

# **BRUSHY CREEK**

**Architectural Control Committee  
Design Standards and Guidelines**

**APRIL 2009**

April 17, 2009

A message from the Architectural Control Committee and your Board of Directors

Dear Homeowner,

In a continuing effort to increase the value of our properties, the Architectural Control Committee members have put together these guidelines for the benefit of your property. Many of these items are drawn from the covenants you agreed upon at the purchase of your home. We have made every effort to be as clear, concise and fair in stating these guidelines as is possible.

We now ask that you take a moment to look at your home objectively and ask yourself the following questions:

1. Does my property comply with these guidelines?
2. Am I in violation of any of the covenants?
3. Have I sought and received approval for all changes to my property?

If you are not in compliance with these guidelines, we ask that, out of the courtesy to your neighbors, you make every attempt to rectify the situation as soon as possible.

The appearance and upkeep of each home in our subdivision impacts the value and resale value of every other home, as well as the piece of mind of all homeowners. We ask that you respect your neighbors and comply with these guidelines and our covenants.

If you have any other questions or concerns regarding these issues, or a complaint about a situation in the neighborhood, it is suggested that you contact the following members of the Architectural Control Committee and Home Owners Association Board for clarification.

On behalf of all the homeowners, we wish to thank you for helping to make our subdivision a great place for all of us to live.

Sincerely,

Your Architectural Control Committee and Board of Directors

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## **Exterior Building Alterations**

A form must be submitted for all building alterations, constructions, or additions  
This includes, but is not limited to;

### **Replacement of existing doors and windows.**

Attach to the form:

1. A color picture, which accurately depicts the style if the door or window you wish to install.
2. A picture of the existing door or window to be replaced.

### **Addition of storm doors or windows.**

Front-facing storm doors and windows must be made of anodized aluminum with baked enamel finish compatible with the primary and trim colors of the house.

Attach to the form:

1. A color picture, which accurately depicts the style of the door or storm windows you wish to install.
2. A picture of the existing door or windows on which the item will be installed.

### **Replacement of Roofing materials:**

If you are replacing the roofing on your home with the same material and color that it is today, no approval is needed. If you wish to change the materials or color, approval is needed.

Attach to the form:

1. A color picture which accurately depicts the type of material and color that you wish to use.
2. A color picture of your home as it is today.

### **ANY Construction on or addition to the house.** (Porches/decks, sunrooms, etc.)

Without limitation, the following will be reviewed: location, size in relation to existing house, conformity with design of existing house, and relationship to neighboring houses. Owners are advised that a building permit may be required. All work must be completed in accordance with the city codes.

Attach to the form:

1. A drawing, which accurately depicts the change/changes you wish to make.
2. A picture, which shows the area of the house you wish to change.

### **Repainting.** (Only if original colors are to be changed.)

Attach to the form:

1. A picture of the existing home

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### **Repainting continued**

2. Paint chips specifying which is to be used for the body and shutter colors or the address of another house in the subdivision already using the new colors.
3. A picture of the area you wish to paint, if the house is not being painted in its entirety.
4. Paint chips or color pictures depicting colors of the homes on each side of your home. Paint colors may not be the same as the two adjacent homes on each side of home to be repainted.
5. Trim color must remain white or soft white.
6. Bricks or stone on the home may not be painted

### **Replacement of any exterior fixture (unless exactly the same as original.)**

Attach to the form:

1. A color picture accurately depicting the style and color of the new fixture or fixtures to be installed.
2. A picture of the existing fixture or fixtures.

### **Fences**

A form and plot survey must be submitted for all fencing prior to installation.

Attach to the form:

1. A drawing, which depicts where the fence will fall in relation to your house and property lines.
2. A detailed list of materials to be used.
3. Paint chips or picture showing color of paint or stain to be used.

### **Fencing guidelines**

1. The fence may be placed on the property line with written permission from adjacent homes that share a common property line. If the homeowner that is submitting approval for a fence cannot obtain permission from adjacent lot owner/s, the fence must be placed at least 12 inches from the property line. If a fence already exists on any adjacent property line, fences can be connected with written permission from all parties involved. If permission for connection is not obtained, a space of at least two feet must be allowed between the fences. This will allow for ample space for maintaining grass and weeds.

Under no circumstance will a home owner be allowed to extend beyond their property line.

Corner lots excluded. Placement will be determined on a case-by-case basis for corner lots.

2. Fences must be constructed of either cedar, redwood or pressure treated pine.
3. No chain link or wire fencing of any type is permitted.
4. Fences may be either left natural, stained in a natural wood hue, or painted a color which matches or compliments the colors of the home. Color must be approved as part of the fence approval, prior to application. Any paint or stain used must be exterior grade.

