

APPENDIX B

DESIGN GUIDELINES & PROCEDURES

1.0 APPLICATION AND AUTHORITY

- 1.1 *Purpose.* Our Declaration and these Design Guidelines & Procedures exist to make sure Digby Heights is a community of well-designed, finely crafted homes that are built and maintained with quality materials and that provide comparable value within the community. It should be understood that if any construction is initiated prior to written approval of plans by the Architectural Control Committee (ACC) or if construction does not comply with approved plans, the ACC may require the removal of the construction at the cost of the person responsible for the construction, whether or not he or she thinks the construction complies with the Declarations and/or these Design Guidelines & Procedures.
- 1.2 *Authority.* These Design Guidelines & Procedures have been prepared by the ACC and the Board in accordance with Article VII Section 1(b) of the Bylaws and Section 8.2 and 15.2 of the Declaration. The Board reserves the right to modify or amend these guidelines at its discretion. Please check with the ACC to be certain that you have the most current edition.
- 1.3 *Application/Scope.* No Structure shall be erected, placed or altered on any Lot until building plans with respect to exterior design, materials and specifications, and color schemes have been approved in writing by the ACC. The ACC may disapprove any plans, specifications, or details submitted to it if it determines:
- a) the proposal is not consistent with these Design Guidelines & Procedures or any provision of the Declaration,
 - b) the plans and specifications submitted are incomplete, or
 - c) the ACC deems the plans, specifications, or details, or any part thereof, to be inconstant with the architectural standard of Digby Heights as a whole and all its Owners.
- 1.4 The HOA, the Board, and the ACC bear no responsibility whatsoever for the structural integrity of any building or other Structure (including its foundation). The ACC reviews documents for the sole purpose of achieving compliance with our community's Declaration and these Design Guidelines & Procedures. Moreover, we wish to remind the Owner, architect, and builder that they are solely responsible for achieving compliance with federal, state, and local laws, regulations, and ordinances. Such compliance is also a requirement of the Association.
- 1.5 *Document Priority.* If there is any conflict between the Declaration and anything in these Design Guidelines & Procedures, the Declaration shall control.
- 1.6 *Publication.* A copy of these Design Guidelines & Procedures shall be provided to or sent to all Owners at their Address of Record promptly after they are first adopted by the Board. Owners who sell their Lots are responsible to provide this document to subsequent Owners.

2.0 DEFINITIONS

The following words and phrases, when used in these Design Guidelines & Procedures, shall have the following meanings:

Accessory Building means any shed, gazebo, barn, garage, outbuilding, or other like structure.

Construction and *Constructed* means any construction, reconstruction, erection or alteration of a Structure, except, wholly interior alterations to a then existing Structure.

Decorative Fence shall mean a Fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard setback in a residential area. Decorative Fences shall include hedges. Fences consisting of chain link mesh, welded or woven wire, or sheet metal are not Decorative Fences.

Exterior Ornamentation means any decoration, adornment, or embellishment on the exterior of a home.

Fence means a Structure erected for the purpose of separating Lots, or enclosing or protecting or screening a Lot within its perimeter. A Fence does not include construction site barriers, or a chain link fence enclosure wholly within the Lot to which it pertains and which conforms to the setbacks for an accessory structure and which is used for the purpose of containing a domestic animal(s) which does not exceed six (6) feet in height. Fence also includes gates installed within fencing.

Owner means the record owner, whether one or more persons or entities, of fee simple title to a Lot within Digby Heights.

Lot shall mean any legally platted plot of land shown upon a recorded subdivision map of the Digby Heights.

Plat means the recorded Plat or Plats of Digby Heights Phases I, II, and III and any amendments, corrections or addenda thereto as may hereafter subjected to the terms of the Declaration.

Privacy Fence means a sight-obscuring Fence used to block the area enclosed by the Fence from view from neighboring Lots or public right-of-ways.

Privacy Screen means a sight-obscuring decorative Structure, erected or installed adjacent to or around a patio, deck, court yard or swimming pool designed to screen the area behind it or within its confines from observation by persons outside its perimeter.

Property shall mean the land described on the Plat and such additions thereto as may hereafter subjected to the terms of the Declaration, and all improvements and Structures now or hereafter placed on the land.

Sight-Obscuring shall mean opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the Sight-Obscuring object. A Fence which partially obscures sight shall not be considered Sight-Obscuring if the distance or open space between boards, slats, rails, stanchions, or balusters (which shall not exceed four (4) inches in width) equals or exceeds the width of said boards, slats, etc., measured at ninety (90) degree angles.

Structure means any building, fence, wall, driveway, paved walkway, patio, garage, storage shed, carport, mailboxes, basketball hoop, play equipment, climbing apparatus, swimming pool, rockery, dog run or the like.

