

**ASHBURTON MANORS HOMEOWNERS ASSOCIATION
ARCHITECTURAL GUIDELINES AND STANDARDS**

May 18th, 1999

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I PURPOSE OF THE HANDBOOK

The primary purpose of this handbook is to familiarize homeowners with the objectives, scope and application of architectural guidelines and standards which are intended and will be employed to maintain the aesthetic appearance and environmental quality of the community. The handbook enumerates specific architectural guidelines and standards which have been adopted by the Board of Directors of the homeowners association. It also explains the application and review process which must be adhered to by homeowners seeking approval for any exterior modifications or changes to their homes or lots which are subject to approval by the association. This handbook will serve as a valuable reference source and will assist homeowners in preparing acceptable applications for review by the association's Architecture Review Board. All homeowners are encouraged to familiarize themselves with its contents and to retain the handbook for future use.

II BASIS FOR AND OBJECTIVES OF PROTECTIVE COVENANTS

The legal documents for the association contain covenants, including those pertaining to architectural controls. Legally, these covenants are a part of the deed for each home and are binding upon all initial homeowners and their successors in ownership, irrespective of whether or not these owners are familiar with such covenants. In the event that this document contradicts the Articles of Incorporation or the Declaration of Covenants, Conditions and Restrictions, this document shall defer.

The primary purpose of design covenants is to maintain environmental and architectural design standards for the entire community. The promulgation and enforcement of design standards is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the community;
- Promote harmonious architectural and environmental design qualities and features;
- and
- Promote and enhance the visual and aesthetic appearance of the community.

The use of design standards not only enhances the physical appearance of a community but also helps to protect and preserve property values. Homeowners who reside in association communities which enforce design covenants are protected from actions of neighbors which can detract from the physical appearance of the community and, in some cases, diminish property values.

III ROLE OF THE ARCHITECTURAL REVIEW BOARD

All homeowners in the community are automatically members of the homeowners association. The association is a non-profit, non-stock corporation which owns and is responsible for the upkeep and maintenance of all common properties within the community.

The association is also responsible for the administration and enforcement of all covenants which are applicable to homeowners, including design covenants and restrictions. The covenants for the association provide that responsibility for the enforcement of design covenants shall be exercised through an Architectural Review Board (ARB), consisting of three or more members appointed by the Board of Directors of the association.

The primary responsibility of the ARB is defined as follows:

"The Architectural Review Board shall regulate the external design, appearance and locations of the properties and improvements thereon in such a manner so as to preserve and enhance value and to maintain a harmonious relationship among structures and the natural vegetation and topography."

The ARB shall perform the following activities in furtherance of its responsibilities:

- 1). Review and approve, disapprove, or provide suggestions for modifications of written applications submitted by owners for improvements or additions to the lots or living units;
- 2). Review and approve, disapprove, or provide suggestions for modifications of written applications submitted by the association for improvements or additions to common areas;
- 3). Conduct periodic inspections to determine compliance with the architectural standards and approved applications;
- 4). Adopt architectural guidelines, subject to review and comment by association members and subsequent confirmation by the Board of Directors, following due consideration of homeowner's comments;
- 5). Adopt procedures for the exercise of its duties; and
- 6). Maintain complete and accurate records of all actions taken.

IV MODIFICATIONS REQUIRING REVIEW AND APPROVAL BY THE ARCHITECTURAL REVIEW BOARD

The general conditions for the design review requirement are stated in the "Architectural Control" section of the Declaration of Covenants, Conditions and Restrictions. A review and approval is required for major additions or alterations, such as, but not limited to, adding a room, deck, or patio and for such items as changes in color and materials. There are a number of exceptions to this otherwise inclusive review requirement. Examples of exceptions are:

- Building exteriors may be repainted or restained with the original color;
- Exterior building components may be repaired or replaced so long as there is no change in the type of material and color; and
- Minor landscape improvements will also not require an application. This includes foundation plantings, or single specimen plantings. In general, landscape improvements of a small scale which do not materially alter the appearance of the lot, involve a change in topography or grade and which are not of sufficient scale to constitute a natural structure will be exempt from the design review process.

If there is any doubt as to whether a proposed exterior change is exempt from design review and approval, homeowners should seek clarification, in writing, from the ARB before proceeding with the improvement.

V DESIGN REVIEW CRITERIA

To the extent possible specificity has been incorporated in the architectural guidelines. However, total specificity is neither possible nor desirable. The appropriateness and acceptability of particular improvements, particularly those of a major nature, depend on a number of circumstances and factors which must be documented and evaluated on a case-by-case basis. An improvement which is appropriate for one type of housing, lot size, and location may be inappropriate in another situation.

