

Whittier Association Architectural Guidelines and Review Procedures

Effective July 1, 2017

These guidelines supersede all previous guidelines and approval requirements.

Any work completed that constitutes an architectural change to the property as outlined in these guidelines, without prior approval, is done at the risk of the homeowner.

See Section IX for more information.

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PREFACE

1. All homeowners must review these guidelines prior to submission of an architectural change request form (<http://whittieronline.org/files/Whittier-Architectural-Guidelines.pdf>).
2. Any work completed that constitutes an architectural change to the property as outlined in these guidelines without prior ACC approval is done at the risk of the homeowner. See Covenants, Article IX (<http://whittieronline.org/covenants#IX>) for more information.
3. All required information must be submitted with the packet. Only requests submitted on a current and properly completed Architectural Change Request form will be accepted. These forms are included at the end of this document. Incomplete packets will be returned to the homeowner for resubmission.
4. Architectural Control Committee (hereinafter referred to as "ACC") requests must be mailed to Vanguard Management at:

Whittier Community Association
c/o Vanguard Management Associates, Inc.
PO Box 39
Germantown, MD 20875-0039

Requests should arrive at Vanguard Management by the 20th of the month to ensure your project is reviewed at the next scheduled ACC meeting.
4. Approval of a project by the ACC does not waive the necessity of obtaining any required permits.
5. The ACC meets the first Monday of each month unless the meeting date falls on a holiday or a quorum cannot be obtained.
6. ACC meetings are only held when the management company has received applications for review.
7. If the ACC meeting is rescheduled or cancelled, a notice will be placed on the Whittier website (<http://www.whittieronline.org>) at least twenty-four hours in advance.
8. Any work completed that constitutes an architectural change to the property as outlined in these guidelines without prior ACC approval is done at the risk of the homeowner. See Page 9, Section IX for more information.
9. The owner of any dwelling found non-compliant with these requirements will receive written notice of such, requiring immediate corrective action. If corrective action is not complete to the satisfaction of the HOA within thirty days of the written notice, the Whittier Community Association, Inc. Board of Directors reserves the right to take any legal action required in order to resolve the matter.

10. The HOA can require a homeowner to return the property to its previous state if an "after the fact" architectural change request is disapproved.
11. A project completed in the past that was not approved will be reviewed based on the current guidelines, not those in place at the time the project was completed.
12. A project approved under a previous set of guidelines is not justification for approval under the current guidelines.
13. If an architectural change request is disapproved, a homeowner may make an appeal to or request a variance from the HOA. Contact Vanguard Management for details.
14. Homeowners are strongly encouraged to keep a permanent copy of all approved projects on file which can be accessed when needed and passed on to the next homeowner.

OVERVIEW

WHEREAS, Article IX, of the Whittier Association Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as "Covenants") for the Whittier Community Association, Inc. (hereinafter referred to as "Association") establishes that the ACC review and approve, in writing, requests for alterations to all changes and alterations of exterior additions upon the Property and all Lots; and

WHEREAS, the Board of Directors wishes to update and revise the procedures for obtaining ACC approval and establish guidelines as to what the ACC may find acceptable or unacceptable; and

WHEREAS, the Board of Directors has determined that a revision is also necessary so that existing Enforcement Procedures may be updated and incorporated into this document; and

WHEREAS, the Board of Directors has determined that this revision does replace and supersede all prior Community Architectural Guidelines and Review Procedures; and

WHEREAS, these Guidelines and Procedures are subject to the Declaration and Bylaws of Whittier and all applicable laws;

NOW THEREFORE, BE IT RESOLVED THAT the following guidelines and procedures are hereby adopted and apply to all dwellings within this community:

I. Composition of the ACC

- a. The ACC shall be comprised of at least five members. It shall meet monthly when there is business to conduct. A quorum of three members must be present to formally conduct ACC business. If a quorum is not obtained, any business shall be carried over to the next scheduled meeting.
- b. The ACC shall contain a Chairperson, Vice Chairperson and a Secretary. These are voting positions. At the first meeting of each calendar year, the current ACC members shall internally nominate and vote on which members fill these positions for the remaining calendar year.

II. Scope of the ACC

- a. The ACC is responsible for reviewing and approving/disapproving requests for alterations to all changes and alterations of exterior additions upon the property and all lots. The ACC relies on the appropriate authorities to regulate the soundness of the construction and takes no responsibility in this regard. Further, all issues pertaining to the enforcement of ACC guidelines and/or maintenance of property are the responsibility of the Association, its Board of Directors and the Association's Management Agent, not the responsibility of the ACC.

III. Application Process

- a. In accordance with the Whittier Covenants, Article IX (<http://whittieronline.org/covenants#IX>):
"No building, fence, wall or other structure shall be constructed, erected, or maintained upon the Property, nor shall any exterior addition to or change to or alteration therein be made (including change in color) until the plans and specifications showing the nature, kind, shape, height,

materials, and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relation to the surrounding structures, topography and conformity with the design concept for the property as approved by the Board of Directors of the Association, or by a covenant committee composed of an uneven number of three or more representatives appointed by the Board of Directors of the Association ..."

