

ARCHITECTURE AND LANDSCAPE GUIDELINES FOR THE ARCHITECTURAL CONTROL COMMITTEE

PURPOSE

These guidelines are intended to explain the concepts and philosophy used by the *Architectural Control Committee* (“ACC”) in its review of plans and applications for activities undertaken in *Articles VI and VII of the Declaration of Restrictions, Covenants and Conditions of Fossil Creek Estates, Inc.* They are intended to provide the design philosophy under which the Committee will function and provide property owners with guidance in submitting applications to the Committee. The intent is to give direction in order to achieve the harmonious design with special attention to classical, historically fine details as is the intent of the Developer.

GENERAL CRITERIA

The ACC will make its decision based upon *these General Criteria* and *upon specific Elements Criteria* which are presented in the following section. The decisions made by the ACC are not based upon personal opinion or taste. The overriding concern is one of harmony. The following criteria are presented as guides for the Community.

CONFORMANCE WITH DECLARATION

All applicants are reviewed to confirm that the project is in conformance with *the Declaration*.

DESIGN COMPATIBLY

The proposed improvement must be compatible with the architectural character of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

LOCATION AND IMPACT ON NEIGHBORS

The proposed alteration should relate favorably to the landscape, the neighbors' homes and improvements, and the existing structure of the neighborhood. The primary concerns are access, view, sunlight, ventilation and drainage. For example, blocking views or breezes, casting an unwanted shadow on a neighbor's property, or infringing on a neighbor's privacy are to be avoided. It is suggested that changes to a property which affected a neighbor's property be discussed with that neighbor in advance of submitting the application. In some cases, it may be appropriate to submit the neighbor's comments along with the application.

SCALE

The size (in three dimensions) of the proposed construction should relate well to existing structures. The topography should be considered when considering scale.

MATERIALS

Compatible materials should be used within the requirements of *Article VII, Section (g.)* Greater harmony can be achieved with the use of few materials. For example, brick and wood or stucco and wood can achieve this effect.

WORKMANSHIP

The quality of workmanship prevalent in the neighborhood, if a new house, or the quality in the original house, if an addition, should be maintained. Poor quality can be a visual blight to the neighborhood. Poor quality can also create health hazards.

TIMING

Construction should be so scheduled so as to not leave a partially completed project for an undue period of time. Projects which remain uncompleted for a period of time with no visible signs of work each week are a visual blight. They can also be an unattractive hazard and nuisance and therefore for purposes of safety, work should move as rapidly as possible, toward completion. The length of time for completion stated on the application shall be a factor to be considered prior to approval. See *Article VII, Section (y.)* for new homes.

HOMES: ELEMENTS CRITERIA

Plans should show the following information

- 1.) House on the lot with distances to all property lines and distances to houses on adjacent lots if occupied.
- 2.) Topography of lot at five foot contour Intervals and location of driveway and any parking pads.
- 3.) Any landscaping proposed on a lot shall show all plant materials both existing and proposed which are intended to be used as any part of the design. Common plant names are to be used.

4.) Front, rear, and side elevations of house with a listing of materials and colors to be used. Paint chips which show the finished color should be Included as part of the submission.

The harmony of *Fossil Creek Estates* will be enhanced if clean simplicity is used in design. Nonfunctional or false elements are to be avoided. Consideration shall be given to sun, shade, and views of neighboring houses, prevailing wind, and architectural theme and colors of surrounding homes. If changes in grade or other conditions which will affect grading are anticipated, they must be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.

FENCES

Fencing should relate to the principle architectural feature of the house in design, location and the way in which it connects to the existing house. Planting may often be integrated with all fencing schemes in order to soften the visual impact. *Fences* along rear yards or fences along side yards shall follow the contour of the natural topography. The bottom of the fence should be no more than 6" to 12" above grade at any point depending on fence type. Gates should match or complement fencing in design, material, height and color.

Fencing is used to separate property, provides security and visual privacy, or architecturally defines space. In achieving any one of these goals, a barrier is created which is both visual and physical impact on the boundaries of common land and property of adjacent homeowners. Careful consideration should be given to the basic fencing concept and the manner in which the concept is executed.

There are *alternatives to fencing* that may achieve the needed results. For example, short segments of screen fence may be combined with landscaping to achieve the desired amount of privacy without a severe impact on natural open space. Use of plant material alone can be an alternative.

Fence height should not be greater than is necessary for its intended use since fencing can have a significant impact on adjoining properties and community open space. The *height and design of fences* should generally conform to other fencing in the area.