3.0 PROCEDURE

The following procedures are applicable to the construction, placement or installation of all Structures and all exterior alterations of existing Structures on all Lots within Digby Heights. Structures is defined and includes all items listed in the definition in Section 2.0 above.

- 3.1 *Prior Written Approval Required for ALL projects not otherwise specifically permitted by this document.* No new Structure shall be constructed, placed or installed and the exterior of any existing Structure shall not be altered or modified until plans and specifications have been submitted to and approved in writing by the ACC.
- a) Application. To request approval of any construction, placement or installation of a new Structure or exterior alteration or modification of an existing Structure on a Lot, complete and submit an application to the ACC. The application forms are available on the Digby Heights website (www.digbyheights.com). Commencement of any project without written approval by the ACC will constitute a violation. The Application must include the following documentation:
 - 1. Copy of all materials, specifications (including color), and designs for the new structure, or the alteration or modification of an existing Structure.
 - 2. A drawing or picture illustrating the exact location of proposed Structure or modifications in relation to the Lot boundaries, existing and adjacent streets, and including all measurements.
 - 3. A drawing or picture depicting the final completed project.
 - 4. Copies of all applicable city, county, and/or state permits required for the project. All permits must be approved before submitting to the ACC.
 - b) Notification.
 - 1. Confirmation- an email will be sent to the Owner advising that the ACC has received the Owner's application. If there are any documents missing, the ACC will advise Owner of the missing documents. An application is not complete until all documentation has been received by the ACC.
 - 2. Approvals- Owner will be notified by email of the ACC's determination within 45 days of receiving a complete application. In the event the ACC fails to communicate their decision regarding Owner's application within 45 days after a complete application has been received, approval will not be required and this Article will be deemed to have been fully complied with.
 - 3. Denials- Any denial of an application by the ACC shall specify the reason for denial.
- 3.2 *Completion of work.* All work must be completed in the following timeframes, as applicable:
- a) Nine (9) months for structural work.
 - b) Ninety (90) days for all non-structural work.
 - c) Or the timeline specified within the approved application, as approved.

4.0 ARCHITECTURAL CHANGES

- 4.1 *AC Unit.* All AC units shall be "screened" by a Fence or vegetation. Vegetation must be evenly distributed on all exposed sides and shall not allow more than 25% of the unit to be viewed from ground level, within five years of installation (which is a reasonable period of time for plant material to mature and effectively provide the intended "screening"). Noise from AC units must not interfere with any neighbor's enjoyment of their Lot. All AC units must have prior approval by the ACC.

4.2 *Accessory Buildings.* ACC approval is required for Accessory Buildings. Considerations will include, but may not be limited to, the following criteria:

- a) Materials, including roofing, shall match existing house unless otherwise approved by the ACC.
- b) Smaller Lots may not have a suitable location for a shed. In any case, no more than (1) shed and one (1) playhouse shall be permitted per Lot.
- c) Color of siding and trim shall match colors of the existing house.
- d) Maximum height shall be no greater than eight and a half (8.5) feet, including skirts, foundation or concrete slab.
- e) Shall be complimentary to the architectural style of the house.
- f) Shall be located in the most unobtrusive location possible to neighboring Lots. Placement of shed shall meet City Use setback requirement, and/or shall be set back a minimum of 5' from side and/or rear Lot lines (whichever set-back requirement is greater).
- g) Any utilities to accessory building shall be underground.

A plastic playhouse shall not be considered an Accessory Building, and does not require ACC approval, if it is less than 24 square feet and less than five (5) feet in height from highest peak to ground (see Playhouses, Section 4.12).

4.3 *Antennas.* No radio antennas, ham radio antennas or weather stations shall be placed on a Lot except with prior written approval of the ACC. Mini-dishes, wireless cable antennas and television antennas are only allowed in accordance with this section. All antennas or dishes must be less than 1 meter in diameter, but may be mounted on masts if necessary to receive a proper signal. Masts higher than 12' feet above the roof line are a safety hazard and must be approved prior to placement. All dishes must be mounted on the back half of the house and:

- a) Just above the first roofline, or
- b) Just above or below the uppermost roofline, or
- c) On a ground stationed tripod below fence height in the backyard, and
- d) Must be installed in the most unobtrusive location possible to the neighboring Lots.

A waiver may be granted if the placement guidelines above interfere with an Owner's ability to receive a signal. Owners must attempt to comply with the rules before deviating from them. Waiver requests must be in writing, but in accordance with FCC rules, may be made after the device is placed.

For mini dishes installed not in accordance to the rules and prior to May 9, 2016 and for which a waiver has not been granted for reception quality, the following rules shall apply:

- a) Mini dishes installed in a location other than those outlined above shall be uninstalled either when the Lot transfers ownership, or when the current occupants move out of the home, whichever is sooner.
- b) If the mini dish is replaced with a new one for any reason, the new dish must be placed in accordance with the above guidelines.