- b. All homeowners shall submit an "Application for Architectural Change" (hereinafter referred to as "Application") for any exterior addition, change, or alteration to any Lot or structure. Such application must include the following:
- i. Details shall include complete plans and specifications of the project, including the height, width, length, size, shape, manufacturer's supplied color sample, materials, and location of the proposed improvement. An elevation view of the proposed change is required. Photographs of similar completed projects for comparative purposes would be helpful, but are not required.
 - ii. A house location survey or plot plan of the property is also required. This survey shall show the exact dimensions of the property. This survey should have been provided by the seller at the time the house was purchased. If not, contact the Title Company who handled the transfer.
 - iii. With respect to Applications submitted for the approval of a deck, fence, or other structure, the survey which is submitted must show:
 - 1. The proposed item drawn to scale.
 - 2. The distance, in feet and inches, of the proposed item from the side and rear property lines.
 - iv. There may be additional specific project requirements based on their dwelling and project type. Homeowners should review the Single Family Home / Townhome / Condominium section of the guidelines to identify any additional, specific requirements for a requested project.
- c. The blank application may be photocopied without alteration to its contents. No modified versions will be accepted by the ACC.
- d. Instructions for completion are on the application with information about when and where meetings are to take place.
- e. Generally, the ACC meetings will be held the first Monday of each month unless there is a legal holiday or ACC fails to muster a quorum. The meeting will then be on the next available date. To the greatest extent possible, changes to the ACC meetings will be posted on the Whittier community website (<http://www.whittieronline.org>) at least twenty-four hours in advance.
- f. Applications should be received by the twentieth of the month to help ensure they will be reviewed at the next scheduled ACC meeting. Walk-in applications are not accepted.
- g. All applications must be in writing.
- h. As described in the Whittier Covenants, Article IX (<http://whittieronline.org/covenants#IX>):
- i. The ACC shall approve or disapprove the proposed application within sixty days from receipt thereof.
 - ii. The aforesaid sixty day period for the ACC's review of the application shall not commence to run until two complete sets of the final drawings, plans, and specifications have been received by the ACC in complete and final form.
 - iii. In the event that the ACC has not confirmed, in writing, the receipt of such application, final drawings, plans and specifications within thirty days of the delivery of the two complete sets as set forth above, the Owner must resubmit two complete sets of the application, final drawings, plans and specifications.
 - iv. Homeowners are advised to use a tracking service when submitting an application packet (US Priority Mail, UPS, FedEx, etc.) as proof that a package was submitted and to help locate a lost application packet.

- v. If the ACC fails either to approve or disapprove said plans and specifications within thirty days after an application is resubmitted, provided the Owner submitting such plans and specifications has complied with all of the requirements set forth herein, it shall be conclusively presumed that the ACC has approved said plans and specifications. Homeowners may be required to show proof of submission.
- vi. The ACC shall have the right, but not the obligation, to conditionally approve the proposed plans by specifying the changes to the plans that would make the plans acceptable.

i. Completion of Work

- i. Construction or alterations in accordance with plans and specifications approved by the ACC shall be completed within one year following the date upon which the same is approved by the ACC.
 - ii. Once work has commenced, it shall be diligently pursued. In the event construction is not completed within the period aforesaid, then approval of the plans and specifications by the ACC shall be exclusively deemed to have lapsed and compliance with the provisions of the Article shall again be required.
- j. If a proposal is rejected, the reason(s) for the disapproval shall be stated as part of the written decision. The applicant may request reconsideration if new or additional information which might clarify the request or demonstrate its acceptability can be provided. The Applicant may pursue an appeal to the Board of Directors in accordance with the Whittier Covenants, Article IX (<http://whittieronline.org/covenants#IX>).
- k. Minor changes to a proposal deemed necessary by the ACC at the time of approval, to bring the proposal into technical compliance with these rules, will be specified by the ACC at the time of approval and considered part of the approved plan. If the applicant disagrees with any change in the application specified by the Committee, the application shall be considered disapproved and will have to be resubmitted for reconsideration at a subsequent meeting of the ACC.
- l. ANY change or alteration to an existing approved project must be resubmitted for review and approval by the ACC. In cases where a project must conform to specifications outlined by the ACC, the homeowner must make every effort to comply with the given specifications and, if an alteration is requested, the homeowner shall state the justification as to why the given specifications could not be met. Any homeowner who wishes to amend approved application must resubmit for approval of said changes.

IV. General Architectural Guidelines

- a. Building Alterations and Additions.
 - i. Any exterior alteration must be approved by the ACC before work commences.
 - ii. Any exterior addition or alteration to an existing building shall be compatible with the design character of the original building and community.
- b. All building additions, with the exception of storage units, must have foundations. Any addition that has a roof and windows and/or solid siding is considered an addition.
- c. Identical repairs/upgrades, which maintain the ORIGINAL appearance of the structure, do not require ACC review or approval.
- d. Exterior color or tint changes shall be in harmony with other homes in the community. Any change of color to the structure requires ACC approval. Original and new manufacturers color samples must accompany a request for approval.
- e. Existing alterations, structures, objects, etc., which do not conform to the current guidelines, but were properly approved by the ACC under old Architectural guidelines, do not have to be removed or altered and are not considered to be in violation of these current rules.
- f. Existing alterations, structures, objects, etc., which are in violation of these rules, and have not been previously approved by the ACC are subject to the provisions of the Whittier Covenants, Article IX (<http://whittieronline.org/covenants#IX>).

- g. The homeowner is responsible for maintaining a permanent file copy of a project approval. Should the homeowner be requested to provide such approval for an existing or past project and cannot, the ACC may request the management company provide a copy of the approval. In the event no copy of an approval can be found, the project will be considered unapproved and subject to the current guidelines and rules of the Association.

