

## ***MPHOA Architectural Rules & Regulations***

### Introduction.

The covenants which are mentioned further on in this material are from the 2002 Declaration of Reservations, Restrictions, and Covenants (hereinafter referred to as the Declaration of Restrictions). They make reference to Architectural Rules and Regulations pertaining to the placing of improvements upon the lots within the boundaries of Mt. Princeton Hot Springs subdivision (called the Property in the Covenants). It is a covenanted community whose homeowners comprise Mt. Princeton Home Owners Association (MPHOA). It is our intent to live together peaceably as good neighbors.

Why have architectural rules and regulations? These are in place to preserve the beauty and views of our scenically terraced neighborhood lying in direct line-of-sight below the summits of 14,197 ft. Mt. Princeton and 14,269 ft. Mt. Antero. One of the ways to do this is to keep homes as unobtrusive as feasibly possible in this environment, to not obstruct the views of neighbors, and to present an overall harmonious appearance in the neighborhood. These intentions are laid out here so all members may share a common understanding.

The MPHOA Board of Directors appoints an Architectural Control Committee (hereafter called the Committee). Refer to Covenant #2 for an explanation of the composition of the Committee. The Covenants empower the Board to ensure that all structures and improvements built on lots in the Mt. Princeton Hot Springs subdivision follow the Declaration of Restrictions, and the Architectural Rules and Regulations. Architectural Rules and Regulations are in place both for the protection of the applicant for an improvement, as well as the Committee. It is the Committee's job to abide by and enforce these for the harmoniousness of the community. The Committee has the authority and the right to approve or disapprove plans, specifications, and details in the event that: a) the same are or are not in accordance with all the provisions of the Declaration of Restrictions, and Architectural Rules and Regulations; b) the improvements are or are not in conformity and harmony of external design with existing improvements in the Property; c) the plans and specifications submitted are or are not complete; or d) in the event the Committee deems the plans, specifications or details, or any part thereof, to conform to or be contrary to the interests, welfare or rights of any or all of the homeowners.

### Declaration of Restrictions Pertaining to Placing of Improvements on Lots.

The Declaration of Restrictions, which pertains to rules and regulations for placing improvements upon any given lot within the Property, are presented here along with elaborations explaining their application, interpretation, and specific intent. Covenant numbers and page numbers are given.

#1 (p.2) Residential Lots. “All lots within the Property shall be known and designated as residential building sites. The lot owners and the lots shall be subject to the jurisdiction of the MPHOA as stated in this 2002 Declaration and the governing documents as described herein. No structures shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family residence not to exceed two stories in height...a private garage, either attached or detached, and other outbuildings incidental to residential use of the lot...”

Elaboration: No more than two stories translates specifically into a maximum of 28 feet from average or mean original grade (pre-existing, natural land form before any excavation) of the land to the apex of the roof.

#2. (p.2) Architectural control.

“No building, structure, or improvement (hereinafter “improvement”) shall be erected, placed, or externally altered in any manner on any lot in the Property until the building plans, specifications, and site plan showing the location of such improvement have been approved in writing by the Architectural Control Committee (“Committee).” Such approval will be granted only when it has been ascertained that the building plans, specifications, and site plan presented are in conformity with all Declaration of Restrictions and also with the provisions set forth in the Architectural Rules and Regulations document. The Committee shall determine if the improvement is in conformity and harmony of external design with existing improvements in the Property including, but not limited to, such factors as color and texture of exterior and location of the improvement with respect to topography and finished grade elevation. In the event the Committee fails to approve or disapprove within 30 days after said plans, specifications, and site plan have been submitted to it, said plans, specifications, and site plan shall be deemed approved for all purposes.

Elaborations:

- Besides being approved in writing, all plans, specifications, and changes must be submitted in writing to each Architectural Control Committee member. Phone calls do not constitute legitimate approval.
- Plans must be approved in their entirety; there is no partial approval. All advised adjustments must be made and incorporated into the final plans before approval may be given. This must occur before any excavation or construction takes place.
- No building site shall be improved, or construction or excavation begun without plans and intentions first being approved by the Architectural Control Committee.
- Any changes in plans already approved by the Committee must be resubmitted and approved by the committee in the same manner as original plans before these changes may be implemented.

- Any Committee member who receives application materials must assure that the remaining Committee members have those same materials for review.
- Members of the Committee may request samples of color, composition of shingles, etc., if deemed advisable, along with the plans for construction or alterations.
- To obstruct your neighbors' view is not in compliance with harmony of external design with existing improvements in the Property.
- The appeal process in the case of the Committee's non-acceptance of improvement plans may be found in the Declaration of Reservations, Restrictions, and Covenants, #2, p. 4, Architectural Control.
- Any remodel or alterations to the exterior of structures, including changes to color of paint, shingles, siding, addition of decks, etc, must be presented to the Architectural Control Committee for approval.
- At any step in the appeal process, a lot owner is strongly urged to contact the MPHOA Board of Directors first before contacting an attorney and initiating litigation.

