

Oakhurst Community Association  
Architectural Guidelines & Modifications  
PART "B"  
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**SECTION IV – ENFORCEMENT**

# **Architectural Guidelines & Modifications**

## **SECTION I – INTRODUCTION**

**1.1** The purpose of these Architectural Guidelines is to assure the highest quality of design standards within Oakhurst. In doing this, property values will be maintained as high as possible

**1.2** No construction, which term shall include within its definition staking, clearing, excavation, grading, and other site work, no exterior alteration or modification of existing improvements, and no plantings or removal of plants, trees, or shrubs shall take place except in strict compliance with Article XI, of the Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions and these Architectural Guidelines for the Oakhurst Community Association.

**1.3** The following Guidelines flow from and supplement provisions found in the Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Oakhurst Community Association and the Second Amended By-Laws of Oakhurst Community Association. It is not the intent of these Guidelines to be a substitute for the Declaration and By-Laws.

**1.4** To the extent that the provisions of applicable law (federal, state or local), the Declaration, By-Laws or the Rules & Regulations are in conflict, the provisions of applicable law shall first control followed by the provisions of the Declarations, the By-Laws and the Architectural Guidelines, in that order.

**1.5** Where these Guidelines are for all homes within Oakhurst, homes located in neighborhoods with sub-associations should check with their sub-association for rules and regulations regarding changes to owned property. The more restrictive provision of any conflict between the provisions of the Sub-association and the Oakhurst Community Master Association shall prevail.

**1.6** The Association's role in providing Architectural Guidelines and authorizing additions and/or changes to properties within Oakhurst is to maintain a certain aesthetic quality within the properties and should not be construed as warranting any such change or improvement to be structurally safe, sound or in compliance with applicable law.

**1.7** The homeowner is responsible for any resulting drainage problem caused by his/her actions to both his own and his neighbor's properties.

**1.8** The homeowner is responsible for replacing or repairing any damage to improvements the utility companies destroy when exercising their easement rights.

**1.9** The homeowner is responsible for obtaining any required government permits and to meet any government requirements for improvements to his/her property.

**1.10** Please remember to contact J.U.L.I.E. (1-800-892-0123) prior to the start of any digging to help protect against damage to utilities. Any damage to utilities is the responsibility of the homeowner.

## **SECTION II – CHANGES THAT DO NOT REQUIRE PRIOR APPROVAL**

### **2.1 General**

The following changes to private property within Oakhurst DO NOT require prior approval by the Architectural Review Committee (ARC). Changes shall be made in accordance with the Guidelines presented below. If a property is found to be in violation of the Guidelines set forth in this section, then the property WILL BE FINED as detailed in Section IV.

## **2.2 Driveways**

Replacement of driveways in the same shape, color and material as the originally installed driveway may be done without ARC approval. Changes from asphalt to concrete or concrete to asphalt are allowed without prior approval. Any other changes, such as adding a border, installing colored concrete, imprinting a pattern, or changing to other materials requires ARC approval in accordance with Subsection 3.5.12.

## **2.3 Exterior Color Selection**

Your home may be repainted or re-sided in the same material and color scheme at any time. Color changes (including changes in hue, tone, value or intensity) and siding material changes (e.g. from cedar to aluminum) require ARC approval in accordance with Section 3.5.11.

## **2.4 Exterior Lighting**

Exterior lighting shall be permitted for architectural enhancement or security purposes. Acceptable lighting includes Malibu-style lights and floodlights and must be an incandescent or halogen type light. Lighting should be directed away from neighboring properties and not shine into neighboring residences. Lighting fixtures must be kept close to the house. No color light sources are allowed unless seasonal in nature. Pole mounted yard lights require ARC approval in accordance with Section 3.1.

## **2.5 Landscaping**

Landscaping must blend with existing plantings on both your lot and the adjacent lots. Large shrubs and trees should be sufficiently set in from the property lines and sidewalks to avoid overhanging the property line or sidewalk, or obstructing sight distance at intersections on corner lots at maturity. Check that side and rear yard drainage patterns are not adversely affected. Generally, items planted at least 3' to 5' from property lines will not affect drainage.

