

**CHIMNEY CREEK I AND II  
HOMEOWNERS ASSOCIATION**

6/2009

# ARCHITECTURAL REVIEW GUIDELINES

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## **A. GUIDELINE OBJECTIVES**

This document is a guide for the members of the Architectural Review Committee (ARC) and the Chimney Creek I and Chimney Creek II Homeowners Association property owners. It is the hope of the Board of Directors that these guidelines will increase the homeowner's awareness of the ways in which the integrity of the Chimney Creek community is preserved and of the responsibilities the homeowners must assume in this process. In order to maintain the architectural character and integrity of the community as well as to preserve the value of homes, the ARC has enacted the following ARC guidelines. The CONDOMINIUM DECLARATION of each of the separate homeowners' associations provides the authority of the Board of Directors and the ARC to enact and enforce these architectural guidelines. **Strict observance and adherence to these guidelines is required.** However, in the event of any conflict between these architectural guidelines the Condominium Declaration shall prevail.

## **B. ARCHITECTURAL REVIEW COMMITTEE APPLICATION PROCESS**

Before any work begins approval for all exterior and some interior improvements must be obtained from the ARC and the Board of Directors. To initiate this process the **homeowner, NOT the tenant**, shall request from the Property Manager an application (Architectural Review Application) requesting approval of the proposed improvement(s). The completed application and any plans, sales brochures or other descriptive literature showing the type of installation/construction must be submitted to the Property Manager. The ARC and the Board of Directors will review the application at their next monthly meeting (homeowners are welcome to attend to further explain their improvements) and respond to the homeowner in a timely manner. The ARC may need to do an on-site inspection before rendering a decision. Where appropriate and at the discretion of the ARC and the Board, a Hold Harmless Agreement will be required for certain installations. These may be recorded with the Jefferson County Recorder to provide notice of the change and maintenance responsibilities of the present and any future homeowner. **Applications should be submitted well in advance of the proposed architectural change(s) and then allow thirty (30) days for a response.**

### **Plan Requirements**

- a. Show all unit boundaries accurately as lengths, angles and curves.
- b. Show all dimensions on the work to be considered and distances between the proposed new work and adjacent units.
- c. Plans must show the facing sidewalls of adjacent units. This is required so that the ARC has clear definition of the placement of party walls with respect to adjacent neighbors.
- d. Contractor's name must be submitted on the plans.

**All applications, plans and drawings shall be submitted to the Association in care of the management company.** Check the association website for current management company and address.

**Failure to obtain necessary approval in writing from the Board of Directors is a violation of Association policies in accordance with the Condominium Declaration and may require modification or removal of the improvements at the homeowner's expense and could result in fines.**

The Board of Directors reserves the right to hire an inspector at the expense of the homeowner to preview or review the project.

**C. ARCHITECTURAL MATERIAL CONSTRUCTION STANDARDS**

- a. All work must be performed in a manner consistent with the general dwelling construction and appearance of the community. All work considered being of an unsightly finished nature or of lesser quality than prevailing community standards must be reworked to an acceptable appearance at the sole discretion of the Board of Directors.**
- b. When construction work requires the use of adjoining property the applicant must obtain written permission from the adjoining property owner. A copy of that permission must be submitted with an application for approval.
- c. Paint colors shall be those utilized throughout the complex and are available from the management company. The use of any other colors without ARC approval is not permitted.
- d. Any architectural changes approved by the ARC and installed by any homeowner are the sole future responsibilities of the homeowner and future homeowners in terms of upkeep and replacement costs except, at the discretion of the Board of Director's, regular repainting cost may be born by the Association.

**D. DISRUPTION OF THE COMMUNITY COMMON AREA**

Community common area, which is damaged or disrupted due to the installation, construction or maintenance of an individual owner's improvement, must be restored to its original condition at the expense of the homeowner as soon as the work is completed.

**E. COUNTY BUILDING PERMITS**

Approval by the ARC and the Board of Directors for any improvements does not waive the necessity of obtaining required building permits. Obtaining building permits does not waive

the need for ARC approval. Rulings and information on county building permit requirements should be obtained from the Jefferson County Building Department.

#### **F. REPORTING VIOLATION**

The ARC does not actively seek out violations. Instead it relies upon the residents to comply with and support the rules and regulations contained in the Condominium Declarations. When residents become aware of a possible violation they should report it to the Property Manager. In all cases the ARC will require a written or verbal notice of the alleged violation from the affected resident(s). **Work on record approved by prior Board of Directors if not in conformance with present architectural guidelines will be brought into conformance if changes are proposed to the original improvement, for example when it is replaced.**

#### **G. STRUCTURAL ALTERATIONS**

Any exterior additions, alterations or modifications to buildings, except those outlined in these guidelines, are prohibited unless approved by the ARC and the Board of Directors. Also, any interior alterations, including electrical and plumbing changes that affect bearing walls, common walls or the structural integrity of a unit are prohibited unless approved by the ARC. The cost to repair or restore a building to its original condition caused by any unauthorized architectural changes or modifications, made by a homeowner, previous homeowner or tenant, will be the responsibility of the homeowner.