V. Local Building, Work Permits and Architectural Soundness

- a. Approval of any project by the ACC does not waive the necessity of obtaining the required local permits.
- b. Obtaining all applicable City, County, or State permit(s) does not waive the need for ACC approval.
- c. The purpose of the ACC is to develop and maintain policies that regulate the external design, appearance, location, and maintenance of properties in such a manner so as to preserve and enhance values, and to maintain a harmonious relationship among structures, the natural vegetation, as well as the topography. The ACC relies on the appropriate City authorities to regulate the soundness of construction and takes no responsibility in this regard.

VI. Appeals to the Board of Directors

- a. Any applicant aggrieved by a decision of the ACC concerning the approval or denial of an Application shall have the right to appeal that decision to the Board of Directors. The Board of Directors will affirm, reverse, or modify the decision of the ACC by a vote of two-thirds of the Board of Directors.
- b. No work covered by an application shall be performed until any and all appeals have been heard by the Board and a decision rendered.
- c. In case of an appeal to the Board of Directors, any person having previously lodged a formal objection to the original application will be notified of the appeal by the Board in writing ten days prior to the Board hearing the appeal.
- d. Hearings before the Board of Directors - At a hearing before the Board of Directors, the following procedures will be followed:
 - i. Proof of the notice of hearing and the invitation to be heard will be placed in the minutes of the hearing. This requirement is waived if the homeowner appears at the hearing.
 - ii. The ACC will present the information concerning the appealed application. The ACC will be afforded a presentation time not to exceed ten minutes.
 - iii. The homeowner, if present, may present information concerning the appealed application. The homeowner will be afforded a presentation time not to exceed twenty minutes.
 - iv. Any other parties who wish to speak at the hearing will be allowed a time period not to exceed three minutes each.
- e. Within thirty days after the date of the hearing, the homeowner will be advised, in writing, of the decision made by the Board of Directors.
- f. If the appeal is disapproved, the homeowner will be notified in writing of the corrective actions required and the time by which the corrective actions must be completed. The homeowner will be afforded a minimum of ten days to complete corrective actions. An appeal decision by the Board shall be deemed as the final judgment and all applicable parties shall conform to the Board's decision and guidance.

VII. Maintenance of Property

- a. Each homeowner is responsible for the maintenance of all structures and landscaping located on the property. The following are examples, but not an exhaustive list, of basic maintenance violations:

- i. Peeling or fading paint on any exterior of the property.
- ii. Fence in disrepair.
- iii. Deck in disrepair.
- iv. Playground equipment in disrepair.
- v. Broken window(s), door(s), or screen(s).
- vi. Rain spout(s) in disrepair or in need of painting.
- vii. Shutter(s) in disrepair or missing.
- viii. Missing, non-visible, or illegible house numbers.
- ix. Sidewalks, driveways, or other pavement in disrepair.
- x. Piles of grass, leaves, shrubbery, clippings, and tree branches.
- xi. Gardens or shrubbery that have been neglected or died.
- xii. Grass on a homeowner's property that has been not been properly mowed and maintained.
- xiii. Leaving discharged grass clippings on sidewalk or blown into the street.
- xiv. Not removing Holiday lighting/decorations within thirty (30) days following the date of the recognized holiday.
- xv. Outdoor cabling (satellite, antenna, etc.) that is not properly secured (or buried, if ground level). Violation will also occur if the homeowner has made no attempt to conceal wiring if easily identifiable methods of doing so are present.

VIII. Inspections

- a. The Association or its agent will conduct a survey of the community at least once a year for compliance with maintenance standards as stated in the Association Covenants and Restrictions, as well as these Guidelines.
- b. Inspections will also occur routinely throughout the year by the Association or its agent for verification of an alleged violation submitted by a homeowner.
- c. Upon completion of an approved Architectural change, the Association or its agent may inspect the property for verification of adherence to the original application, and if inspected, shall notify the Association.

IX. Violation and Enforcement Procedures

- a. Types of Violations.
 - i. Any change or alteration to the exterior of a unit or lot without submitting an application to the ACC.
 - ii. Any change or alteration to the exterior of a unit or Lot that is disapproved by the ACC or expressly prohibited by the Declaration of Covenants, Conditions & Restrictions, (<http://whittieronline.org/covenants>) By-Laws (<http://whittieronline.org/bylaws>), or other Rules and Guidelines, or Procedures.