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### **Fence guidelines continued**

5. Fences must be a minimum of 48 inches high and a maximum of 72 inches high.
6. Fasteners must be rust resistant (usually hot dipped galvanized)
7. Fences must be installed with the finished side (flat side) facing out.
8. The fence and gates may not be placed in front of the house.
9. Any portion of fence may not enclose utility meters and access points.
10. Appearance and structural integrity of fences must be properly maintained. Faded or peeling finishes must be reapplied. Warped or rotted boards must be replaced.
11. Fences should have a 1 to 2 inch clearance on the bottom for proper water drainage.

### **Decks**

A form must be submitted for all decks prior to installation. (See section above entitled ANY Construction on or addition to the house.)

1. Decks must be constructed of either cedar, redwood or pressure treated pine. Number 2 grade or better.
2. The deck must not extend past the sides of the house.
3. Decks may be either left natural or stained in a natural hue.
4. Fasteners must be rust resistant (usually hot dipped galvanized)

### **Patios**

A form must be submitted for all patios prior to installation. (See above section entitled ANY construction on or addition to the house)

1. The patio must not extend past the side of the house.

### **Pools and Spas**

1. Permanent or temporary above ground pools are prohibited.
2. Small kiddy type pools are allowed on a temporary basis in the rear yard only.
3. Above and below ground spas need approval.

### **Mailboxes**

1. Mailboxes may only be replaced with what is deemed acceptable by the HOA. The following is currently the only acceptable replacement parts.
  1. "The Elite" Steel Mailbox – Black
  2. "Woodchuck" Western mailbox post
  3. Glidden Light Grey AF Ready mix paint for the post.
2. The post must be painted grey and the numbers affixed must be black.
3. All items can be purchased at home improvement stores. Please see community website for further information or contact your Board of Directors.
4. Mailbox covers and decals are not permitted (temporary holiday displays excluded)

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### **Driveways, Sidewalks and Walkways**

1. Driveways, sidewalks or walkways may not be changed, poured, stained or painted without approval.
2. Exterior steps or walkways visible from the street need approval for installation or removal.

### **Retaining Walls**

1. All retaining walls need prior approval from the ACC.

## **Exterior Ornamentation/Accessories**

### **Satellite Dishes/Antennae**

1. Dish must not exceed 1 meter (39 inches) in diameter.
2. Cables should be neatly attached to the house and painted to match the siding or trim as applicable.
3. If placed at ground level, dish must be screened by landscaping and cables must be buried.
4. Absolutely no other type of antenna will be permitted.
5. More than two satellite dishes are prohibited.

### **Additional phone lines or cables or any type**

1. Cables must be buried up to the point of attachment to the house where they should be neatly attached and painted to match the siding or trim as applicable.

### **Outdoor Lighting**

1. Wattage of outdoor landscape lights must be 12 watts or less.
2. Only clear or white lighting is acceptable. No colored bulbs or filters may be used. (Holiday lighting excluded)
3. A form must be submitted if the number of yard lights exceeds 12. (this includes all outdoor fixtures whether freestanding or affixed to the house.)
4. Lighting may illuminate landscape features only and in a muted manner.

### **Decorative Items** (flowers, flower pots, statuary, awnings, etc.)

1. The use of plastic flowers, lawn furniture or any other decorative plastic items is prohibited from the front yard.
2. Statuary (fountains, bird baths, statues, etc.) placed in view of the street is limited to two items. (Under 36 inches in height and under 24 inches in width). Statuary will require ACC approval prior to installation. These items must be of a muted color or blend naturally with the house, landscaping and environment.

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### **Gazebos and Arbors**

1. Gazebos and Arbors need ACC approval

### **Basketball Goals**

No form is required, provided the following stipulations are met.

1. Temporary, moveable basketball goals only. No goal may be permanently cemented in the ground or on driveway.
2. Goal may not block sidewalk or in any manner negatively affect other homeowners.
3. Goal may not be lit in any manner.

## **Exterior Ornamentation/Accessories Continued**

### **All Other Play Equipment**

No form is required, provided the following stipulations are met.

1. All play equipment must be installed in the rear yard.
2. All play equipment should blend with/into the surrounding environment. The primary choice for play equipment is cedar or pressure treated pine.
3. It is highly recommended that you enclose all play equipment by approved fencing for the safety of all children using the equipment.
4. Metal Swing Sets are prohibited.

### **Signage**

1. Security company signs should be placed in a bedding area 4 to 6 feet from the house.
2. For Rent, For Lease, For Let signs are prohibited.
3. All other signs are prohibited unless prior approval by the ACC has been granted.

### **Flags**

1. Bracket must be permanently attached to house and painted to match the trim on which it rests. No free standing flagpoles are allowed.
2. Flag may not exceed 36 inches by 36 inches in size.
3. Pole may not exceed 6 feet in length.

