

# Winhaven Gardens Homeowner Association

## Architectural Control Guidelines

### Guidelines for Application for Architectural Modification

**A PROJECT APPLICATION FORM MUST BE SUBMITTED TO THE ACC BY THE HOMEOWNER PRIOR TO BEGINNING A MODIFICATION. FORMS NEED TO INCLUDE A SUFFICIENT EXPLANATION WITH DRAWINGS OR PLANS TO CLEARLY DESCRIBE THE PROJECT UNDER CONSIDERATION AND AN EXPECTED DATE OF COMPLETION.**

1. **AUTHORITY:** The Architectural Control Guidelines are required by CC&R Article XI, Paragraph 3 and have been approved by the Board of Directors on May 13, 2010.
2. **APPLICATION:** The Guidelines apply to any and all new construction, landscaping, other improvements, or as more specifically set forth in Article III, Paragraph 16 and Article XI, Paragraph 1.2 of the CC&Rs and/or modification to a lot. Applications are required for all additions or modifications to the external structure of the dwelling or the easement area (exclusive use area). Changes to the interiors of a dwelling unit that otherwise conform to the Project Documents do not require Architectural Control Committee (ACC) approval.
3. **PURPOSE:** These guidelines are intended to ensure perpetual consistency with the community design and project goals outlined in the CC&Rs.
4. **ADMINISTRATION:** The Association's business is run by the elected Board of Directors and professionally managed by a licensed manager. The ACC is appointed by the Board of Directors to approve or disapprove any projects. Generally, any project, which could in any way alter the appearance of the neighborhood, must be considered by the ACC for approval or disapproval.
5. **REVIEW, APPROVAL AND DISAPPROVAL PROCESS:** The ACC may approve, disapprove or continue an application. The outcome will be by majority vote of the committee. The applicant will be notified in writing of the Committee's decision.
6. **APPEAL:** Should a homeowner believe a project has been wrongly disapproved, he/she may resubmit the project for reconsideration. The applicant or his/her representative will schedule a meeting with the ACC to present his/her case and answer questions. If the project is again disapproved, the applicant may appeal the decision to the Board of Directors, whose decision is final.
7. **INSPECTION:** The ACC has the right, to inspect a project to determine whether or not work is being performed, or was performed, in compliance with the project documents.
8. **NON-COMPLIANCE:** Any project completed or undertaken without the written approval of the ACC, or that in the judgment of the ACC is not in compliance with the approved project documents, must be returned to its original state within 30-days, after a notice of non-compliance has been issued. An appeal may be made to the Board of Directors per Paragraph 7, above. In the event the owner fails to comply with the ACC's written request to remove the project, the Board of Directors may hire a contractor to do so and bill the cost to the offending homeowner.

**9. GUIDELINES:** In reviewing proposed improvements for approval, the ACC shall determine that they meet at least the following criteria:

- a. Prior to commencement of the project, homeowners must have required building permits and all projects must comply with all applicable laws, ordinances, and regulations.
- b. It must conform to the project documents.
- c. It must be of quality workmanship and materials harmonious with the existing community design.
- d. It must be of a design and character which is harmonious with the existing community design.
- e. It must not unreasonably interfere with or impair the view or solar access of neighboring properties.
- f. It should incorporate existing technology, equipment and material to provide for energy efficiency and pollution control.
- g. Owners agree that all debris, trash or unsightly material will be removed expeditiously from the common area and any damage to, or alteration of, the common area be repaired.
- h. Nothing shall be constructed or erected that exceeds six (6) feet in height without prior approval.
- i. Each Owner has a responsibility for the repair and maintenance of his/her house, walkway, fences, and driveway and for the landscaping and maintenance of his/her backyard (referred to as exclusive use area) and the fence enclosing it. Regular maintenance should be undertaken to remove wasp/hornet nests and to wash down the exterior of the dwelling to remove spider webs.
- j. Painting a dwelling in its original colors will be approved. Painting a dwelling in different colors may be approved if harmonious with adjoining properties. Samples of colors must accompany the application form for review by the ACC.
- k. Exterior lighting fixtures must be harmonious in design and character with the neighborhood project and must not adversely affect neighboring lots or street traffic.
- l. Modification/enlargement of sidewalks, driveways, parking pads, etc., must have ACC approval.
- m. Permanent (i.e., cannot be removed in a few minutes) skateboard ramps, basketball hoops, hockey goals, and other such recreational structures will not be allowed.
- n. Storage sheds and other freestanding structures (e.g. swings and "stick" TV antennas) located in the back yard may not be higher than the fence line (six feet). Structures permanently attached to the dwelling are not permitted
- o. Patio covers, patios and decks may be approved, providing they meet county building code requirements and are harmonious with design and color scheme of the residence and are not invasive to neighboring properties.
- p. Installation of satellite dishes larger than 39.37 inches in diameter is not permitted. Dishes 39.37 inches or less will be permitted, providing they are located as unobtrusively as possible at the back portion of the house so long as this does not preclude reception of an acceptable signal nor impose unreasonable expense. The homeowner must provide written notification to the Board of the dish's installation (letter can be submitted after installation). The board will inspect the project for adherence to Association's standards.
- q. Screen or storm doors must be compatible with color scheme and style of the dwelling.

- r. Spas or hot tubs in the rear area (exclusive use area) cannot have enclosures that exceed the fence height (six feet).
- s. Addition of items to the dwelling visible from the street or adjoining properties must be consistent with the color and design of the neighborhood and will be maintained by the homeowner – these include trellises, weather vanes, window boxes, etc.
- t. Approvals will not be granted for addition of any permanent, fully enclosed dwelling structure, i.e.; Florida room, bedroom, etc., anything prohibited by the CC&Rs, and anything outside the “exclusive use” area, commonly referred to as the homes patio or backyard.
- u. Repairs, maintenance and staining of fences is the responsibility of the property owner. A clear wood finish that preserves and restores the wood to its original condition or a stain in a natural color tone of redwood or cedar is approved for use. Paint, of any color, is prohibited. Either oil or petroleum base stains and water base stains are permitted.

## 11. LANDSCAPING GUIDELINES

- a. No landscaping improvements or changes to landscaping are permitted to the Common Areas
- b. Landscaping in the backyard (exclusive use) area, including irrigation systems, ground cover, shrubs, trees and raised planters, need approval and must not:
  - 1. Dam or channel water in such a manner that it would adversely affect the property, common area or adjoining property.
  - 2. Intrude upon or drop leaves or other vegetation in the common area or adjoining property to such an extent that it will be a nuisance or result in additional maintenance by the Association or adjoining property owner(s).
  - 3. Exceed fence height (exception is approved trees).
- c. COMMON AREA LANDSCAPING:
  - 1. Maintenance of the common areas of the Association is the responsibility of the Association. This includes irrigation, mowing, trimming, edging, pruning, fertilizing, applying pre-emergent weed control, spraying for weeds, replacement of dead or dying plants and trees, and such other items as required.
    - i. All alterations to common area landscaping, which includes all area surrounding the house with the exception of the exclusive use area, is prohibited.

Revised by the Board of Directors on:  
May 13, 2010