The criteria listed below provide the basis for both the development of design guidelines and the evaluation of individual design proposals by the ARB:

- 1). **Design Compatibility.** The proposed modification or improvement should be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighboring setting. Compatibility is defined as similarity in architectural style, quality of workmanship, and similar use of materials, color and construction details.

- 2). **Scale.** The scale of the proposed improvement should relate to the size of the applicant's house, the location and size of the lot, adjoining houses, and surroundings. This criterion applies to both structural and landscape modifications.
- 3). **Impact on Neighbors.** The proposed improvement should relate favorably to the landscape, the applicant's house, adjacent houses, and the neighborhood. Consideration will be given to both visual and functional impacts on neighbors. Visual impact refers to the aesthetic appearance of the proposed improvement, which includes consideration of design, quality, scale, location, and architectural compatibility. Functional impact refers to such concerns as view, sunlight, and structural additions which would cause a material loss of sunlight or ventilation to a neighboring house and an alteration in topography which would change natural drainage patterns to the detriment of a neighboring property. Items which do not conform to these guidelines will only be considered if the item is not visible from the street or recreation area and written approval, requested by the ARB, has been received from the neighboring properties, or additional information is submitted which might clarify the requested change or demonstrate its acceptability.
- 4). **Color and Materials.** Continuity or compatibility of color and finishing materials with the original construction and surrounding houses will be a specific consideration in evaluating the appropriateness of proposed improvements.
- 5). **Relationship to Environment.** Proposed improvements should not have a negative impact on the natural environment. The removal of trees or other vegetation, grading and other topographical alterations will be assessed for potential adverse impacts, such as material change in the rate and/or direction of storm water run-off and soil erosion.

VI APPLICATION AND REVIEW PROCEDURES

Application and review procedures which will be used by the ARB are detailed below:

- 1). **Applications.** All applications for proposed improvements must be submitted in writing using the application form authorized by the ARB. A copy of this form is included as an exhibit to this handbook. Applications must be complete in order to commence the review process. Incomplete applications will be returned to the applicant with a statement of deficiencies which must be remedied in order to be considered for review.
- 2). **Supporting Documentation.** The application must include a complete and accurate description of the proposed improvement(s). In order to permit evaluation by the ARB, supporting exhibits will frequently be required. Examples include: a site plan showing the location and dimensions of the proposed improvement; architectural

drawings or plans, as applicable; landscape plan; material and/or color samples, etc. The architectural guidelines and application form provide guidance with respect to the supporting documentation required for various types of improvements.

- 3). **Time Frame for Completion of the Review.** The ARB is required to provide notification to homeowners of the approval or disapproval of any proposed improvement within thirty (30) days after the receipt of a properly completed application. Any application not so acted upon within the thirty day period is deemed to be approved. However, the thirty day review period will only commence upon the receipt of a complete application form, including any required exhibits. It is therefore advisable for homeowners contemplating substantial improvements to first ensure that they are aware of all required supporting documentation prior to submitting a design review application.
- 4). **Notice of Approval/Disapproval.** Homeowners who have submitted design review applications will be given written notice of the decision of the ARB.
- 5). **Appeals Procedure.** A homeowner may appeal a decision to the ARB by submitting a written request to the ARB. This request should include any new or additional information which might clarify the requested change or demonstrate its acceptability. The ARB must respond, in writing, to a request for reconsideration within thirty (30) days from the date of receipt of such request.

If a request for reconsideration is denied by the ARB, the decision may be appealed in writing to the Board of Directors using the procedures detailed above. No appeals will be considered by the Board of Directors unless a prior appeal has been made to the ARB.

VII ENFORCEMENT PROCEDURES

The Declaration empowers the ARB and the Board of Directors to enforce compliance with the association's architectural standards. The following enforcement procedures will be used to ensure compliance.

- 1). A violation may be observed and reported to the ARB or the management agent by an association homeowner. In reporting a potential violation a signed, written notification shall be transmitted to the ARB or the management agent.
- 2). The alleged violation will be confirmed by a site visit by at least 2 members of the ARB, or by the management agent.
- 3). The ARB or management agent will contact the homeowner in violation by letter advising them of the violation and specifying appropriate action to remedy the violation. Notice will be sent by certified mail.