Planting beds that are at least 3 feet from the property line and sidewalk, or non-raised planting beds that abut an existing fence, may be installed without pre-approval. The beds can be spade edged or edged with commercially available edging products in earth tone or gray colors. The beds can be mulched or filled with rocks in earth tone or white colors.

There must be at least one Parkway tree per lot. Corner lots shall have at least one Parkway tree on each street frontage. Parkway trees are replaced by the City of Aurora. Contact the Park Department at 630-898-7228.

Retaining walls made of brick, stone, timbers, etc. must blend with the décor of the neighborhood. The owner is responsible for ensuring the installation does not cause drainage problems for adjacent properties. A minimum of 3 feet is required from the property line and sidewalk unless approved by the ARC. The maximum height for pre-approved retaining walls is 18 inches. Any wall higher must be submitted on a modification form for approval.

Shrubs or trees that are diseased or dead, or needing to be removed to promote the growth of other trees or shrubs, or for safety reasons, may be removed. Other trees with a caliper of less than four inches may also be removed at the owner's discretion except that the provisions of 2.5.4 regarding Parkway trees must be observed. Any tree removal must include removal of the stump below ground level and the ground repaired with sod or otherwise landscaped. Property landscaping must be maintained in accordance with the standard for the neighborhood.

Side and rear walkways must be a minimum of 3 feet from all property lines. Front walkways, or side yard walkways for corner lots, connecting to the sidewalk need ARC approval.

Vegetable Gardens must be a minimum of 3 feet from all property lines and may not be located in front or side yards. Items grown must be less than 4-1/2 ft tall. Corn, sunflowers, or large vines are not allowed.

Landscaping must screen all of the foundation in the front of the home and appropriately accent the front elevation of the home. For corner lots, the foundation on the side of the residence that faces the street should be screened with landscaping, unless it is enclosed within a fenced-in yard.

## **2.6 Recreational Equipment**

### **2.6.1 General**

Installed recreational equipment (except basketball hoops) must be located in the rear yard only, must conform to the side yard set backs for the lot, and be a minimum of 6 feet from the rear property line. No play equipment may be installed on screen planting easements. Side set back restrictions can be found on your plat of survey and varies from 6 to 8 feet for interior lots and 15 to 25 feet on corner lots.

### **2.6.2 Basketball Hoops**

*(see also [section 3.1](#))*

As of January 1, 2007 portable basketball hoops will no longer be allowed. If you desire to have a basketball hoop after that date, you will need to install a permanent basketball hoop in accordance with the rules below.

Basketball hoops shall be permanent or removable sleeve types. See also Rules & Regulation Section III, paragraph 3.3 for limitations on installation, which prohibits garage mounting type standards.

The installation of Permanent and Removable Sleeved Standards is subject to these Architectural Guidelines.

Permanent or Removable Sleeved Standards may be installed no closer to the public sidewalk than 5 feet. The pole or sleeve shall only be installed on the "property line" side of the driveway; never in front of the house on the front lawn area.

The sleeve of removable sleeve standards must be cemented into the ground with the top of the cement below grade surface and covered with earth, stone or grass. A gravel layer is necessary to aid in drainage for the sleeve's open bottom. A bolt shall be installed to secure the pole from spinning. The sleeve should not be more than 2 inches above ground in order to accommodate a cap. It must not be a trip hazard or be able to cause harm if fallen upon. When the pole is not in the sleeve, the sleeve must be capped.

### **2.6.3 Swing sets**

Swing sets shall not be made of metal. Wood sets may be left natural, stained, painted white or painted to match the exterior color of the house. Slides must not exit toward adjacent property.

### **2.6.4 Play Areas**

Play areas may include sandboxes and large mulched areas around swing sets. Play areas must conform to the side set backs restrictions listed in Section 2.6.1 but may extend to no closer than 3 feet from the rear property line. The areas may be edged with timbers or other suitable edging material. To avoid the use of sandboxes by animals, you are encouraged to cover them when not in use.

### **2.6.5 Trampolines**

Trampolines must be located in accordance with the set back restrictions specified in Section 2.6.1. They must be kept rust-free with no torn canvas or missing springs.