### **Sheds and Outbuildings**

1. Sheds and out buildings are not allowed if visible from the street.

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## **Exterior Maintenance**

**All houses must be kept in a state of good repair. This includes, but is not limited to:**

1. As Hardi-Plank siding may be damaged by pressure or acid washing, removal of mold, mildew or other discoloration of siding should be accomplished by low pressure water spray or with medium bristle, non-metal brushes.
2. Repainting when the existing paint becomes discolored beyond what can be corrected by washing or begins to chip, peel or fade in any manner that is visible from the street. This includes all doors, shutters and trim as well as the body of the house.
3. Replacement of missing, damaged or decaying shutters, moldings or exterior fixtures.
4. Stains, such as oil spills, should routinely be removed from the driveways and sidewalks.
5. Gas lanterns must be kept in good repair and be lit at all times. Remember: These lamps are our best means of security; we have no other neighborhood lighting.
6. Non-operational vehicles are prohibited in driveways and streets.
7. No dilapidated, inoperable or unsightly vehicles, machinery (including tools and ladders) shall be parked or stored as to be visible from the street
8. No vehicles, equipment or materials shall be stored on any lot at any location which is visible from the street or any other residence.
9. Driveways, sidewalks or walkways may not be painted, stained or altered in any fashion without the prior approval of the ACC.
10. No commercial vehicles, tractor trailers, school buses, buses, house trailer, mobile home, motor home, recreational vehicles, camper, truck with camper top, boat, boat trailer or like equipment shall be permitted on any lot on a permanent basis, but shall be allowed on a temporary basis not to exceed 48 consecutive hours.

**Exterior of all houses must be kept clean and present a well maintained appearance. This includes but is not limited to the following:**

1. Holiday displays should be left in place no longer than 2 weeks following the applicable holiday. This includes lights, signs, window coverings or any other decorative items visible from the street.
2. Excluding temporary holiday displays and safety/security company emblems, window decals may not be placed on any front or side facing windows.
3. All window coverings that face any street should have a white or off white backing.

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## **Exterior Landscaping and Yard Maintenance**

1. Each owner is responsible for keeping his/her property in good order and repair. This includes mowing, weed control, pruning, fertilizing and any other tasks required to maintain a well-manicured appearance.
2. Edges of curbs, sidewalks and driveways should be kept neatly trimmed.
3. Each homeowner is responsible for the removal of any trees or shrubs should they die for any reason.
4. Each homeowner is responsible for the removal of debris, clippings, weeds, etc. from the property line to the center of the street. This includes curbs, sidewalks, street gutters etc.
5. All bedding areas (front, back and sides) must be covered with pine straw, pine bark mulch, cypress bark mulch, hard wood mulch or any natural materials such as lava rock or other small sized landscape rocks. If rocks are used, they should cover the area completely without the ground underneath showing. Other bedding materials should be replaced at regular intervals to maintain a neat appearance.
6. Vegetable and fruit gardens should be maintained in the rear yard and have a well kept appearance.
7. No items of any type may be stored in the front of the house. Any items stored in the side yard, back yard, under decks or porches must be kept neat and screened from view by shrubbery or fencing.
8. A form must be submitted for any large scale landscaping which might, in any way, effect neighboring homes, especially property line or screen plantings.
9. Garbage containers may not be stored in the front yard. Garbage containers must be garaged or shielded from view by fencing or shrubbery in the side or rear yard. Garbage containers should be left at the curb only on the night preceding or the day of collection.
10. For houses adjacent to an easement (subdivision borders and utility-maintained areas.) the homeowner is responsible for maintaining their property, as outlined above, up to that area.

Lots must be maintained in a neat, clean and eye pleasing condition. If notice is given that your lot is not meeting this standard and within the given time period this deficiency still exists, the ACC shall have the right to take actions necessary to accomplish the mowing of all yards including hiring a company of its choice and allowing them permission of ingress and egress on the lot. Lawn maintenance includes mowing of the grass, trimming of the bushes and trees, removal of dead bushes and trees, maintaining of landscape beds (weed removal, installation of original bedding materials) and edging of driveways, and sidewalks. The owner of this lot shall be liable for any costs and/or charges incurred as a result of this condition. If this charge is not paid within 30 days a lien may be place on this property.

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## **Conclusion**

If you receive a violation notice we hope that you will take corrective measures to comply. The Board of Directors and Architectural Control Committee understand that some residents are simply not familiar with all the covenants and guidelines.

This Board of Directors and ACC do not wish to fine homeowners but if a violation continues we will have no choice but to start the fining process. The violation letter will specify the fine and the date at which the fine will begin (adequate time will be given for the homeowner to correct the violation before the fining process begins). The fine will continue until the violation is cured. A lien may be put on the property for unpaid fines. All fees attributed to the lien will also be the responsibility of the homeowner. Any fines or fees may also bear interest at 18% per annum.

It is not the intention of the board or ACC to stop homeowners from making improvements but it is our intention to help maintain property values in Brushy Creek as well as maintain a peaceful, desirable community.

Thank you,

Your Brushy Creek Board of Directors and Architectural Control Committee