- iii. Any change or alteration that does not comply with any approved rule or guideline adopted by the Association.
 - iv. Failure to properly maintain a home or property in accordance with the community standard of good property care.
 - v. Any other violation of the Declaration or other document for the Association is in the sole discretion of the Board of Directors.
- b. Reports of Violations - All reports of alleged violations must be submitted in writing to the Association or its Management Agent by a homeowner or through an inspection report completed by the Association or its Management Agent.
- c. Notification of Violations.
- i. Upon verification of the violation, a letter will be sent to the homeowner advising the homeowner of the alleged violation. The alleged violator will be given ten days to remedy the violation.
 - ii. At the sole discretion of the Association or its Management Agent, the initial due date for remedy of a violation may be extended beyond a ten day timeframe, particularly in cases where the repair work is deemed to require extensive time for completion or if warmer temperatures are needed in order to complete the work.
 - iii. If the matter is not remedied as of the first remedy due date, a second violation letter will be sent to the homeowner advising the homeowner of the violation noted. The homeowner will then have ten days from the date of the violation letter to correct the violation or a hearing will be scheduled before the Board of Directors.
- d. Notice of Hearing.
- i. A notice will be sent to the homeowner advising him/her of a hearing before the Board of Directors regarding the alleged violation. The notice will contain the following information:
 - 1. The nature of the alleged violation;
 - 2. The time and place of the hearing, which may not be less than ten days from the date of the notice;
 - 3. An invitation to attend the hearing and produce any statement, evidence, and witness on the homeowner's behalf; and
 - 4. The proposed sanction(s) to be imposed.
 - ii. The homeowner is requested to appear at this hearing and/or submit a statement to the Board of Directors. If the homeowner does not attend the hearing, a decision will be made without the homeowner's input.
- e. Hearings before the Board of Directors (NOTE: Consistent with section 11B-111 of the Maryland Homeowner's Association Act, the Board reserves the right to go into executive session). At a hearing before the Board of Directors, the following procedures will be followed:
- i. Proof of the notice of hearing and the invitation to be heard will be placed in the minutes of the hearing.
 - ii. The Association, through the ACC and/or the Management Agent, will present the information concerning the alleged violation. The Association will be afforded a presentation time not to exceed ten minutes.
 - iii. The homeowner, if present, may ask any questions to any witnesses present regarding the alleged violation. The homeowner will be afforded a presentation time not to exceed twenty minutes.
 - iv. Subject to right to go into executive session, any other parties who wish to speak at the hearing will be allowed a time period not to exceed three minutes each.

v. Within thirty days after the date of the hearing, the homeowner will be advised, in writing, of the decision made by the Board of Directors. The homeowner will be afforded a minimum of ten days to complete corrective actions.

vi. The Board of Directors reserves the right to allow additional time in its sole discretion.

f. Uncorrected Violations.

i. If the Board determines that the homeowner is in violation and the violation is not corrected by the date specified by the Board in its decision, the Board has the ability to take further action including:

1. Take appropriate measures to correct the violation at the expense of the owner including entering the homeowner's property as permitted under the Documents.
2. Turn the matter over to legal counsel for appropriate action including but not limited to filing a law suit in Frederick County Circuit Court.
3. Applicable charges, interest, administrative, or other similar fees associated and/or other costs incurred in the enforcement of an uncorrected violation will be placed as a charge against the particular Lot involved. These charges are subject to collection as if it were part of the annual assessment per Article IV of the Declarations of Covenants, Conditions, and Restrictions for Whittier Community Association, Inc. (<http://whittieronline.org/covenants>) These charges include but are not limited to:

a. Property liens

b. Administrative fees

c. Supervisory fees

d. Attorney fees

g. Other - In cases of an emergency or issues impacting the potential health, safety or welfare of a homeowner or for such other compelling reason, the Association may, in its sole discretion, proceed any necessary actions referenced in these guidelines, as it deems proper, and in these cases the number of days is not mandated.

X. Liability and Indemnification - All duly elected or appointed officers of the HOA Board of Directors and homeowners of the ACC are protected from legal action against them, as accorded in the legal documents.

XI. Amendment - These guidelines may be amended in accordance with the Covenants (<http://whittieronline.org/covenants>) and By-Laws (<http://whittieronline.org/bylaws>) for the Association and/or applicable laws.

SINGLE FAMILY HOMES

In addition to Sections I through XI, the following guidelines apply to all Single Family Homes within the community. Request should be as complete as possible to minimize the possibility of it being returned for additional information. All requests for exterior project(s) must include a **plot plan** showing the proposed project and referencing its specific location on the property.

1. Fencing.

a. A fence may only be installed along the property lines in accordance with the latest Frederick City ordinance(s). An annotated plot plan showing the location of the fence on the property must accompany your request.

b. Fencing materials will be appropriate wood (e.g., treated lumber) or synthetic composite materials (e.g., composite wood grains or white vinyl). The maximum height of the fence cannot exceed four feet. The fence must be no less than twenty-five percent open. Type of finish must be annotated on your application. It cannot be painted, but may be:

- i. Left to weather naturally.
- ii. Stained using a clear, semi-transparent or solid color stain. A manufacturer's provided color sample must accompany the application. Color choice must be in harmony with the aesthetics of the community. Computer printouts are not accepted.
- iii. The fence cannot extend toward the street past the rear corner of the house (*a previous misinterpretation of these guidelines allowed some homeowners to install their fence to the midpoint of their homes*).
- iv. Fence posts are to be on the inside of the fence. If a picket fence is installed, all pickets must be on the outside of the fence.

c. Fencing for Whittier PND, Section 9R (otherwise known as "The Vistas") lots 1, 2, and 147 - 188.

- i. Fencing materials will be typical four foot high wood (6" x 6" pressure treated posts, 6" oak rails and 6" oak fascia boards) paddock style fence with fascia boards and angled cap block with black PVC coated wire mesh installed between rails and posts. Synthetic composite materials molded in black may also be used.
- ii. The fence can only be installed along the property lines and shall not extend past the midway point of the side of the house. Fences may not exceed this limit merely to connect to a neighbor's fence.
- iii. The height of the fence must be four feet. Fence height must be harmonious with height of any adjoining fence.
- iv. Wood fences must be painted with two coats of "Fence Pro Black" acrylic latex fence paint.
- v. All fences facing the street must have the rails on the street side of the fence and posts on the inside.

2. Radon remediation exposed vent piping shall be located as close to the rear corner of the dwelling or on the back side of the dwelling. If the vent piping must be installed in different location, it shall be painted to match the siding/brick as close as possible or screened.