- 4). If the violation continues for thirty days after notification to the homeowner in violation (or if no substantial progress is made in curing the violation, where such remedy would require more than thirty days) a letter will be sent by certified mail to the homeowner in violation. This letter will provide notice that the violation must be remedied within fifteen days from the date of mailing of the letter (or alternatively, that the homeowner in violation must submit to the ARB a written plan, including timing, for the abatement of the violation within a reasonable period of time, where such violation cannot be cured within the fifteen day period).
- 5). If the violation is not abated within fifteen days from the date of receipt of the certified letter (or if progress is not being made to abate such violation in accordance with a plan agreed to by the homeowner in violation and the ARB) the ARB or management agent will send the homeowner in violation a certified mailing informing the homeowner of the time and place of a hearing by the ARB. The homeowner may also initiate a hearing.
- 6). If the case is not resolved to the satisfaction of the ARB during such hearing, the ARB will submit a written complaint to the Board of Directors, together with a recommendation for appropriate resolution of the matter. This complaint will specify the nature of the violation and summarize the actions taken by the ARB and the homeowner in violation.
- 7). The Board of Directors, as appropriate, will notify the homeowner in violation and convene a formal hearing. The homeowner is provided the opportunity to discuss the violations and present additional information for consideration.
- 8). As a result of this hearing, the Board of Directors may take appropriate actions which include, but are not limited to:
 - (a) Suspending the right of the homeowner in question to use the association's recreational facilities or common areas for so long as the violation continues;
 - (b) Referring the matter to legal counsel for appropriate action to secure compliance with the association's Legal Instruments; and
 - (c) Imposing a fine from \$1 to \$10 per day to be determined by the Board of Directors. The amount of the fine will be based on the severity of the violation. Larger fines, not to exceed \$10 per day will be imposed on those architectural changes which are more permanent in nature and for those changes that have a very negative visual or functional impact on the community as determined by the Board of Directors.

- 9). The above procedures do not preclude the Board of Directors from taking accelerated measures in the case of a violation which constitutes an emergency situation, provided that the homeowner in violation has been properly notified by certified mailing and that the Board of Directors' actions are consistent with the provisions of the association's legal documents.

VIII ARCHITECTURAL AND DESIGN GUIDELINES

The specific architectural guidelines detailed below have been adopted by the Board of Directors:

Antennas: Exterior antennas are prohibited. Transmitters or receivers for cellular phones are prohibited.

Attic Ventilators: Attic ventilators are permitted. Ventilators should be mounted on the least visible side of the roof ridge so as to minimize their visibility.

Awnings: Exterior awnings will be prohibited unless provided as a builder option, demonstrated to be clearly compatible with the architectural design and qualities of the house, or screened from the view of adjoining neighbors due to the proposed location of installation. Awnings must meet the following criteria:

- Plain design without decorative features or fringes;
- Solid colors which are compatible with the color scheme of the house should be used, rather than stripes or patterns;
- Size should be consistent with the visual scale of the house to which attached; and
- Pipe frames or structural supports for canvas awnings (or similar material) should be painted to match the trim or dominate color of the house.

Basketball Backboards: Portable basketball backboards are permitted and must be approved by the ARB. Homeowners should consider the following factors:

Location: Portable basketball backboards must be placed entirely on the homeowner's property and must not interfere with public access areas (i.e. public sidewalks and common areas). Due to safety concerns, it is recommended that backboards not be placed in the street.

Design: Only commercial designs will be approved. Objects such as concrete cinder blocks, sandbags, and the like shall not be used to weigh-down the equipment.

Maintenance and Upkeep: Portable basketball backboards must be kept in good condition (i.e. nets should be replaced when worn).

Portable basketball backboards must be stored during periods of inactivity. When stored, the backboard must not be visible from the street or neighboring properties. Portable basketball backboards must not create a safety hazard to the community.

Permanent basketball backboards are not permitted on the front or sides of any house. Basketball backboards may be approved in the rear of a house if there is no adverse impact on neighboring properties.

Chimneys and Metal Flues: Chimneys must either be masonry or enclosed in the same finish material as the exterior of the house to which attached.

Clothes Lines: Clothes lines or similar apparatus for the exterior drying of clothes will not be permitted.

Curb Street Numbers: Curb street numbers, if desired, are to be black numbers on a white background.

Decks: All decks must be approved by the ARB. Homeowners should consider the following factors:

Location: Decks should be located in rear yards. Side yard locations will be evaluated individually. Front yard decks are prohibited.

Scale and Style: Decks, particularly elevated decks, should be of a scale and style which is compatible with the house to which attached, adjacent homes and the environmental surroundings.

Color: Decks made from wood may be left to naturally age. Decks which are painted or stained should generally match the trim or dominant color of the applicant's house. Natural or wood-colored stains will be considered.