### **2.6.6 Skateboard Ramps**

Due to the noise nuisance associated with their use, modular skateboard ramps (half pipe, quarter pipe, etc.) are not allowed to be used in Oakhurst.

## **2.7 Roof Replacement**

New roofing of the same shape, color scheme and material as the originally installed roof can be installed without ARC approval.

## **2.8 Storm/Screen Doors**

Storm/Screen doors in pre-finished colors such as white, sand, almond, beige, or black are permissible. Store-in-door, security, thermal and full view types are acceptable. Colors must match existing color schemes or meet exterior color selection guidelines.

## **2.9 Windows & Doors**

Replacement windows and doors that fit pre-existing openings and comply with the existing color scheme and style are permissible.

## **2.10 Yard Decorations**

Decorative sculptures and bird baths 3 ft. or less in height are permissible and must be made of concrete or wood and must be in earth tone, white or gray color. Larger sculptures require ARC approval.

Small self-contained fountains of earth tone, white or gray colors are permissible. Ponds & fountains that involve excavation require ARC approval.

## **2.11 Displaying Flags**

### **2.11.1 General Provisions**

Small (less than 3' x 5') decorative flags (including pennants and banners) are permitted for individual or seasonal holidays and special occasions such as sports events.

Flags for holidays may be displayed from 4 weeks prior to the holiday to 1 week after the holiday. Flags that support specific sporting events or sport teams may be displayed from 2 weeks prior to the event to 1 week after the event.

Any flag displayed must be made out of fabric (non-plastic) suitable for outdoors and maintained in good condition (not faded or torn).

Decorative and sporting event flags must be flown on house-mounted poles or specialty designed garden flag holder only. Flags cannot be mounted to pergolas, play sets, basketball standards, trees & landscaping, or other exterior equipment. Flags installed in the front of the residence must be mounted on flagpoles.

All flag installations shall be made in a manner so as to not create a noise nuisance to surrounding neighbors.

Freestanding flagpoles require ARC approval as a modification prior to installation in accordance with Section 3.5.14.

### **2.11.2 USA, Military and Patriotic Flags**

Displaying the official flag of the United States of America along with one of the US Military Flags can be flown at the same time in accordance with the Official USA Flag Code (USC Title 36, Chapter 10).

Pole mounted USA and Military Flags can be flown either on a wall-mounted pole or freestanding flagpole. Freestanding flagpoles require ARC approval as a modification prior to installation in accordance with Section 3.5.14.

Flags must be maintained properly and replaced when they become torn or faded. Maximize size of any flag is 3' x 5' and must be made of fabric (non-plastic) and suitable for outdoor use.

### **2.11.3 Placement of House Mounted Flags**

Pole mounts shall be put directly on the front or back fascia of the house. All flags must be mounted with proper hardware. Wood, plastic or metal poles are permitted and should not be more than 6 ft long. Flag poles must be maintained in good condition.

One flag per pole is permitted on house mounted flags. Flags cannot be draped across any portion of the front of the residence such as garage doors or front porch railings. Flags installed in the front of the residence must be properly mounted on poles.

## **2.12 Rain Barrels**

The following requirements apply to the installation of Rain Barrels:

- Rain Barrels are not allowed in the front yards. If located in side yards, they must be screened from view from the street. For corner lots, Rain Barrels located in side yards must be screened from view from the street.
- -It is recommended that rain water diverters be used so as to minimize alteration of existing downspouts. Alteration of the downspouts shall be esthetically pleasing.
- Rain Barrels shall have mosquito screening, and chemical treatment as required, to prevent mosquito breeding.
- Color shall be natural or to match siding, so as to blend in with the environment.
- Location, mounting height, and shape shall not present an eyesore, shall be aesthetically pleasing, and shall blend in with surrounding environment.
- If made of a material that can rust, they must be kept in a condition that is esthetically pleasing.
- If pumps are added, they shall be screened so as to not be visible by surrounding neighbors.