3. Storage Units.

- a. Any separate structure that can be used to store property shall be considered a storage unit.
- b. A storage unit shall not exceed two-hundred and sixteen square feet, have a maximum height of twelve feet and may have only one story/level.
- c. A brochure of a commercially built storage unit must be included with the application. A computer printout does not meet this requirement.
- d. A manufacturer's supplied color sample/brochure must be included with any application. A computer printout does not meet this requirement.
- e. The storage unit must be one of two optional designs: Wood or Masonry

1. Wood

- i. The storage unit must be wood frame.
- ii. The finish of the unit may use the same style brick and siding to match the house.

- iii. If the house is all brick, the storage unit may use brick, wood, or siding of a color harmonious with the brick structure. A brochure with the choices annotated must accompany the application.
- iv. Storage unit colors must match/complement the existing house color and trim to the greatest extent possible.
- v. The roof's design must match or complement the roof design of the existing dwelling and use the same asphalt shingles as the existing dwelling.

2. Masonry

- i. The storage unit must be constructed of a masonry frame using concrete blocks, poured concrete, bricks, Insulated Concrete Forms (ICF), or similar construction material.
 - ii. The floor of the unit must be poured concrete.
 - iii. The finish of the unit must be of the same style of brick and siding to match the existing dwelling.
 - iv. The roof's design must match or complement the roof design of the existing dwelling and use the same asphalt shingles as the existing dwelling.
- f. The storage unit must be located within four feet of the rear corners of the property line to allow for mowing access. In the case of a corner lot, it will be located in the rear corner away from the street side. Any request for placement outside these guidelines must include a statement detailing why the storage unit cannot be placed in accordance with these guidelines. Waivers for this requirement can only be granted by the HOA.
- g. A custom built storage unit must conform to all requirements for a commercial shed. A drawing of the storage unit must be included with the application.
- h. Only one storage unit per lot is allowed. Application must include the storage unit's dimensions.

4. Decks.

- a. Replacement and upgrade of an existing deck requires approval.
- b. Decks may be either open air or partially/fully screened in. They must be built of wood or synthetic/composite materials. Metal enclosures are not permitted. Decks may not be enclosed to create a three season room.
- c. Location is limited to rear of the dwelling.
- d. Placement shall be no higher than the first floor.
- e. Decks may not wrap around house.
- f. Choice of finish must be annotated on your application. A manufacturer's brochure with color /product choice clearly annotated must accompany the application. A computer printout does not meet this requirement. Deck coatings may be one of the following:
 - i. Left to weather naturally.
 - ii. Stained using a clear, semi-transparent or solid color stain.
 - iii. Solid color synthetic deck overlay material (*e.g., Deck Helmet*).

g. Decks may not be painted.

5. Patios / Walkways / Porches.

a. Location is limited to rear and side yards.

b. May only be constructed of flagstone, concrete, brick, or other commonly available materials. Wood walkways are not permitted. Manufacturer's brochure with requested options clearly annotated must be included with the application. A computer printout does not meet this requirement.

c. No enclosed or screened front porches.

d. Only ground level patio slabs may be enclosed to create a three season room. Exterior trim and window style and colors must match the house.

6. Retractable Coverings - a retractable covering (e.g., awning) may not exceed the length and width of the patio/deck/porch it covers. Manufacturer's brochure with chosen options clearly annotated must be included with the application. A computer printout does not meet this requirement.

7. Landscaping and Planting.

a. The HOA encourages planting of native flowers, trees, and shrubbery provided they are properly maintained by the homeowner.

b. Landscaping does not require ACC approval except as outlined in the Covenants (<http://whittieronline.org/covenants>).

c. Per the Whittier Covenants (<http://whittieronline.org/covenants>), removal of any tree in excess of four inches in diameter requires prior ACC approval.

d. Per the Whittier Covenants (<http://whittieronline.org/covenants>), vegetable gardens may not be planted in the front of a dwelling.

8. Ponds, Waterfalls, Water Gardens/Fountains.

a. Only in-ground ponds/waterfalls will be considered.

b. May only be installed in the back yard.

c. Detailed plans for the location and construction of a pond must be submitted for ACC approval.

d. Fountains may shoot water no higher than twelve feet measured from the ground.

9. Satellite Dishes / Other Antennas.

a. "Over the Air" style/type of antenna may not be mounted on the exterior of the dwelling.

b. Use of satellite dishes fall under the purview of the Federal Communications Commission and therefore do not require ACC approval. Placement of the dish is subject to ACC approval.

c. Satellite dishes should be placed on the side or rear of the property to the greatest extent possible, which will both allow for best reception while maintaining the aesthetic appearance of the neighborhood.

d. Exterior wiring must be hidden from view to the greatest possible degree. Wiring must be attached to the house at appropriate intervals. Ground level wiring must be buried.

e. Nothing may extend beyond the top of the roof line. Nothing shall be erected as a stand-alone structure/fixture.

10. Swimming Pools.

- a. Only in-ground pools will be considered.
- b. Detailed plans for the location and construction of a pool must be submitted for ACC approval.
- c. Any request for an accompanying fence must meet the stated guidelines for "Fences."
- d. "Blow up" style pools that are temporary in nature and do not exceed twenty-four inches in height do not require ACC approval and are only permitted to be erected between the months of April and October.

11. Siding and Windows.

- a. Replacement siding and windows shall match the existing style, design, and color of the existing siding to the greatest extent possible. Only double-hung style windows are permitted.
- b. Replacement siding and windows that exactly match the existing siding and windows do not need to be submitted and reviewed for approval.