#### **H. HOLD HARMLESS AGREEMENT**

A Hold Harmless Agreement provides that one party (the "Homeowner") will be responsible for all damages and liability, including legal fees incurred in defending against a claim, the other party (the "Association") incurs, resulting from something the "Homeowner" does or fails to do.

I. **APPROVAL** ARC recommendations must get approval by the

Board of Directors.

## **J. GUIDELINES**

### **a. Air Conditioners**

1. **Air conditioning units installed in windows or walls are prohibited.**
2. Central air conditioning may be installed but the equipment cannot be located on the roof of garages or buildings.
3. The recommended location for an air conditioning compressor is on the patio away from any common wall.
4. Air conditioning lines, visible from outside the unit, must be covered with a two piece galvanized sheet metal line cover and painted to match the building color. New conduit lines, electrical boxes and covers must also be painted the trim or building color as appropriate.

**A HOLD HARMLESS AGREEMENT must be submitted with this installation.**

### **b. Attic Ventilation**

1. ARC approval is required prior to installing any attic ventilation.
2. Ventilators or other equipment requiring roof installation are to be as small as functionally possible and painted to match the roof color. Units should be located on the least visible side of the roof and may not extend above the roof ridgeline. A roofing company approved by the ARC in order to preserve the roof warranty must install them.

**A HOLD HARMLESS AGREEMENT must be submitted with this installation.**

### **c. Basketball Hoops** Installation of basketball hoops is prohibited.

### **d. Clotheslines** Outside clotheslines are prohibited.

### **e. Doors**

#### 1. Front Doors

Front doors may be replaced at the homeowner's expense providing the following conditions have been met:

- a. Only wooden doors with dark natural finishes or doors painted the color of the unit's trim may be installed.
- b. The ARC and the Board of Directors must approve all new front door or screen/storm door installations.

#### 2. Patio Doors

Patio doors may be replaced at the owner's expense per the following conditions:

- a. Door openings must remain the original size.
- b. Sliding door units only may be installed.
- c. The door's exterior color must be dark bronze or painted the same color as the unit's trim.

- d. Only clear or low-E glass and solar gray tint, if desired, are allowed. **No grid, patterned, obscure or stained glass is permitted.**
  - e. Any new patio door screens must be black or dark bronze in color and are the responsibility of the homeowner.
  - f. Trim around door openings must match the unit's trim color.
3. Screen/Storm Doors
- a. ARC approval is needed to install screen/storm doors. A door must be compatible with the general architectural design of the units and must be consistent with the general appearance of the community.
  - b. Acceptable colors for screen/storm doors are dark bronze/brass/black or pewter.
  - c. The installation of a security screen/storm door may require alterations or modifications to the existing door jam and/or threshold and, if needed, is the responsibility of the homeowner.
  - d. Repair or replacement of damaged screen/storm doors is the responsibility of the homeowner.
4. Garage Doors
- a. Any modifications to garage doors are prohibited.
  - b. Garage door opener keypads are permitted, with ARC approval.
  - c. Maintenance of garage door hardware and openers is the responsibility of the homeowner.
  - d. Damage to garage door panels is the responsibility of the homeowner.

**f. Fences and Gates**

Fences and gates are prohibited.

**g. Fireplaces**

1. The installation of fireplaces will be determined on a case-by-case basis and require ARC and Board of Directors approval.
2. Only gas log (no wood burning) fireplaces may be installed.
3. An ARC application with plans and specifications is required.
4. All required inspections and permits are to be submitted to the ARC after installation of the fireplace.
5. The homeowner is required to pay for all costs associated with this installation including any roof repairs and plan reviews necessitated by this improvement.

**A HOLD HARMLESS AGREEMENT must be submitted with this installation.**

#### **h. Gutters and Down Spouts**

1. Gutters and down spouts are installed, replaced and maintained by the Homeowner's Association.
2. Homeowners are responsible to notify the Property Manager of any needed repairs.

#### **i. Hot Tubs**

1. ARC approval is required for the installation of a hot tub.
2. Any damage caused by the installation or use of a hot tub is the responsibility of the homeowner.

#### **J• House Numbers**

Movement or addition of house numbers needs ARC approval.

#### **k. Landscaping (trees, shrubs, rocks, bark, river rock, etc)**

1. Common area landscaping is to be maintained and replaced by the Homeowners Association only.
2. Homeowners are not to add to or alter common area landscaping.

#### **1. Lighting**

1. Homeowner installation of lights in the common area is prohibited.
2. Exterior light fixture changes require ARC approval.
3. Proposed new light fixtures are to be compatible with the existing fixtures in size, shape, color and illumination.
4. Security motion sensor lights may be installed discretely under the garage eaves with ARC approval.
5. Any solar lights require ARC approval.

#### **m. Painting/Staining and Caulking**

Exterior painting and caulking is the responsibility of the HOA except for the following:

1. Chimney Creek I  
Chimney Creek I homeowners are responsible for the painting/staining and caulking of the deck and/or front porch floor.
2. Chimney Creek II  
Chimney Creek II homeowners are responsible for the painting/staining and caulking of the deck and/or front porch floor and the railings around such.