## **SECTION III – CHANGES REQUIRING MODIFICATION APPROVAL**

### **3.1 Scope**

All changes and additions to the exterior of your residence that are not detailed under Section II Changes to Property That Do Not Require Prior Approval, must be submitted to the Architectural Review Committee for approval prior to the start of work. This includes, without limiting the foregoing, fences, decks, patios, gazebo, hot tubs, sports courts, color changes, sun rooms, room additions, screened porches, bay window additions, swimming pools, privacy screens, berms, pole mounted lights, freestanding flag poles, sculptures and lawn decorations over 3 ft high. Approval will be based on the assumption that owner has obtained all required permits as applicable.

### **3.2 Roles of Architectural Review Committee**

The Architectural Review Committee (ARC) shall have exclusive jurisdiction over all original construction, as well as modifications, additions or alterations made on or to existing Units or structures containing Units on any portion of the Properties. The ARC shall have the responsibility to prepare the initial and amended Architectural Guidelines. The Board of Directors shall be responsible for approval of the initial and any amendment to the Architectural Guidelines

### **3.3 Modification Forms**

Modification Submittal Forms can be obtained from the Property Manager or from the Association's website: [www.oakhurstcommunity.org](http://www.oakhurstcommunity.org). All information required on the submittal form must be complete in order to be considered for approval.

All assessments must be current before a modification will be approved.

In the event that the ARC fails to approve or to disapprove a modification submittal or to request additional information reasonably required within forty-five (45) days after submission, the plans shall be deemed approved. (CC&R Article XI, Section 1)

All Modifications approved during the calendar year must be completed by the end of that year. Projects in process and not complete by the end of the calendar year may request an extension. Approvals for projects not started by the end of the calendar year will lapse and the project must be re-submitted for approval.

### **3.4 Appeal of ARC Decision**

Upon written request from the Owner, the Board of Directors, at its discretion, may review a decision of the ARC. The Board may uphold, reverse or modify the decision of the ARC.

### **3.5 Informational Guidelines**

#### **3.5.1 General Information**

All structures constructed on any portion of the Properties shall be designed by and built in accordance with the plans and specifications of a licensed architect. The following information is provided for guidance purposes only.

#### **3.5.2 Decks, Patios & Gazebo**

All decks, patios and gazebos must be installed in the rear or side yards except for entry decks and patios. The installation may not extend into the side and rear setbacks nor into any screen planting easements. Owner must obtain building permit if applicable. Patios must be a minimum of 3 feet from property lines and not adversely affect groundwater drainage.

Deck post supports shall be a minimum of 42" below grade. Decks more than 18" above grade should have railings. Railings generally range in height from 36" to 42". Stairs cannot encroach into required setbacks. Decks may be made of wolmanized lumber, cedar, vinyl wood grain embossed products, or wood-plastic composite. Decks and railings may be finished natural, stained a natural color, be painted white or be painted or stained to match the exterior color of the house. Decks shall be entered from the first floor level.

Detached gazebo can be screened or unscreened. Roofing material should either match that on the existing house or be cedar shake. Complete construction details must be submitted. Siding of knee walls, etc. should be wolmanized or cedar siding. Flooring is similar to a deck floor or a patio pad.

Homeowners requesting covered (roofed) decks and patios must submit details on roof style, roof pitch, construction details, and the roofing materials and color. In most cases, roofing materials should match roof on existing house.

#### **3.5.3 Fences**

The maximum height fence allowed is four and one half feet (4-1/2'). Height is measured from grade (ground level) to the highest point of the fence not including posts. On a case-by-case basis,

on lots that back up to major roads or the perimeter of Oakhurst, six-foot (6') fences along rear lot lines may be allowed upon approval of the ARC.

Fence locations on corner lots, or lots that back up to public sidewalks, may be further restricted due to side yard visibility constraints, corner yard set back restrictions, house location on adjoining property, and aesthetics. In general, the required minimum setback is 10 ft from the public sidewalk in order to maintain the open décor of the subdivision. If special circumstances exist, the ARC may approve less than the 10 ft requirement. Corner lots will be handled on a case-by-case basis. Specific information on your corner lot may be requested prior to submittal of a plan.

Except for approved small decorative fences, the front yard areas forward of the front corners of the house may not be fenced.