Property Separation: Where the homeowner's goal is property separation but not privacy, an "open" fence may be appropriate. Open fences, such as wrought iron, provide visual definition of property boundaries without obstructing views.

Security – Many homeowners wish to restrict children or pets to or from their property. Security fences where privacy is not a factor can be the "open type". Where security is **required** for safety reasons, such as around swimming pools, vertical fencing of sufficient height is required since horizontal fencing may be easily climbed by small children. Safety fences are required around all swimming pools and related equipment, to be installed within fifteen (15) days of completion of pool construction. Safety fences are to be a minimum of four (4') feet and not more than six feet (6') high. Material must be white vinyl or wrought iron. The bottom rail is not to be more than six inches (6") above ground level. Vertical bars should not be more than four inches (4") apart. All gates are to be self locking. All fences and pools require approval of the *Architectural Control Committee* prior to start of construction. Fences must be installed within fifteen (15) days after the pool is completed.

The Architectural Control Committee cannot approve pool construction without safety fences as required above.

Architectural Definition of Space: The definition of *outdoor space for strictly architectural reasons* encompasses some of the suggestions made above but for *strictly visual rather than functional reasons*. More "solid" fencing will provide a strong visual barrier, however, the same effect may be achieved by an "open" fence in conjunction with certain plant materials such as ivy which may be trained to grow on the fence.

In selecting a fence it is important to remember that the homeowner's *functional needs must also be related to prevailing fence styles in the neighborhood*. *Location, height, materials and color are the primary factors which should be considered*.

Height: The *height of a fence, the topography of the land, the relative distance of an observer* affect both the amount of privacy afforded by a fence and its degree of visual impact.

Location: Most *fencing* involves boundary line consideration to some degree. Therefore, applications must show exact relationship with property lines. Extending *privacy fencing* farther from the house does not necessarily increase privacy but can adversely increase the impact on common open space. Therefore, the extension of privacy fencing from the face of the houses should be minimized.

Materials and Colors: *Fencing* should be compatible with the materials and colors in the applicant's house and the prevailing materials in adjacent houses. *Continuity of texture and the scale of materials* should be considered. In many cases, fencing may be left to weather naturally. *Masonry* may be an integral part of a fencing scheme. *Masonry* should match or be compatible with the masonry used in the applicant's house. *Solid wood fencing* will only be allowed along Lots' side yards which do not front on public roads. *If such wood fencing is installed on a side yard, it shall be placed no further forward in the Lot than the rear of the Living Unit.*

DECKS/PATIOS

Decks are an extension of the house and thus have significant impact on its appearance. *Decks* may also affect the privacy of adjacent properties. *These two factors are weighed heavily in the review of applications.* *Decks* should be compatible in materials and color with the applicant's house. *Masonry decks and patios should be installed. Modifications to existing decks* should provide continuity in detailing such a material, color, and the design of railing and trim. *Deck configurations* should relate to the plan outline and window and door openings of the house where possible. *Approval of other exterior modifications* such as new exterior door locations which are a part of the deck application are contingent upon completion of the deck. *Privacy of adjacent homes* should be considered when planning decks. *Decks* on attached houses should not adversely affect the privacy of adjacent houses.

Planting should be provided at post foundations and on low decks to screen other structural elements and to soften visual impact. Shadow patterns created by decks should be considered both as they affect the use of outdoor space as well as impact on grass and plant material. *If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.*

STORAGE SHEDS

Materials and color should match or generally be *compatible with the house or fence* to which it is most visually related or physically attached. In most instances, this includes matching major materials such as siding and roofing, dominant colors, construction details such as trim, and pitch of roof. A *shed* located away from the house should blend with nature and muted earth tones are best. The *shed* should be heavily landscaped to screen it from view from any adjoining lots. While *sheds* must provide sufficient volume for their intended use, they must be of a size which is appropriate for the size of the property and which is architecturally compatible with the applicant's house and adjacent houses.

STORM AND SCREEN WINDOWS AND DOORS

Storm or screen doors should be painted to match entry doors behind them. However special consideration will be given to doors that match architectural trim. Consideration will depend upon the design of the particular door and its relation to the design of the house and adjacent houses. Generally, storm windows and screen window frames should be compatible with the color of existing window frames.

RECREATION AND PLAY EQUIPMENT

Equipment utilizing natural materials is encouraged, metal play equipment, exclusive of the wearing surfaces (slide poles, climbing rungs, etc.), free standing basketball backboards and their poles should be painted a muted earth tone to blend with the natural surroundings.

