



## Aesthetics and Architecture Policy

### **Policy Objective**

This policy was written in order to protect the assets of the community, to ensure that the community is informed when changes are requested, and to ensure that all other Circles and Work Teams of Village Hearth provide appropriate input and guidance to these changes.

### **Restrictions**

This policy will ensure adherence to any and all restrictions documented in the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VILLAGE HEARTH. See Addendum for the details.

### **Agreements**

1. It is important to consider the impact of any change on your immediate neighbors as well as the Community as a whole.
2. Change categories are defined as the following:
  - a. Category A: Increasing the footprint of the home (addition, back porch, deck, attached shed)
  - b. Category B: Major change without increasing the footprint of the home (replacing windows, adding exterior door, adding a window or other roof and wall penetrations, fencing, detached shed, permanent path or retaining wall)
  - c. Category C: Minor change without increasing the footprint of the home (exterior lighting, modification to front porch, trellises, tall plantings, signs, flagpoles, patio, terrace)

3. The Aesthetics and Architecture Review Process (A&ARP), documented in the Aesthetics and Architecture Review Manual (A&ARM), is required for all Category A and B changes.
4. Category C changes first require approval by the Aesthetics and Architecture Work Team (A&AWT) and then approval by the Community.
5. Each proposed Category A and B change is to be evaluated using these criteria:
  - a. Is there a Compelling Rationale for the Member to ask for a change? A Compelling Rationale considers the following:
    - 1) Community scale: why does the homeowner feel their project is important enough for the Community to accept it?
    - 2) Building scale: Are the proportions and details attractive to neighbors?
    - 3) Detail scale: Are the details similar or an exact match to the existing community details?
  - b. What is the impact on adjoining exterior spaces?
  - c. Is there an impact on the landscape master plan?
  - d. What is the impact on neighbors and the Community?
  - e. Are there any possible impacts to safety and accessibility?
  - f. Is there a balance between Community and individual aesthetic preferences?
6. Category A and B changes are to be built to the Standard Specifications, documented in Appendix B in the A&ARM.
7. These changes are restricted to the home's *back* yard:
  - a. Room addition
  - b. Back porch
  - c. Canopy, retractable awning, arbor or pergola
  - d. Ground level deck: with or without a foundation
  - e. Patio or terrace

- f. Shed: with or without a foundation
  - g. Fencing with gate
8. The following requirements pertain to Category A's additions and back porches:
- a. Room additions and back porches may not impede a neighbor's sight lines from their own back yard.
  - b. Room additions and back porches must compliment the existing look and feel of the community – not distract, disrupt or clash with the existing buildings.
9. Any Category A change with a foundation is restricted to the size mandated by the City of Durham that does not require a permit (100 square feet.)
10. The following requirements pertain to Category B's fencing:
- a. Fencing is restricted to a height of no more than 6 feet and must not restrict the adjoining neighbors' sight lines from their own back yard.
  - b. Privacy or solid fencing is not allowed anywhere in the Community. Exception: Unit 4 will experience heavy traffic from the parking area, past the unit and the Common House, as Members or visitors come into the Community. This unit may erect a privacy fence on the west side of the back yard.

NOTE: Community consented on 3/24/2021 to allow 4950 and 4953 to proceed with their fence projects, as designed, [privacy – semi-solid with open latticework at the top 12"] with the proviso that they maintain the natural wood color.

- c. All fence runs must be attached to poles – not to a building or other structure.
- d. Fencing cannot exceed the maximum 20 foot depth of the back yard. No one can annex any common space to increase the size of their yard – neither front, back or side property,

NOTE: Community consented on 6/13/2020 to allow Building 4 install a back yard fence at 24 foot depth due to the buried utility lines.

- e. Materials to be used for fencing are restricted to **NO** chain link or hurricane fencing – and nothing that restricts the view for the Community or adjoining neighbors.
  - f. Each fenced back yard must have a gate to allow access for maintenance of the property.
11. The following requirements pertain to landscaping:
- a. Permanent landscaping cannot be placed within 12 inches of the foundation. Containers may be placed closer to the foundation as long as they do not impede maintenance of the building, interfere with the termite bait stations and can be easily moved as needed.
  - b. Trellises can not be attached to a home's siding. They are to be suspended from metal brackets well away from a building – a visible gap must be maintained between the plant/trellis and the building.
  - c. Window boxes (not railing planters) can not be attached to a home's siding or window sill/sash. They are to be suspended from metal brackets for ease of removal in order to provide maintenance access to all parts of the building.
12. The following requirements pertain to sheds:
- a. Sheds must be constructed of wood or polymer/resin products. Metal construction is not allowed.
  - b. All sheds are to be painted with a color compatible with the building. See Appendix E of the A&ARPM for a list of paint colors.
13. Clotheslines may not be erected anywhere in the Community except outside the laundry room in the Common House. This includes both temporary and permanent installations.
14. Rain barrels require approval from the Community before they can be installed anywhere in the Community. The A&AWT will provide guidance for the design, shape and size of the rain barrel.
15. When considering the installation of the following, discuss these installations with your neighbors (both next-door or opposite) to come to an agreement before installing.
- a. Yard/garden ornaments
  - b. Wind chimes

c. Fountains or other water features

**Policy Details**

- Distributed: Via email 4/3/2020
- Presented: ZOOM meeting, 3/31/2020
- Presented by: Aesthetics and Architecture Work Team
- Policy Adopted by Consent: 4/6/2020
- Review Date: 4/6/2021
- Exception: 6/13/2020- Building 4 fencing extended to 24 feet
- Exception: 3/24/2021 – 4950 and 4953 type of fencing

## Addendum: Restrictions

These restrictions, documented in the restrictions documented in the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VILLAGE HEARTH dated August 28, 2018, were adhered to when this Aesthetics and Architecture Policy was written. If there are changes to these restrictions, this policy will be reviewed and updated as needed.

### Article II: Land Uses and Community Amenities

Natural areas shall remain untouched and undeveloped, except as allowed by the HOA for the construction of paths/trails, gardens, foot bridges and benches and other uses as allowed by law and approved by the HOA.

### Article IV: Approval of Building Plans and Development of Lots

No building shall be erected, placed or altered upon any land in said community until the building plans, specifications and the location for the building on the land has been approved by the Development Committee or its designee(s).

### Article V: Timely Completion of Construction

When construction of any structure has begun, work must be pursued diligently and must be completed within a reasonable time.

### Article VI: Building Locations

All Buildings, the Community Building, Homes and Outbuildings shall have minimum setbacks as follows: thirty (30') feet or other such minimums as required by applicable City of Building Codes. All building setback lines shall be measured from property lines.

### Article VII: Building Size and Maintenance of Homes

7.1 Any addition to the Homes, such as porches, patios, sunrooms or other livable space must be approved by the HOA or committee designated by the HOA.

7.4 All interior maintenance of the Homes is the responsibility of the Owner, including any patios, decks or fences as allowed by the HOA.

**Exclusions**

This policy does **not** address the changes that are completely internal to a home's envelope. However, homeowners have the responsibility to ensure that interior changes do not compromise the building envelope as written in the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VILLAGE HEARTH.

Article IX: General Use Restrictions

Owners may make improvements or alterations within their Home that do not in any way change the Common Elements, impair the structural integrity of the Buildings or the mechanical, plumbing or electrical systems, or affect access in and out of the Home.