All fences must be made of either planed cedar or wolmanized lumber (earth tone color stained, unfinished, or painted white), vinyl wood grain embossed (white, redwood or cedar colored), brick, stone, wrought iron (white, black, brown/bronze) or aluminum fences meant to look like wrought iron (white, black, brown/bronze).

Rounded, stockade type pickets and chain link fences are not allowed. Rail fences, including split, rounded, and flat board are not allowed. All fences must have vertical boards meeting the below spacing requirements.

For board fences, the minimum vertical board width is four inches (4") milled (3-1/2" actual) and the spacing width between boards on picket style fences is three and one half inches (3-1/2") maximum. The finished side must be facing out with the support posts and the horizontal boards on the inside facing the property's residence.

Fences cannot be placed on screen planting easements. Homeowner fences must be located only at the base of a landscape berm on the house side of the berm. Fences may extend into utility easements at the owners risk.

The fence must be placed so the outside face of the fence is on or inside the property line. It is suggested the fence be placed close to the property line to allow for connecting properties fences. If it is desired to place the fence within the property line, then it must be placed a minimum of 5 feet from the property line to provide an aesthetically pleasing look and allow for lawn care between the fence and the property line.

If property is to be left outside the fence, such as cutting across a rear corner to avoid utility boxes, then a gate or removable section shall be included to allow access for lawn care of property outside the fence without entering into neighboring properties.

Information Needed with Submittal:

A plat of survey, with your house footprint, indicating the exact location of the proposed fence installation shall be included. Any existing easements, drainage structures or drainage paths shall be included. Hand drawn sketches of lot boundaries are not acceptable.

The complete details of the fence design including: height in all areas, type of material, width and spacing of vertical boards, style, placement and width of gates, color and finish of fence surfaces. A catalog photo, suppliers drawing or picture of an actual fence showing the style fence to be installed is required.

The height, style and color of existing fences on any of the adjoining properties must be indicated on your submittal. Back to back fencing along the property line is not allowed. Whenever possible, we encourage the installation of similar style fences on adjoining lots.



### **3.5.4 Berms**

New Berms and enlargement of existing Berms require ARC approval. Modifications to Berms for the addition of trees or shrubs require ARC approval.

### **3.5.5 Privacy Screens**

A privacy screen is a structure erected for the purpose of obscuring the view or blocking the sun. It may offer protection from two sides only. It shall originate from the rear of the house and may not extend into the side yard or rear lot set backs. The maximum height is 6 ft from either ground level or deck floor level if appropriate. It shall be no more than 30 linear feet and may not extend more than 20 feet across the back of the residence.

### **3.5.6 Room Additions, Sun Rooms, Screened Porches**

All room additions, sunrooms, screened porches and gazebos that attach to the existing structure must be treated as permanent construction and must meet all the setback requirements for permanent construction. The room addition should match as closely as possible and blend into the existing home so the house does not appear "added on to." This can make room additions more costly, but is essential to maintaining the high aesthetic quality of the community. Construction details must be submitted showing all elevations of the addition, the elevation of the house where the addition will be attached, and how the addition will be attached.

Roof should be gabled with a roof pitch that matches the existing gables on the house. A minimum 6/12 roof pitch is generally required. In special cases where second story windows make a 6/12 pitch impossible, a waiver could be granted for a 5/12 or 4/12 pitch. Roof pitches of less than 4/12 present a cheap, aesthetically unacceptable appearance and are subject to snow damage and drainage problems and are not allowed. Shed roof styles are also discouraged because they are generally less attractive, low pitched and have a "tacked on" appearance.

Roofing materials, siding materials, eaves, soffits, gutters, doors, windows, etc., must match the existing house in type, style and color. If the house has 4" or 6" lap siding, the addition must have the same. Eight inch lap siding on an addition to a 4" lap sided house is not acceptable, even if painted the same color. Cedar sided, screened porch additions to aluminum sided homes have been approved as long as siding width and color match exactly.

Metal sided or roofed sunrooms are not allowed. Metal sunrooms, modified with gabled roofs with 6/12 pitches and asphalt singles and siding to match the existing home, may be acceptable.

### **3.5.7 Sprinkler Systems**

In ground sprinkler systems may be installed with ARC approval.