SWIMMING POOLS

~~The impact of required security fencing on open space is significant and must be carefully related to adjacent property. In addition, the homeowners should consider safety within the pool areas as well as the impact of increased noise levels on adjacent property. It is suggested that proposed swimming pools be discussed with adjacent property owners. Pools should be located in rear yards, although consideration will be given to property of unusual configuration of unusual topographic features. Generally, the wall of swimming pools should be kept an adequate distance away from adjacent property, removal or disturbance of existing trees should be avoided or minimized. The pool and any mechanical equipment must be protected by a fence. Fences and gates should conform to that portion of these guidelines pertaining to fencing. Approval of the fence will be considered a part of the swimming pool application and shall be contingent upon completion of the pool.~~

[1.] *The section entitled "Swimming Pools" are hereby amended [Effective May 30, 2002] by deleting [see area marked in red font above] that section in its entirety and substituting the following therefor:*

The impact of required security fencing on open space is significant and must be carefully related to adjacent property. In addition, the homeowners are required to consider safety within pool areas, as well as the impact of increased noise levels on adjacent property. It is suggested that proposed swimming pools be discussed with adjacent property owners.

Pools are required to be located in rear yards, although consideration will be given to property of unusual configuration and of unusual topographic features. The wall of swimming pools should be kept an adequate distance away from adjacent property. Removal or disturbance of existing trees should be avoided or minimized. *Above-ground pools will not be permitted.*

The pool and any mechanical equipment must be protected by a security fence. Fences and gates will conform to that portion of these guidelines pertaining to fencing. Fences around pools must be installed within fifteen (15) days of pool completion.

MAJOR EXTERIOR ALTERATIONS

Major alterations are generally considered to be those *which substantially alter the existing structure* either by subtraction and/or addition. However, other site changes such as driveway modifications are also included.

The design of *major alterations* should be compatible in scale, materials, and color with the applicant's house and adjacent houses. Pitched roofs should match the slope of the roof on the applicant's house. The location of *major alterations* should *not* impair the views, or amount of sunlight and natural ventilation on adjacent properties. New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well with the location of exterior opening in the existing house. *If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.* Construction materials should be stored so that impairment of views from neighboring properties is minimized. Excess material and debris should be removed as soon as possible.

GARAGES

Detached garages should relate appropriately to the house and its environs. Specific site and design considerations will be evaluated on their individual merits. *Garage doors* should be straightforward and without ornamentation. Roof configuration and ridge lines should relate to those of the applicant's house.

DRIVEWAYS AND/OR PARKING PADS/SIDEWALKS/DRIVE APPROACHES

Generally, only hard stabilized surfaces of concrete or asphalt will be approved except that gravel driveways are allowed. Materials other than these will be considered if they are compatible with the surroundings. Care must be exercised in any drainage changes.

GREENHOUSES

Greenhouses should be located in the rear of the house, although in special instances front or side yard locations will be given consideration. The greenhouse should maintain a continuity of building fines, materials, etc., with the primary structure. *Detached greenhouses* should conform to the *guidelines established for storage sheds regarding location and size.*

MISCELLANEOUS

There are numerous exterior modifications which are of a smaller scale than the previously noted items but still require approval. The same basic principles of compatibility of scale, material, and color apply. Consideration must also be given to impact on neighboring properties.

AIR CONDITIONERS

Air conditioner units extending from windows generally will not be approved unless good cause is shown for their use and location. Compressors for central air conditioning units should be screened by architectural treatment or appropriate landscaping. Exterior units may be added or relocated only when they do not interfere visually and acoustically with neighbors.

ATTIC VENTILATORS

Attic ventilators or other mechanical apparatus requiring penetration of the roof should be as small in size as functionally possible and should be painted to match the roof. They should be located generally on the least visible side of the roof and not extend above the ridge line.

CHIMNEYS AND METAL FLUES

Masonry chimneys may be used when compatible in design, location, and color with the existing house.

DOG HOUSES AND RUNS

Dog houses should be compatible with the applicant's house in color and material, and should be located where they will be visually unobtrusive such as in rear yards or in wooded areas. Chain link fences for dog runs will be considered if erected inside privacy fencing, painted to match the background, softened by supplemental landscaping, well-screened in a wooded area, and combinations of the above.

EXTERIOR LIGHTING

No exterior lighting shall be directed outside the applicant's property. Light fixtures which are proposed in place of the original fixtures should be compatible in style and scale with the applicant's house. However, lighting which is a part of the original structure must not be altered without approval. Applications for exterior lighting should include wattage, height of light fixtures above ground, and a complete description, including descriptive material of the light fixture and location on property.