#### **DECK STAINING**

Deck Stain must be stained with:

Cabot Brand – Deck Care color Terra in a semi-solid stain

**Must get prior approval to stain deck, contact the managing agent for details.**

#### **n. Patio Covers**

Any structural change of a patio area is prohibited, including but not limited to patio covers.

#### **o. Patio Deck Surfacing** ARC approval is needed to cover a

patio with new surfacing.

**p. Plant Containers/Exterior Hangars**

1. No artificial flowers or plants may be used on the exterior of any unit.
2. All plant containers must include an appropriate drain tray.
3. Plant containers are prohibited from being attached to stucco or siding.
4. Any damage caused by plant drainage is the responsibility of the owner.
5. Any plant container or exterior hangar which obstructs building maintenance may be removed and returned to the homeowner and may not be reattached.
6. Any damage to the building caused by plants, plant containers or exterior hangars is the responsibility of the homeowner.

**q. Satellite Equipment and Antennas**

1. ARC approval is required for all satellite installations.
2. Any installation in the front of the unit must be above the level of the garage.
3. This regulation was written from the FCC Fact sheet and their corresponding rulings on placement of antennas. It can be found at <http://www.fcc.gov/mb/facts/otard.html> or may be obtained directly from the FCC.

The rule cited as 47 C.F.R. Section 1.4000 was put into effect October 14, 1996. It prohibits restrictions that impair the installation, maintenance, or use of antennas used to receive video programming. This ruling covers dishes that are less than 39.37 inches in diameter, MMDS (wireless cable), and antennas designed to receive local television signals. This ruling also covers antennas used to receive and send Internet signals but the ruling does not include AM/FM, Ham, CB and DARS signals. The rule prohibits most restrictions that (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; (3) preclude reception of an acceptable quality signal. The association is not obligated to provide a place for the homeowner to install an antenna if the homeowner does not have an exclusive use area. The FCC ruling also allows community associations to enforce restrictions that do not impair the installation, maintenance or use.

**A HOLD HARMLESS AGREEMENT must be submitted with this installation.**

**r. Signs**

Pursuant to the Rules and Regulations, no sign, poster, display, billboard or other advertising device of any kind shall be displayed for public view on any portion of the common area property. The only exceptions being: **(see the Rules and Regulations):**

1. Only (1) brochure box for each unit of a size consistent with those commonly used in real estate may be placed in the common area in front of a unit for the purpose of advertising the dwelling for sale. They are not to be mounted on wooden posts in the common area.
2. A sign indicating the presence of a security system is permitted on a small stake in the common area.
3. No signs may be attached to the building exterior or garage doors.
4. No signs may be displayed in windows.

**s. Skylights**

1. All skylights require ARC approval before installation.
2. A roofing company approved by the ARC must sign off on the project prior to final approval and any expenses incurred are the responsibility of the homeowner.
3. Any roof, building structure or water damage associated with the installation of a skylight will be the responsibility of the homeowner. **A HOLD HARMLESS AGREEMENT must be submitted with this installation.**

**t. Storage Sheds** Storage sheds are prohibited.

**u. Windows**

1. Windows
  - a. Replacement windows require ARC approval.
  - b. Replacement windows should be consistent with what is already installed and a product type approved by the ARC including color, style and finish.
  - c. Aluminum, vinyl or fiberglass replacement windows **(of dark bronze exterior frame color)** are permitted.
  - d. Windows and sliding doors may have clear or low-E glass but **no grid, patterned, obscure or stained glass is permitted.**
  - e. Solar gray tint to reflect glare and reduce visible light is permitted. **A HOLD HARMLESS AGREEMENT must be submitted with this installation.**
2. Window and Door Screens  
Repair or replacement of damaged or missing window and door screens is the responsibility of the homeowner.
3. Window Treatments and Awnings

- a. Wrought iron or security bars of any type that are installed on the exterior of windows and doors are prohibited.
- b. Awnings of any type over windows or openings on the exterior of units are prohibited.
- c. Blinds, rolled shutters or sunshades on the exterior of units are prohibited.
- d. Non-reflective interior tint may be installed on windows. A sample of the material to be utilized must be submitted with an ARC application.
- e. Window screening and frame replacement is the homeowner's responsibility and requires ARC approval.

**K. AMENDMENTS & EXCEPTIONS**

These guidelines may be amended at any time by a majority vote of the ARC Committee and the Board of Directors. It is anticipated that any changes to these guidelines will be primarily additive and will not involve substantial changes. However, they may be amended to reflect changed conditions or technology. The ARC and the Board of Directors will conduct a periodic evaluation of the guidelines to determine if amendments are required. Homeowners may also submit requests to the Board of Directors for additions or changes to these guidelines. Exceptions to these policies may also be allowed if deemed justified by the Board of Directors and the ARC.

Approved by: The Chimney Creek HOA Board of Directors