4.4 *Awnings.* The addition of awnings is not permitted on the front of the house. An architectural application must be made before the addition of awnings to the side or back yard.

4.5 *Driveway/Concrete Work/Walkways/Pavers/Gravel.* ACC approval is required for installation or changes to existing driveway, walkway, or other paved surfaces. Except for the driveway and any sidewalks originally installed by the builder, new paving or installation of gravel, pavers or

other synthetic or hard surface cover in the front and side yards is not allowed; except that paving a small footpath may be allowed with prior ACC approval.

- 4.6 *Exterior Door.* Exterior doors may be changed from the original color with prior approval from the ACC. Exterior doors may not include wrought iron or colored glass. Color should match the overall aesthetics of the community and must be picked from the preapproved list of colors. Front doors may also be completely replaced with a solid wood door stained to match an ACC approved color, or other standard exterior entryway door with ACC approval. Front doors must be a solid color.
- 4.7 *Exterior Ornamentation.* Exterior ornamentation that is permanently installed requires prior ACC approval. This requirement does not apply to easily removable decorative objects.
- 4.8 *Fencing.*
- a) Backyard- All lots must maintain the same style, color, and type of Fence as originally installed in the backyard by the builder. Prior ACC approval is not required to repair or replace a backyard Fence with materials matching the original Fence materials in style and color. Any other Fence or changes in Fence requires prior ACC approval.
 - b) Front and Side Yard Setback- A Decorative Fence may be installed in the front and side yard setback with prior ACC approval. No Privacy Fence shall be installed in the front of a home with the exception of any Privacy Fence that was originally installed by the builder. All front and side yard setback Fences will be restricted to four (4) feet in height or city guidelines, whichever is less. Metal Fences must be black and any wood or composite Fence must be white or stained to match the backyard Fence. Fences consisting of chain link, woven or welded wire or sheet metal are strictly prohibited.
- 4.9 *Fire Pits.* Any permanently installed fire pit or outdoor oven must have prior ACC approval.
- 4.10 *Garage Doors.* Must remain in original color scheme of the home with respect to the trim, accent, or main color. Garage door replacements require ACC approval if different from the original door in style. For homes with more than one garage door, all doors must match in color and style.
- 4.11 *Painting.* A home being repainted the same color does not require ACC approval. Any changes to exterior home color requires prior approval by the ACC.
- 4.12 *Playhouses, trampolines and swing sets.* ACC approval is required if a playhouse, trampoline or swing set is more than 24 square feet and/or over five (5) feet high.
- a) All playhouses, trampolines, and swing sets must be a minimum of five (5) feet from the Fence line.
- 4.13 *Pools and hot tubs.* All hot tubs and pools must be five (5) feet from the side Fence and house, and ten (10) feet from the back Fence. Any permanently installed pools must be permitted by the city. Any hot tub or pool over 150 gallons must be drained incrementally so as to not cause flooding. Any hot tub or pool treated with any chemical, or filled with anything other than plain water must be drained directly into a sewer line per city code.
- 4.14 *Roofing.* Roofing material shall be limited to composite shingles which match in color and pattern to those used originally.

- 4.15 *Siding.* All homes must maintain the same siding and accent fascia as originally built. Approval is required for re-siding an existing Structure. In the event residing becomes necessary, it must match original siding.
- 4.16 *Solar Panels.* Solar panels and any required shields for the panels shall be well constructed of suitable materials and shall not detract from the appearance of the house on the lot or of the neighboring Lots. All solar panels, and any required shields, must be maintained in good repair. Solar panels must be installed on the roof only. Approval by the ACC is required prior to beginning any solar panel installation.
- 4.17 *Storm Doors.* Storm doors require ACC approval:
- a) ALL storm doors must be of the type that have a frame and latch shut.
 - b) Hanging mesh doors (split mesh, magnetized, shown on TV) are not allowed.
 - c) Mesh screen doors and security doors are not allowed.
- 4.18 *Temporary Structures.* No tent, shack, garage, barn, or other outbuilding of a temporary character shall be installed or placed on any lot for use as a residence, temporarily or permanently. All temporary structures require ACC approval. Any structure in place less than 72 hours does not require ACC approval.

5.0 OTHER REQUIREMENTS

- 5.1 *Emergency repairs.* Emergency repairs to mitigate damages or to keep life and property safe do not require ACC preapproval. All emergency repairs must be permanently repaired to match the original style and color of the damaged item within twelve (12) days.
- 5.2 *Project Materials.* All project materials must be stored and contained in a manner as to preserve the appearance of the neighborhood and to mitigate any potential accidents. Preferable locations for long term storage of project materials are out of sight from the street such as the backyard or garage if possible.

Some yard projects require materials such as bark, mulch, or soil to be dumped in the driveway, yard, or gravel areas. These materials cannot be stored for longer than 7 days unless otherwise approved, and must have a tarp laid underneath to protect these areas from damage.