Underdeck Storage: Elevated decks have an underdeck area which can have a negative visual impact on adjoining neighbors, particularly when used as an informal storage space. The use of decorative screening or landscaping to minimize adverse visual impacts may be required by the ARB, particularly in the case of high decks.

Privacy Screens: Privacy screens must be made of wood materials and shall not exceed a height of 8 feet from the deck floor.

Dog Houses, Animal Pens, and Dog Runs: Dog houses and animal pens must be compatible with the applicant's house in terms of color and material. They should be located where visually unobtrusive to neighbors. The use of appropriate screening is encouraged, and may be required in some cases, in order to minimize any negative visual impacts. Dog runs (wire and pulley) are prohibited.

Exterior A/C Units: Individual air conditioning units extending from windows are prohibited. Exterior air conditioning units or heat pumps may be relocated or added if there is no adverse visual impact on adjoining properties. The use of appropriate screening may be required in some cases, in order to minimize any negative visual impacts.

Exterior Decorative Objects: Approval will be required for all exterior decorative objects, whether natural or man-made, which were not part of the original construction design, either as a standard or optional feature. Examples include: bird baths, driftwood, weather vanes, sculptures, fountains, and any items attached to approved structures. These will be evaluated in terms of their general appropriateness, size, location, compatibility with architectural and environmental design qualities and visual impact on the neighborhood and the surrounding area.

Exterior Lighting: Lighting which is part of the original structure may not be altered without prior approval of the ARB. Proposed replacement or additional fixtures must be compatible in style and scale with the applicant's house. No exterior lighting shall be directed outside of the applicant's property. Proposed additional lighting shall not be approved if it will result in an adverse visual impact to adjoining neighbors due to location, wattage, or other features.

Exterior Painting: An application is not required in order to repaint or restain an object to match the original color. However, all exterior color changes must be approved. This requirement applies to siding, doors, shutters, trim, roofing, and other appurtenant structures.

Fences: Fences can be used for the following purposes: to visually define property lines; to provide privacy; to provide security, and as an architectural feature intended to enhance the physical appearance of the house or property. Privacy screens attached to decks are subject to the guidelines in the "Decks" paragraph. Only wood fences are permitted. Privacy fences cannot exceed a height of 6 feet and must be board on board. Three or Four foot fences may be board on board, split rail (only 2 horizontal rails) or picket (The space between the pickets can not exceed the width of the picket or be less than 2 inches). The use of chicken wire, wire mesh or metal screens is prohibited.

Festive Lighting and Decorations: For holiday and festival decorations, a formal application is not required. Holiday lighting and decorations may be installed for a period not to exceed six weeks. After the period of use, all temporary lighting and decorations shall be removed.

Firewood: Firewood shall be kept neatly stacked and shall be located to the rear or side of the residence and in such a manner as to avoid adverse visual impacts for adjoining properties. Screening may be required in certain cases. Firewood should be stacked in piles which do not exceed ten feet in length and four feet in height.

Flagpoles: Free standing flagpoles are not permitted. Flag staffs which are attached to the wall or pillar of the house and do not exceed six feet in length do not require approval by the ARB.

Garage Conversions: Garage conversions to dens, family rooms, etc... which affect the exterior appearance of the house are not permitted.

Greenhouses: An attached greenhouse will be treated as a major alteration to a house and subject to the same level of review. Attached greenhouses must meet the following criteria to be approved:

- They must be attached to the rear yard side of the house;
- The size and design must be architecturally compatible with the house and surrounding homes; and
- There shall be no adverse visual impacts for adjoining properties.

Grills (permanent): All permanent grills must be approved. Permanent grills must be placed in the rear yard of the house and as far as practical from the adjacent property lines.

Gutters and Down Spouts: Replacement of gutters and down spouts shall match the original in color, material, and design. Said replacement does not require ARB approval.

Hot Tubs\Spas: Exterior hot tubs or spas must be located in the rear yard adjacent to the house. The incorporation of hot tubs as an architectural feature of decks and/or patios is encouraged. The exterior finish of an elevated hot tub must blend with the exterior finish of the house, deck or patio to which attached or most closely related.

Landscaping: A design review application is not required for minor landscape improvements with the following exceptions:

- Approval is required for plantings intended to form a hedge or natural fence on or near a property line and which will attain more than 24 inches in height;
- Approval is required for the installation of railroad ties, garden timbers or similar structures which will form a wall over 18 inches in height;
- A proposed improvement which is of such a scale or type as to be inconsistent with the existing design features of the house, adjacent houses and the surrounding area will require approval. Examples include the substantial or total removal of turf and replacement with another material, such as mulch or gravel; and
- Vegetable gardens not located between the rear line of the house and the rear property line of the lot require an application unless hidden from view by a privacy fence.

