

# Monticello Place Community Association

## Standards for Fence Approval

January 2021

### General Requirements

- All Sections homeowners must obtain in writing Monticello Place Community Association Board (MPCA BOARD) approval before installing any fence. Using the *Intent to Renovate* packet from the MPCA website, include fence location, materials list, and signed Neighbor Notification sheets when submitting for approval.
- No fence shall be extended past the rear (of the residence) or side (right or left) of the residence. See Diagram 1 for examples.
- The height limit for fences is 48 inches. A taller (up to 72 inches) and/or staggered fence might be approved if around a pool, patio, deck, or some extremely special circumstance. It may not surround the entire yard. See Diagram 1 for examples. Use of landscape is recommended if more privacy is desired rather than installing a taller fence.
- **Fence design may not be a solid surface (privacy fence).** Fences with slats must have a spacing between the slats of at least ½ width of the slat. The maximum width of each slat is 6". See some examples beginning on page 3.
- A taller privacy fence might be approved if it is on a property line which directly connects to non-Monticello Place property.
- The fence may be all Black, White, Dark Green, Beige, or Nature Wood Stain with or without an accent color from this same list.
- Property Owner is responsible for all easement provisions, permits, and compliance with laws, ordinances, and regulations. If requests are made to the MPCA BOARD that identify fences situated on or within platted easements, the owner shall provide the MPCA BOARD with written documentation from the authority governing the easement, that permission is given to locate the fence on or within the easement. Otherwise, the MPCA BOARD cannot approve the fence.

### Deeds of Restriction References

Article II – Use Restrictions of Declaration of Covenants, Conditions and Restrictions (Deed Restrictions) notes in Section 5b that NO FENCE or wall of any nature shall be extended toward the front or street side property line beyond the front side wall of the residences.

Article III – Architectural Control of Declaration of Covenants, Conditions and Restrictions (Deed Restrictions) notes in Section 1 that NO STRUCTURE shall be erected placed or altered ..... without approval in writing by the Developer. STRUCTURE is defined in Section 1 (c) as may include garages, **fences**, auxiliary buildings, pools, etc. DEVELOPER is defined in same Section 1 (c) as any entity, person or association to whom Developer may assign the right of approval.

**NOTE: Approval has been assigned to the MPCA BOARD.**

Article V – Powers and Duties of the Board – of the MPCA Bylaws states that the Board shall have the right under section A to: “Adopt and publish rules and regulations enforcing and/or maintaining the Deed Restrictions of the Development as a whole and the maintenance of the common areas, etc.

Article V Section 1 includes the following statement: “Failure of any owner or developer to demand or insist upon observance of any of these restrictions, or to proceed for restraint of violations, shall not be deemed a waiver of the violation, or the right to seek enforcement of these restrictions.”

**Notifications**

- MPCA has the Deed Restrictions posted for all Sections on their website.
- Deed Restrictions are sent to all new property owners.

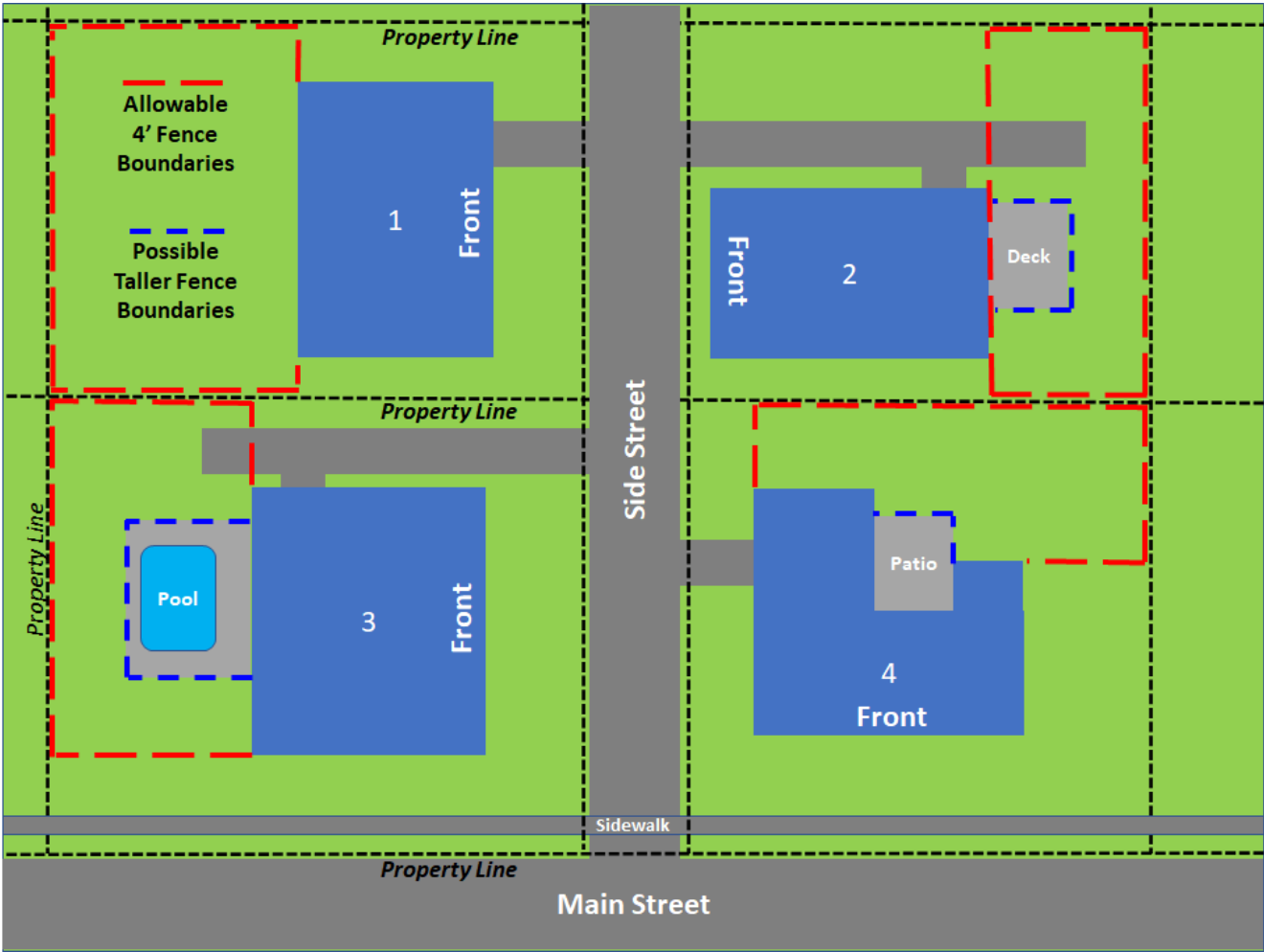


Diagram 1

The following are examples of property line fences that would probably be approved:





Taller fences (including staggered) immediately around Pools, Patios, or Decks might be approved:



Solid privacy fences are not permitted around the yard, Pools, Patios, or Decks. However, they might be approved if it is on a property line which directly connects to non-Monticello Place property.



The following would NOT be approved:



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