

Monument Village Homeowners Association Architectural Control

A Covenant Protected Community

Monument Village Home Owners Association Covenants

The Monument Village Homeowners Association Covenants were originally recorded in 1971 and amended in 1999. The MVHOA Covenants are the legal document that lays out the guidelines for the planned subdivision. The Covenants are recorded in the Mesa County records and are legally binding. This means that when you purchase a lot or a home in a Monument Village, for example, you automatically become a member of the HOA. **When you purchased your home, you received a copy of the covenants with other property title documents.**

Architectural Control

Basically, the Covenants are the rules of our neighborhood. They govern what you can, cannot, or must do with respect to your home. While it may seem arbitrary from an individual homeowner's standpoint, the architectural control committee (ACC) **looks out for the entire community**. Aside from stopping residents from painting pink polka dots on their houses, the committee's job is to make sure that the size and style of the project, the type of building materials being used and the overall look of the new structure adhere to the Monument Village "park-like appearance" design requirements.

Not only does this **keep the community looking cohesive**, it also helps to **keep property values up** by preventing individual structures from standing out. It's also important to note that unapproved structures might legally have to be removed at the owner's expense, so it's better to just have them get approval before building in the first place. ACC decisions are final but not a creation of inflexibility for rules sake, rather to create a good living environment for residents.

The language in the MVHOA Covenants is specific in some areas (e.g. no chickens) while left general in other areas and require interpretation (e.g. Architecture Control). Over the years, the process for responding to homeowner's requests has been somewhat neighborly and easy going. For Board and neighborhood protection, amended procedures are now being implemented to assure the dialogue about proposed improvements is properly documented and the decisions are formally approved by the MVHOA Architectural Control Committee. The procedure follows.

MVHOA PROCEDURE
**Architectural Control Committee (ACC) Review and Approval
of Proposed Improvements.**
(Updated April 13, 2016, amended March 2018)

1. Homeowner shall submit the request in writing to the ACC. The date of request will be recorded by the ACC receiving the request when all the information required is included in the written request.
 - Request can be mailed to MVHOA PO Box 2962, Grand Junction, CO 81502 or hand-delivered to any member of the ACC.
 - A line sketch is acceptable, engineered drawings are not required.
 - Color samples, such as paint roofing samples should be provided, as necessary.
 - A statement that compliance with the Covenants was reviewed by Home Owner prior to submitting request should be included in documentation. (See excerpts from Covenants below)
 - Other information may be requested by the ACC after receiving the initial written request.
 - The 30 day response requirement is in effect only after all information has been received by ACC.
2. The entire committee will approve or disapprove the written request and submit a written response from committee to homeowner within 30 days. If a written response is not received from the ACC within 30 days, approval not required.

ACC Criteria of Consideration:

- Protect value & future values of subdivision properties
- Exercise judgment & determination and use reason and good faith
- Improvements reasonably compatible with others in subdivision

Architectural Restrictions (Excerpts from MVHOA Covenants)

Guidance: The Board discussed implementing a standard set of amounts per each type of Covenant violation. We determined that this would be cumbersome and take away flexibility from the Board. We thought it would be more important to exact a fine based upon the severity of the violation rather than a set chart of fines (Guidance approved on July 18, 2018)

The list of requirements below may not be inclusive of all reference to architectural control requirements in the Covenants. The Home Owner has the responsibility of reviewing the Covenants prior to submitting requests for improvements.

- No building or structure shall be erected, placed or altered until approved plans and specification have been approved by the (ACC)
- No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building set back line unless similarly approved
- Building set back is no nearer than 25 feet from neither the front lot lines nor any side street line nor 5 feet from adjoining lot line.

- No structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation or maintenance in any utility easements and drainage facilities
- Easement areas shall be maintained by owner of the lot
- No noxious or offensive activity shall be carried out upon any site that may be or may become an annoyance or nuisance in the neighborhood
- No temporary structures, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot
- No individual water or sewerage disposal system shall be permitted on any lot.
- Roofing materials are specified on page 6 article 13
- Oil and Mining Operations on page 6 article 14
- Livestock and poultry on page 7 article 15
- Garbage and refuse disposal on page 7 article 16
- Sight distance and intersection on page 7 article 17
- Storage of boats, campers, trailers, etc. page 7 article 18
- Lighting page 7 article 19

Additional Architectural Restrictions

- ~~Sheds shall not exceed 120 square feet (adopted by Board, 03.01.2018)~~ Rescinded July 18, 2018
- Anyone building a shed larger than approved by the ACC, or not approved by ACC, could be fined for the violation. (adopted July 18, 2018)

Guidance: On July 18, 2018, the Board revisited the maximum shed size requirement; we received a number of complaints from neighbors who had sheds in our neighborhood that exceeded the 120 square foot maximum that was stated in the Newsletter. After much discussion, the Board decided to remove the maximum square footage, but always retain the requirement for any structure to be reviewed by the Architectural Control Committee (ACC) as required in the Covenants. It is possible that 120 square feet may be too large for some locations, but not too large for others.

Enforcement of Covenants

Enforcement of covenants can be expensive. Part of the reason the MVHOA annual dues are so low is because the neighborhood has in good faith, complied with the covenants. In the event legal action becomes necessary, the Covenants allow for enforcement (Page 9 Article 27 – Prohibitive or mandatory injunction or suit to recover damages). The prevailing party in lawsuit shall be entitled to recover costs and expenses. Potential fines for non-compliance.