12. Storm Door - Manufacturer brochure annotating style and color must accompany your request.

- a. Must be full-view glass (interchangeable screen or bi-level glass is optional).
- b. Must match the exterior trim color or exterior door color. Manufacturer's brochure with requested door color and style clearly annotated must be included with the application.
- c. May not contain a kick plate greater than six inches in height or any ornamental decorations.
- d. A preprinted storm door request is located on the last page of these guidelines.

13. Roofing.

- a. Roof repairs should match original asphalt shingle color and style as close as possible.
- b. Roof replacement shall constitute the entire roof only.
- c. Replacement shall consist of asphalt based, architectural, or conventional shingle.
- d. Only new shingles that are not asphalt based shingles and do not match the original shingle color require ACC approval. A physical sample of the new shingle must accompany the ACC application.

14. Playground Equipment.

- a. Playground equipment or sports related equipment may be installed in the backyard only, except as noted under (b).
- b. A permanently installed basketball hoop may be installed in front of the home along the driveway and is subject to ACC approval.

15. Flagpoles.

- a. Permanent free standing flagpoles require ACC approval.
- b. Permanent flagpoles cannot exceed twenty feet from ground level or the top of the roof line, whichever is shorter. If flagpole will be painted, a manufacturer-provided color sample must accompany the ACC application.
- c. Flagpole staffs which do not exceed six feet in length and/or are attached at an incline on the front wall or pillar of the home do not require ACC approval.

16. Driveway.

- a. Only black asphalt driveways are permitted.
- b. Driveway alterations require ACC approval.
- c. Resurfacing/replacement of existing driveway with no changes or alterations do not require ACC approval.

17. Gutters and Downspouts.

- a. Gutters and downspouts must be consistent with the overall color scheme of the home.
- b. Repaired or replaced gutters and downspouts must match existing gutters and downspouts.
- c. Any additional installations of gutters or downspouts or changes in color require ACC approval.
- d. Catchment devices (rain barrels, etc.) may only be placed in the rear of the property.

18. Landscaping shall be trimmed so that it does not overhang or intrude on common sidewalks. Trees overhanging sidewalks shall be trimmed so that the use of the sidewalk is not impeded.

19. Compost Piles must be located in the rear of the home at least five feet from the property line and must be properly maintained.

20. Three season rooms are permitted on the ground level at the dwelling. Their exterior must match, or be compatible with the dwelling. ACC approval is required.

21. Solar Energy Devices (Solar Panels).

- a. Definition: A system or series of mechanisms designed primarily to provide heating; to provide cooling; to produce electrical power; to produce mechanical power; to provide solar day lighting; or to provide any combination of the foregoing means of collected and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability to store such energy for future utilization.
- b. Placement: As long as the following guidelines are adhered to, homeowners DO NOT need to submit an ACC request prior to the installation of solar panels.
 - i. Solar energy panels may only be installed on the roof of the home. They may not be installed on the side walls or at ground level. No stand-alone solar energy panels are considered.
 - ii. Solar energy panels must be installed on the same plane and slope as the roof plane on which they are located.
 - iii. The highest point of a solar energy device may not be higher than the base of the top ridge line of the roof.

- iv. A solar energy device may not extend or overhang any portion of an existing roof form.
 - v. The homeowner acknowledges that trees along the streets, parks, open spaces, common areas and on adjacent properties will continue to grow and may impact the solar shading of a homeowner's solar energy device.
 - vi. The homeowner acknowledges that the Whittier Community Association and the owners of adjacent properties have no obligation to trim, prune or otherwise alter such trees at any time to accommodate a homeowner's solar energy device.
 - vii. The homeowner acknowledges that trees located on the homeowner's or neighbor's property are required to remain and may not be trimmed or pruned in a manner inconsistent with the overall community standards for similar species merely due to their impact on the efficiency or operation solar energy device.
- c. Installation:

- i. A solar energy device may not extend or overhang any portion of an existing roof form.
- ii. A solar energy device shall not rest more than six inches off the roof surface.
- iii. To the greatest extent possible, all accessory components of a solar energy device, such as an inverter and DC disconnect, should be located behind a screening fence. For photovoltaic systems, the meter box may be placed adjacent to the electrical *Service Entrance Section* of the home.
- iv. Exposed disconnect switch box, disconnect box, meter box or any other appurtenances shall be painted to match the adjacent wall or roof surface on which they are located. It is not necessary to paint over labels or placards on these boxes. It should be noted, that some installers recommend that these boxes not be painted until after interconnect approval by the local utility company.
- v. Any water storage tank or water storage facility associated with a hot water solar energy device must be concealed within the building structure.

TOWNHOMES

In addition to Sections I through XI, the following guidelines apply to all Townhomes within the community. A request should be as complete as possible to minimize the possibility of it being returned for additional information. All requests for exterior project(s) must include a plot plan showing the proposed project and referencing its specific location on the property.

1. Fencing.

- a. A fence may only be installed along the property lines and may not extend along the side of the townhouse more than three quarter distance from the rear corner to the front corner of the house.
- b. All fencing must be board on board design and seven feet high which includes the one foot lattice.
- c. No other fence style may be erected on the property. The wood will be an appropriate wood (e.g., treated lumber) or synthetic composite materials.
- d. Choice of finish must be annotated in your application. It may be:
 - i. Stained using a clear, semi-transparent or solid color stain. A manufacturer's supplied color sample with the requested color clearly annotated must accompany the application. A computer printout does not meet this requirement.
 - ii. Left to weather naturally.
 - iii. May not be painted.