Mailboxes: Any deviation from the original standard mailbox must be reviewed and approved by the ARB. Newspaper receptacles attached to the mailbox do not require an application.

Patios: All patios require approval. Patios should generally be located in rear yards, although front and side yard applications will be evaluated on their individual merit. Any adverse drainage which might result from the construction of a patio should be considered and remedied. Privacy screens must be made of wood materials and shall not exceed a height of 8 feet from the patio floor.

Real Estate Signs: Only signs advertising a property for sale or rent may be displayed. Such signs must meet applicable county regulations with respect to size, content and removal. Signs may only be placed in the front yard of available properties. Directional signs at the entrance to the neighborhood are permitted.

Recreation and Play Equipment: Permanent play equipment which either constitutes a structure or is appurtenant to an existing structure requires approval. Examples include sandboxes, play-houses, swing-sets, etc. The following factors will govern approval of such equipment.

Location: Such equipment should be placed in rear yards. Deviation from this standard will be individually reviewed.

Scale and design: The equipment should be compatible with the lot size. The design and any visual screening are additional considerations in evaluating whether or not there will be an adverse visual impact on the street and/or neighboring properties.

Color and materials: Equipment shall be constructed of wood and designed to blend with the natural environment.

Portable Play Equipment: Portable play equipment shall be stored when not in use. Storage of such equipment shall not be where it is visible from the street.

Satellite Dishes: Satellite dishes over 1 meter are prohibited. Placement of satellite dishes should be as unobtrusive as possible and all placements are subject to review and approval by the ARB.

Security Bars: The use of security bars or grates on windows requires approval by the ARB.

Sidewalks and Pathways: All sidewalks and pathways require approval. Only stone, brick, concrete or similar durable construction material should be used. The scale, location, and design should be compatible with the lot, house, and surroundings.

Skylights: Must be located to the rear of the roof peak.

Solar Panels: Solar Panels are prohibited.

Storage Sheds: All storage sheds require approval by the ARB. Homeowners are encouraged to design and construct sheds which are compatible with the design qualities of their house as well as adjacent houses. In general, a shed must be of a size which is appropriate for the size of the house and lot, as well as surrounding houses, and should be compatible with the design qualities of the house and adjacent houses. The height of a shed which is attached to a house may vary with the size and design features of the house. Sheds shall be located to the rear of the house and shall have finish materials similar to the house and house roof.

Storage of boats, trailers, campers, mobile homes, commercial vehicles and recreational vehicles: The following types of vehicles may not be parked or stored in open view on residential lots, common parking areas, private streets or on common open space for a period exceeding 72 hours:

- Any boat, boat trailer, or any other type of trailer whatsoever;
- Any motor home or self-contained camper;
- Any camper slip-ons where the camper backs are higher than the roof line of the cab of the truck;
- Any mobile home, trailer, or fifth-wheel vehicle;
- Any pop-up camp/tent trailer or other similar recreation oriented portable;
- Any vehicle with commercial signs, advertising, or visible commercial equipment, including taxi cabs. Ride share vehicles are permitted;
- Any private or public school or church buses; and
- Any other vehicle not defined above which is not normally or regularly used for daily transportation, including dune buggies, or other automotive equipment not licensed for use on state highways.

Storm/Screen Windows and Doors: All Storm doors require ARB approval. Storm/screen doors which are full view (no panels) and which are painted the same color as the unit door or house trim are appropriate and will be approved. Where appropriate, storm/screen windows should have frames which match the color of the exterior window trim. White or anodized aluminum storm/screen windows may be acceptable in certain cases.

Swimming Pools: Only in-ground pools are permitted. Pools must be located in the rear of the property. Pool filtration equipment must be shielded from adjacent properties by the use of mature shrubbery. Comments from the owners of adjacent properties may be solicited prior to the ARB making a decision.

Trash Containers: All trash containers must be stored out of view from the street, recreational area and the neighboring properties at all times. Appropriate exterior screening, fencing or landscaping may be used where alternative storage is not available. All trash stored outdoors must be in a container with a lid.

Tree Removal: No live trees with a diameter in excess of 4 inches, measured 12 inches above ground may be removed without prior approval.

Vehicles: Vehicles without current state license plates and/or inoperable for road use shall not be stored or parked on any property except in a garage.