#3. (p. 4) Set-back Distances.

Elaboration: Whenever MPHOA has stricter rules and regulations than the Chaffee County Building Department codes, these should be respected in any building plans in order to gain approval from the Committee. But when the county's set-backs are a larger figure, then the homeowner would be wise to follow the county's guidelines since it is from the Chaffee County Building Department that building permits are issued, and the building inspectors make their visits. Thus at this time, these numbers should apply: 25 feet set-backs from internal property lines, 20 feet set-backs from external boundaries of the subdivision, and 15 feet set-backs for any appurtenances such as eaves, steps, and open porches. The county periodically updates these figures so it would be well to check with the county for current guidelines for the reasons given above before having a plat and blueprints drawn up. Remember never go with a smaller number than is provided in the MPHOA Declaration of Restrictions.

#4. (p. 4) Minimum Size of Residence.

#5. (p. 4) Easements.

#6. (p. 5) No Visible Business or Nuisance to Others.

#7. (p. 5) Certain Structures, Vehicles, Equipment Prohibited.

#13. (p.7) Litter and Trash.

## Elaborations:

- Following construction, all unused building materials and debris shall be removed within 30 days of completion of construction. If not removed by homeowner by deadline, MPHOA may remove and bill homeowner.
- Each homeowner is obligated to provide for disposal of construction and human waste both during and after construction.

#14. (p. 7) Fences and Walls.

Elaboration: Any changes or additions to a lot including walls, fences, garages, storage sheds, etc., must be approved by the Committee.

#15. (p. 7) Duty to Complete Residence.

Elaboration: All work must be completed within one year of the date construction commences.

#16. (p. 7) Trees.#17, (p. 7) Tanks, Heating and Cooling Equipment.

Elaboration: Propane tanks (where required) must be screened from view after having written approval from the Architectural Control Committee.

#18. (p. 8) Parking.

Elaboration: "...minimum of four parking spaces..." is meant to be interpreted as four parking spaces per lot, in addition to the garage or stalls in a carport, in order to provide adequate parking so as to not interfere with passage of traffic on the roadways of the subdivision.

#21. (p. 9) Variance; No Waiver.#22. (p. 10) Interpretation.

\*Some additional Rules and Regulations which have been approved by the MPHOA Board of Directors follow:

1. Two of the three Committee members must approve all building plans in writing. Approval is indicated by signature and date.
2. A letter of approval/disapproval will be mailed to the homeowner, the President of the Board of Directors, and kept in the ACC files along with the plans.
3. After approval of the plans in their entirety, the owner may then take these approved plans to the Chaffee County Building Inspector and obtain a building permit.

4. Plans submitted to the Committee must be complete and identical to those submitted to the Chaffee County Building Inspector.

5. A professional survey is recommended prior to construction.

6. No building site shall be improved, or construction or excavation begun without plans and intentions first being approved by the Architectural Control Committee.

7. If after construction is begun, it is determined that there has been a failure to follow the approved building plan, MPHOA may require the owner to remedy the noncompliance at the owner's expense.

8. Pertaining to new residential water connections, water tap fees must be paid before construction begins.

No water taps shall be made between October 15 and May 1 to prevent freeze-ups of the water main.

All new water connections tapped into the Mount Princeton Hot Springs subdivision central water system must be done by an MPHOA approved water main professional.

Before digging for any reason on a given lot, it is imperative that contractors call for utility locators. If unsure about the location of water lines, check with chairperson of the MPHOA Water Committee. The chairperson may decide to phone the Rural Water Association to do exact locations of specific water lines. There is also a responsibility to locate and identify utilities and water lines on adjoining properties which may be affected by a lot owner's construction.

9. A committee member must disqualify him/herself if there is a conflict of interest, i.e., is the contractor, builder, or is the owner of the addition and/or house.

10. Homeowners are held responsible to make copies of these rules and regulations available to their contractors, especially guidelines pertaining to already approved blueprints. Contractors need to be aware that any changes need re-approval by the Committee. (Covenant #2, Architectural control, fourth bullet addresses this issue.)

\*The MPHOA Board of Directors retains the right to make adjustments to these Architectural Rules and Regulations from time to time as the need arises and situations change. These will be approved by the Board at the recommendation of the Architectural Control Committee or from new ideas made available to the Board from other sources. No rules or regulations shall be established which violate the intention or provisions of the Covenants.