2. Radon remediation exposed vent piping shall be located as close to the rear corner of the dwelling or on the back side of the dwelling. If the vent piping must be installed in different location, it shall be painted to match the siding/brick as close as possible or screened.

3. Storage Unit.

- a. Any separate structure that can be used to store property shall be considered a storage unit.
- b. A storage unit shall not exceed eighty square feet, have a maximum height of eight feet and may have only one story/level.
- c. A brochure of a commercially built storage unit must be included with the application. A computer printout does not meet this requirement.
- d. A manufacturer's supplied color sample/brochure must be included with any application. A computer printout does not meet this requirement.
- e. The storage unit must be one of two optional designs: Wood or Masonry

1. Wood

- i. The storage unit must be wood frame.
- ii. The finish of the unit may use the same style brick and siding to match the house.
- iii. If the house is all brick, the storage unit may use brick, wood, or siding of a color harmonious with the brick structure. A brochure with the choices annotated must accompany the application.
- iv. Storage unit colors must match/complement the existing house color and trim to the greatest extent possible.
- v. The roof's design must match or complement the roof design of the existing dwelling and use the same asphalt shingles as the existing dwelling.

2. Masonry

- i. The storage unit must be constructed of a masonry frame using concrete blocks, poured concrete, bricks, Insulated Concrete Forms (ICF), or similar construction material.
 - ii. The floor of the unit must be poured concrete.
 - iii. The finish of the unit must be of the same style of brick and siding to match the existing dwelling.
 - iv. The roof's design must match or complement the roof design of the existing dwelling and use the same asphalt shingles as the existing dwelling. It must have a "gabled roof" design and be constructed of wood with asphalt based shingles that match/complement the existing town home.
- f. The storage unit will be placed in a rear corner of the yard. The gabled end of the storage unit shall face the rear of the townhouse on which the storage unit is placed. Any request for placement outside these guidelines must include a statement detailing why the storage unit cannot be placed in accordance with these guidelines. Waivers for this requirement can only be granted by the HOA.
- g. A custom built storage unit must conform to all requirements for a commercial shed. A drawing of the storage unit must be included with the application.
- h. Only one storage unit per lot is allowed. Application must include the storage unit's dimensions.

4. Decks.

- a. Replacement and/or upgrade of an existing deck require ACC approval.
- b. May not be screened in.
- c. Must be built of wood or synthetic composite materials.
- d. Location is limited to rear of the dwelling.
- e. Placement shall be no higher than the first floor.
- f. Deck coatings may be one of the following:
 - i. Stained using a clear, semi-transparent, or solid color stain.
 - ii. Left to weather naturally.
 - iii. May not be painted.
- g. A manufacturer's supplied color sample must accompany the application. A computer printout does not meet this requirement.

5. Deck Roofing. The specifications for deck roof coverings are as follows:

- a. May not be a solid permanent cover (i.e., canvas, awning, fiberglass panels, shingled roof, etc.)
- b. Any cover is to consist of vertical slats, latticework, or other suitable pattern of wood framework to provide shading without providing a solid visual barrier above the deck.
- c. A retractable covering (e.g., awning) is permitted but shall not exceed the length and width of the patio/deck it covers.
- d. The fixed/permanent roof covering shall not exceed more than fifty percent of the deck size.
- e. Structure of covering shall be compatible with the deck design and will be approved on an individual basis.
- f. Side enclosures are to consist of vertical slats, latticework, or other suitable framework to provide shading without providing a solid visual barrier.

6. Garages. Garages must conform in size, shape, color, and design with the existing style of townhome garages in the community.

7. Patios and Walkways.

- a. Location is limited to rear and side yards.
- b. May only be constructed of flagstone, concrete, brick, or other commonly available materials. Wood walkways are not permitted.
- c. A manufacturer's supplied color sample must accompany the application. Computer printouts do not meet this requirement.

8. Landscaping and Planting.

- a. The HOA encourages planting of flowers, trees, and shrubbery provided they are properly maintained by the homeowner.

- b. Landscaping does not require ACC approval except as outlined in the Covenants (<http://whittieronline.org/covenants>).
- c. Per the Whittier Covenants (<http://whittieronline.org/covenants>), removal of any tree in excess of four inches in diameter requires prior ACC approval.
- d. Per the Whittier Covenants (<http://whittieronline.org/covenants>), vegetable gardens may not be planted in the front of a dwelling.

9. Ponds and Waterfalls.

- a. Only in-ground ponds or waterfalls will be considered.
- b. May only be installed in the back yard.
- c. Detailed plans for the location and construction of a pond must be submitted for ACC approval.

10. Satellite Dishes / Other Antennas

- a. "Over the Air" style/type of antenna may not be mounted on the exterior of the dwelling.
- b. The use of satellite dishes and other antennas falls under the purview of the Federal Communications Commission and, therefore, does not require ACC approval.
- c. Satellite dishes should be placed on the side or rear of the property to the greatest extent possible, which will both allow for best reception and maintaining the aesthetic appearance of the neighborhood.
- d. The dish may be placed in the front of the yard if necessary but it must be screened to the maximum extent possible in order to preserve the aesthetic appearance of the neighborhood (Townhomes only).
- e. Exterior wiring must be hidden from view to the greatest possible degree. Wiring must be attached to the house at appropriate intervals. Ground level wiring must be buried.
- f. Nothing may extend beyond the top of the roof line. Nothing shall be erected as a stand-alone structure/fixture.