### **3.5.8 Storage Buildings**

Free standing storage buildings of a temporary or permanent nature are not allowed in Oakhurst per CC&R Article XII, Section 12. Lean-to additions to the residence are not allowed. Rooms added onto the residence for storage shall meet the requirements of Section 3.5.6 for Room Additions.

Portable storage bins are allowed. They shall be no taller than 4 feet high and shall only be placed on patios or decks located at the rear of the house. They shall be screened by deck railings or bushes.

### **3.5.9 Swimming Pools**

In-ground Swimming Pools may be installed subject to ARC approval of location, fencing and landscaping. A City of Aurora permit is required.

Above ground pools are NOT allowed based on the provisions of CC&R Article XII, Section 12.

The installed pool must be in-ground with no poolside structures exposed above grade. The installation must not adversely affect the flow of storm water on surrounding properties.

The pool installation must include a three-foot wide hard surface, such as concrete, surrounding the entire pool. The pumping unit shall be located near the rear of the residence and shall be screened from surrounding properties with landscaping. All landscaping must meet the Oakhurst requirements stated in the Architectural Guidelines, Section 2.5.

The rear yard must be enclosed with fencing, per the City of Aurora and Architectural Guidelines. A separate modification form must be submitted for fencing.

It is the property owner's responsibility to ensure that the water in the pool is not left stagnant or untreated so as to create a health hazard or nuisance to the occupants or surrounding property owners. All below grade utilities and other structures must be identified and must not be adversely affected.

### **3.5.10 Hot Tubs**

Hot tubs may only be installed on your deck or patio and must be screened from view of neighboring properties.

### **3.5.11 Exterior Changes and Color Selection Guide**

The color of the front elevation, the side elevation, (if applicable in the case of brick fronted homes), the two houses on either side, the home directly across the street and the two homes diagonally across the street should be considered in making color choices. Side elevation colors may also need to be considered when corner lots are involved. In small cul-de-sacs, additional houses may also need to be considered since cul-de-sac lots appear to be closer together. Exterior siding color should not be the same as the adjacent homes. However, homes may be similar in color if the brick on the front elevations of the adjacent home(s) is significantly different in color. Some exterior colors might also be allowed if the materials are very different and will give a different appearance from the street. Examples: Cedar siding next to a stucco home, a partial brick front or an all brick front.

Brick colors should not be exactly the same as the adjacent homes. Similar colors could be allowed if the exterior siding on the front elevation of the adjacent home(s) is significantly different. Other things to consider on brick are the size of the brick and whether or not they are frosted. Brick samples with at least 6 to 8 bricks to indicate the variations in the bricks, may be requested.

Trim, gutters and downspout colors should be different from the adjacent homes that must be considered. Similar colors, or even the same color, could be allowed if the exterior siding, brick, garage door, etc. colors are all significantly different.

Garage door colors should be different from the adjacent homes that must be considered. Similar colors could be allowed if the exterior siding, brick and trim colors are all significantly different. An exception would be white garage doors, which are allowed on adjacent homes.

Front door and shutter colors should be different from the adjacent homes that must be considered. Similar colors could be allowed if the exterior siding, brick and garage door colors are all significantly different. Roofing material colors may be the same as adjacent homes.

For sided houses, the siding boards must be installed horizontally with a maximum exposed board width of 7 inches and a minimum of 4 inches. Any trim that may be installed must be similar to the existing trim and be in compliance with the existing standard of the subdivision.

Modification Form submittals shall include existing colors, new colors, details of other changes including new siding material, exposed board width and confirmation that siding will be installed horizontally.

### **3.5.12 Driveways**

Concrete driveways shall be of earth tone color. Borders can be added to driveways as long as the border remains within the property lines and matches the design style of the residence and landscaping. Changes in driveway material, other than allowed in Section 2.2, require ARC approval. Submittal shall include a plat of survey showing location dimensions, material description and color, and shall include product literature.

