping container to a different color, the Architectural Review Board must approve the new color before any painting occurs. Repainting a shipping container but keeping the same color does not require Architectural Review Board approval.
- iii. No fluorescent or bright colors will be allowed for the exterior color of a shipping container.
- iv. Generally, all shipping containers shall be painted in earthtones, subject to Architectural Review Board approval.

d. Location Standards.

i. Parking.

- 1. The Architectural Review Board shall ensure that appropriate parking is provided on any lot with shipping containers. No specific additional parking space (or portion of a parking space) will be required for each shipping container.
- 2. No shipping container will be allowed to exist on a planned or approved parking space, unless a substitute

parking space is provided on the subject lot and the location of the substitute parking space is approved by the Architectural Review Board.

3. Approved parking shall not impede, obstruct or interfere with the opening end of a shipping container.

ii. Snow Storage.

1. The Architectural Review Board shall ensure that appropriate and adequate snow storage areas are provided on any lot with shipping containers. The top of shipping containers shall not be counted as snow storage areas. No specific additional snow storage areas will be required for each shipping container.
2. Approved snow storage areas shall not impede, obstruct or interfere with the opening end of a shipping container.

iii. Landscaping.

1. The Architectural Review Board shall ensure that appropriate and adequate landscaping is provided on any lot with shipping containers. Any or all shipping containers shall be screened from Highway 135 and from all internal roadways to the extent possible. No specific number or size of trees or shrubs will be required for each shipping container.
2. Approved landscaping shall not impede, obstruct or interfere with the opening end of a shipping container.

iv. Access.

1. The Architectural Review Board shall ensure that appropriate and adequate access is provided on any lot with shipping containers, both to the lot and also to the shipping container.
2. Approved access routes shall not impede, obstruct or interfere with the opening end of a shipping container.

The shipping container shall not impede, obstruct or interfere with the approved access routes.

v. Setbacks.

1. The front lot line setback for all shipping containers shall be twenty (20) feet.
2. The standard side lot line and rear lot line setback for shipping containers shall be ten (10) feet. This setback may be reduced to zero (0) feet provided that the property owner or other applicant to the Architectural Review Board has obtained the written approval of the adjacent landowner who shares the subject lot line.

e. Maximum Dimensions of Shipping Containers.

- i. The maximum vertical height of any single shipping container shall not exceed thirteen (13) feet between the base of the shipping container and the top of the shipping container.
- ii. The maximum horizontal length of any single shipping container shall not exceed forty (40) feet between each end of the shipping container.
- iii. The maximum width of any single shipping container shall not exceed twelve (12) feet.

f. Stacking Standards.

- i. A maximum of two shipping containers may be stacked in a manner such that the highest point of the stacked containers shall not exceed thirteen (13) feet above the adjacent grade. Access to each stacked shipping container shall be from the adjacent grade. No stacking of shipping containers shall be allowed in a manner that requires a forklift or other lift mechanism to access the shipping container.

g. Allowed Uses.

- i. Shipping containers shall only be allowed for storage purposes.
- ii. All residential uses of shipping containers are prohibited.

- iii. Shipping containers shall not be allowed for short-term residential use or camping.
- h. Responsibilities of Owner; Nonliability of Association.
 - i. Property owners or tenants who place shipping containers upon easements of any kind do so at their sole risk and liability. In the event of an emergency requiring removal of a shipping container for access to the easement area, the property owner or tenant shall be responsible for responding to a request for removal within two (2) hours of such a request being made. In the event the property owner or tenant does not respond to such a request within the timeframe specified above, the Riverland Lot Owners Association shall have the right to move the shipping container to a temporary location at the sole cost and expense of the property owner. In the event that the Riverland Lot Owners Association does move the shipping container to a temporary location in an emergency, the Riverland Lot Owners Association and any party who moves the shipping container on the instruction of the Riverland Lot Owners Association shall have no liability for damage or destruction to the shipping container or any property (of any kind) stored within the shipping container.

5. Noncompliance.

- a. In the event that a property owner or tenant fails to comply with these rules and regulations, the property owner or tenant shall be fined \$200.00 per day for each day of violation.
- b. Any fine imposed and levied shall be a lien upon the property on which the offending/noncompliant shipping container is located in favor of the Association.
- c. In the event that the Association has provided written notice of noncompliance, and no action has been taken within ten (10) days of such written notice, the Association shall have the right to remove the

shipping container from the lot at the sole cost of the lot owner or
tenant.

IN WITNESS WHEREOF, the undersigned ascribe their names with an effective
date as first written, evidencing approval and adoption of these Rule and Regulations
by the Riverland Lot Owners Association by the affirmative vote of a majority of the
Board of Directors, and approval by 23 of 26 Members present, on August 22, 2018.

RIVERLAND LOT OWNER ASSOCIATION,
a Colorado nonprofit corporation

By: _____

_____, President

CERTIFICATION

The undersigned, as Secretary of RIVERLAND LOT OWNER ASSOCIATION, a Colorado nonprofit corporation, certifies that the foregoing Resolution was properly adopted by the Board of Directors of the Association, and in witness thereof, the undersigned has subscribed his or her name.

RIVERLAND LOT OWNER ASSOCIATION,
a Colorado nonprofit corporation

By: _____

Scott Hargis

_____, Secretary