11. Permanent Swimming Pools.

- a. Only in-ground pools will be considered.
- b. Detailed plans for the location and construction of a pool must be submitted for ACC approval, including plans for required fence.
- c. Any request for an accompanying fence must meet the stated guidelines for "Fences."
- d. "Blow up" style pools that are temporary in nature and do not exceed twenty-four inches in height do not require ACC approval and are only permitted to be erected between the months of April and October.

12. Siding and Windows.

- a. Replacement siding and windows shall match the existing style, design, and color of the existing siding to the greatest extent possible. Only double-hung style windows are permitted.
- b. Replacement siding and windows that exactly match the existing siding and windows do not need to be submitted and reviewed for approval.

13. Storm Door - Manufacturer brochure annotating style and color must accompany your request. Computer printouts do not meet this requirement.

- a. Be a full-view glass (*interchangeable screen or bi-level glass is optional*).
- b. Match the dwelling's exterior trim color or exterior door color.
- c. May not contain a kick plate greater than six inches in height or any ornamental decorations.
- d. A preprinted storm door request is included in these guidelines.

14. Roofing.

- a. Roof repairs should match original asphalt shingle color and style as close as possible.
- b. Roof replacement shall constitute the entire roof only.
- c. Replacement shall consist of asphalt based shingles.
- d. Replacement roof should match the color of the townhomes on either side of the homeowner's townhome.
- e. Only new shingles that are not asphalt based shingles and do not match the original shingle color require ACC approval. A physical sample of the new shingle must accompany the ACC application.

15. Playground Equipment - Playground equipment or sports related equipment may only be installed in the backyard.

16. Flagpoles.

- a. Permanent free standing flagpoles require ACC approval.
- b. Permanent flagpoles cannot exceed twenty feet from ground level or the top of the roof line, whichever is shorter. If flagpole will be painted, a manufacturer-provided color sample must accompany the ACC application.
- c. Flagpole staffs which do not exceed six feet in length and which are attached at an incline on the front wall or pillar of the home do not need ACC approval.

17. Driveway.

- a. Driveway and/or private parking area alterations require ACC approval.
- b. Resurfacing and replacing of existing driveway with no changes or alterations do not require ACC approval.
- c. Only black asphalt may be used.

18. Landscaping shall be trimmed so it does not overhang or intrude on common sidewalks. Trees overhanging sidewalks shall be trimmed so use of the sidewalk is not impeded.

19. Gutters and Downspouts.

- a. Gutters and downspouts must be consistent with the overall color scheme of the home.

b. Repaired or replaced gutters and downspouts must be the same as the existing gutters and downspouts. Any additional installations of gutters or downspouts or changes in color require ACC approval.

c. Catchment devices (rain barrels, etc.) may only be placed in the rear of the property.

20. Compost Piles must be located in the rear of the home at least five feet from the property line and must be properly maintained.

21. Solar Energy Devices (Solar Panels).

a. Definition: A system or series of mechanisms designed primarily to provide heating; to provide cooling; to produce electrical power; to produce mechanical power; to provide solar day lighting; or to provide any combination of the foregoing means of collected and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability to store such energy for future utilization.

b. Placement: As long as the following guidelines are adhered to, homeowners DO NOT need to submit an ACC request prior to the installation of solar panels.

i. Solar energy panels may only be installed on the roof of the home. They may not be installed on the side walls or at ground level. No stand-alone solar energy panels are permitted.

ii. Solar energy panels must be installed on the same plane and slope as the roof plane on which they are located.

iii. The highest point of a solar energy device may not be higher than the base of the top ridge line of the roof.

iv. A solar energy device may not extend or overhang any portion of an existing roof form.

v. A homeowner acknowledges that trees along the streets, parks, open spaces, common areas and on adjacent properties will continue to grow and may impact the solar shading of a homeowner's solar energy device.

vi. A homeowner acknowledges that the Whittier Community Association and the owners of adjacent properties have no obligation to trim, prune or otherwise alter such trees at any time to accommodate a homeowner's solar energy device.

vii. A homeowner acknowledges that trees located on the homeowner's or neighbor's property are required to remain and may not be trimmed or pruned in a manner inconsistent with the overall community standards for similar species merely due to their impact on the efficiency or operation solar energy device.

c. Installation:

i. A solar energy device may not extend or overhang any portion of an existing roof form.

ii. A solar energy device shall not rest more than six inches off the roof surface.

iii. To the greatest extent possible, all accessory components of a solar energy device, such as an inverter and DC disconnect, should be located behind a screening fence. For photovoltaic systems, the meter box may be placed adjacent to the electrical *Service Entrance Section* of the home

iv. Exposed disconnect switch box, disconnect box, meter box or any other appurtenances shall be painted to match the adjacent wall or roof surface on which they are located. It is not necessary to paint over labels or placards on these boxes. It should be noted that some installers recommend these boxes not be painted until after interconnect approval by the local utility company.

v. Any water storage tank or water storage facility associated with a hot water solar energy device must be concealed within the building structure.

CONDOMINIUMS (Association Specific)

Any changes to the exterior building of the condominiums or construction of structures on the grounds surrounding the condominium must be uniform throughout a specific association's buildings/grounds and require ACC approval.

Whittier Architectural Guidelines effective July 1, 2017

Any work completed that constitutes an architectural change to the property as outlined in these guidelines, without prior approval, is done at the risk of the homeowner. See Covenants, Article IX (<http://whittieronline.org/covenants#IX>) for more information.

Whittier Community Association, Inc.