EXTERIOR PAINTING

Repainting or staining to match original colors need not be submitted. Color changes apply not only to the house siding, but also to doors, shutters, trim, roofing, and other appurtenant structures. Change of exterior color should relate to the colors of other houses in the immediate area.

TRASH CANS

Trash cans, containers for garbage, tied bundles of plant material, bags of rubbish, etc. should be kept inside the garage or in a suitable screened enclosure to the side or rear of the house. Locations at the front of the house will not be approved.

HOUSE NUMBERS

House numbers should be legible but should be of a size which is appropriate for the applicant's house. In certain cases, decorative house numbers will be accepted dependent upon location and type of house.

MAILBOXES

Mailboxes shall be installed as required by U.S. Postal Service, and shall also be compatible with design and harmony of the neighborhood.

PERMANENT BARBECUE PITS

Permanent barbecue pits should not be a dominant feature on the landscape and should be located so they will blend as much as possible with the natural background. Supplemental planting should be provided to soften the visual impact of the barbecue pit particularly when little or no natural background or screening is available.

RETAINING WALLS

Retaining walls may be used to preserve trees, improve drainage patterns, and define areas. Walls should be kept as low as possible. Use of indigenous rock or wood in combination with appropriate landscaping is encouraged. Because retaining walls may alter existing land forms, the design of such walls should be carefully considered to avoid adversely affecting drainage patterns.

SHUTTERS

Shutters which are added to a house should be compatible with the style of the house and should be of proper proportions to match the windows to which they relate. Colors should be compatible with the colors of the house and neighborhood.

FLASHING AND PLUMBING VENTS

Flashing and plumbing vents should be as small in size as functionally possible and should be painted to match the roof.

LANDSCAPING

Landscaping can be effectively used to accent entryways, define space, create "soft" privacy screens, and reduce the visual impact of fences, sheds, etc. Since *landscaping is a design element the same consideration should be given to relationships to the applicant's house and to adjacent houses as apply to other design elements*. Care should be exercised to selecting plant materials which upon maturity will be of an appropriate size in height and breadth for its intended use and locations. Mature size, both in height and diameter should always be considered especially when planting close to walkways and houses. Consideration must be given to the effect which planting will have on views from neighboring houses and property. Planting should be clustered rather than widely spaced. *Massing*, the three dimensional appearance of planting, may be improved by augmenting trees and taller shrubs with low spreading shrubs and/or ground cover. The types of plants which might be used are in part a function of the desired effect and exposure. However, native plant material is advised because of the increased chances for healthy growth and compatibility with the area. The seasonal color of flowering trees and shrubs should be considered in relation to the color of the applicant's house and those adjacent.

VEGETABLE GARDENS

While *vegetable gardens* offer certain rewards, gardens and gardening equipment can often be unsightly. Gardens should be generally located in rear yards. Visual screening from view by adjacent homeowners should be provided by means of solid fencing or screen planting. Plant taller varieties such as corn and tomatoes closer to fences or walls. Gardens should be located on land which will not cause water to run onto adjacent property during periods of supplemental watering. Gardens should be properly maintained during the growing season. After the growing season, dead plants, stakes, etc., should be removed.

APPLICATION PROCEDURE

All applications must be submitted on *Fossil Creek Estates Homeowners Association, Inc.* form.

A three-step "*Site Analysis*" application process is required and all steps must be delivered to *the Association* offices in time for the Committee to give proper consideration.

In accordance with Article VI of the Declaration, a decision will be made as soon as possible *but no later than 30 days after each completed step is submitted*. *The decision of the Committee may be to approve, approve with modifications, or disapprove.*

This three-step application procedure is designed to give instruction in order to achieve harmony of design and to reduce plan preparation cost. It is very important to clearly indicate all factors relevant to the project. Lack of information could result in either a modified decision or disapproval. Major projects such as a new house, additions, fencing, landscaping, or swimming pool require detailed plans not only for the Committee but also for a building permit from the City. *Preliminary Site Analysis approval is construed as approval to prepare final plan.*

The Three-Step Site Analysis process is as follows:

Step 1

- (A.) Natural Elements submitted in 40' scale
- (B.) Easements, Setbacks, Views submitted in 40' scale
- (C.) Conceptual Lot Use submitted in 40' scale

Step 2

- (A.) Preliminary Site Plan submitted in 20' scale
- (B.) Preliminary House Plan submitted in 1/13' scale

Step 3

- (A.) Final House Plan submitted in 1/4' scale
- (B.) Final Landscape Plan submitted in 1/8' scale
- (C.) Geo-technical Report with Foundation Design Recommendations