### **3.5.13 Ponds/Fountains**

Ponds and fountains that involve excavation must be submitted for ARC approval. The submittal shall include a plat of survey showing the location and shape of the pond or fountain. Details of pond/fountain design must be provided including description of design, lighting to be added and location of any exterior mounted equipment. Lighting for ponds and fountains shall not point directly toward other surrounding properties. The design must not create a noise nuisance to surrounding properties. Stagnant water which could become a health hazard shall not be allowed to collect.

### **3.5.14 Freestanding Flagpoles**

Placement is allowed in landscaping or grass areas only. No mounting is allowed on concrete areas, house, decks, etc. Flagpole placements shall be within pre-established building setbacks as shown on the plat of survey. No placements are allowed on easements. Flagpoles shall be located no closer than 15' from public sidewalks and no closer than 20' from curbs. Artificial lighting must not shine toward any neighboring homes or be too bright to cause a visual disturbance. Light bulbs must be recessed in holders so lighting only illuminates the flags and flag pole. Poles shall be a minimal 12' in height with a maximum height of 20'. Total height of the pole shall not exceed the top roofline of the house. Poles shall be permanently installed, non-painted aluminum only. Toppers shall be of standard ball shape and made of brass. A maximum of two flags (US and a military or US Patriotic flag) can be displayed at any time.

Efforts should be made to minimize noise impact of clips. Flagpoles shall be installed and maintained so as to not be a noise nuisance to surrounding neighbors. Flagpoles shall be installed in a professional manner in accordance with the Manufacturer's guidelines. Detailed guidelines for displaying flags are provided in Section 2.11.

Freestanding flagpole installations shall be submitted for ARC approval prior to installation. Submittal shall include a plat of survey showing location in proximity to house, existing landscaping, sidewalks and street. Details of design of flagpole including materials of construction shall be provided. Manufacturer's literature would be helpful. Design and location of lighting shall be included. The submittal shall include the number and type of flags to be displayed.

## **SECTION IV – ENFORCEMENT**

### **4.1 Reporting Violations**

Architectural standards help assure that Oakhurst property values are maintained. It is not possible to inspect the properties every day nor is it likely that every completed but unauthorized modification will be noticed during a drive through inspection. Therefore, we must rely on each other to maintain the standards of our community. A word to your neighbor who may not realize an approval is needed would be appreciated. Failing that, a call to the Property Manager to report modifications in progress that do not have an Oakhurst Approval Permit is the responsibility of each member of the community.

### **4.2 Notice of Violation**

Violation Notices are issued by the Property Manager or persons authorized by the Board to do so. The Notice of Violation will be sent by U.S. Postal Service certified mail to the owner of record. The notice will include the specifics of the alleged violation along with the amount of fine to be imposed by default unless a hearing is requested within 10 days after receipt of the Notice of Violation.

### **4.3 Hearings**

Provided the person in violation has properly requested a hearing, that person will be given a maximum of one written notice informing him or her of a time and place where the Board of Directors or its duly authorized committee will conduct a hearing to review the case. At that time, the person in violation will have an opportunity to defend him or herself. All hearings will proceed with or without the presence of the in violation owner. The decision of the Board or its duly authorized committee shall be rendered in writing within 5 days after the hearing and such decision shall be binding upon all parties.

### **4.4 Penalties/Fines – Architectural Guideline Violations**

1. Failure to submit a required modification request - \$100 per occurrence or modification. (Depending on the level of cooperation in resolving the violation, a waiver of this fine by the Board of Directors may be granted if requested)
2. Failure to submit a required modification request within two weeks after being fined per step one - \$100 per month until the modification is submitted and approved.
3. Installations that are not in compliance with the Architectural Guidelines will result in a fine of \$100 per month until it is in compliance with an approved submittal.
4. Legal action for forcible entry and detainer (eviction) for units with unpaid accounts of \$200 or more

### **4.5 Costs**

In the event of any violation of the Architectural Guidelines or Declarations of the Association, the Board of Directors reserves the right to pursue any and all legal remedies to compel enforcement, legal and equitable. Any and all costs and attorney's fees shall be charged to the account of the offending owner at the time they are incurred. Any restoration costs to bring property into compliance incurred by the Association will be charged to the account of the offending owner.

Adopted September 27, 2005  
Modified on April 27, 2010