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# ARCHITECTURAL GUIDELINES

The following Architectural Guidelines have been adopted by the Board of Directors in order to ensure the protection of property values, privacy, safety, comfort and enjoyment for all residents, and to clearly define the Owner's and the Association's responsibilities for maintenance.

## 1. Statement of Responsibility:

- A. Association Responsibility:** The Association is responsible for the maintenance and repair of all common area elements with the exception of those items specifically named under "Owner Responsibility". These common area elements include, but are not limited to the land on which the townhouses are situated, clubhouses, exterior walls and roof of the townhouses, carports, swimming pools, pool sheds and equipment, playground equipment, fencing, trees and landscaping, pavement, streets, irrigation system, pipes, wires and other public utility lines, and any airspace not otherwise specifically conveyed for a townhouse unit.
- B. Owner Responsibility:** Each Owner, *and any successive owner*, is responsible for the maintenance and repair of all improvements within the deeded airspace of their unit, window glass and screens, front doors, screen and security doors, mail boxes, individual patio areas, including fencing, gates, latches and locks securing these areas, storage sheds, party walls, dryer vents, front and back house numbers and exterior light fixtures and bulbs. Also plumbing, electricity, cable and telephone wires within the walls of the units, patio and shed. Exterior wires (permitted on backs of units only). Any additional owner added structures, patio cover, sheds, water heater covers, etc., shall be the responsibility of the owner, *and any successive owner*; and are subject to removal at the request of the HOA for maintenance or any other reason.

## 2. REQUIREMENTS:

- A. Architectural Changes:** No exterior additions or alterations to any building or change in the fences, walls or other structures shall be commenced, or erected until the plans and specifications showing the nature, kind shape, height, materials, location, and approximate cost of same, shall have been submitted to, and approved in writing by, the Architectural Committee, composed of the Board of Directors of the association, or by a committee designated by the Board of Directors. An Architectural Plan Submittal Form along with all appropriate documentation shall be submitted to the Manager and will be placed on the Agenda for the next Architectural Committee Meeting. Approval or denial will be directed to the owner applicant (Appeals may be made to the Board)
- B. Suggestion:** Research sample plans for the various modifications that could be considered acceptable include size, attachment, materials, drainage, and issues that could compromise the HOA's ability to re-roof or paint after the modification is in place. (Removal may become necessary and required for HOA painting, roofing, or other reasons). All architectural changes shall be in conformance with the general exterior design of the complex. **Keep your approved documentation in your files, and pass it to future owners, as the unit owner will be responsible for continued maintenance, repair, replacement, violations or removal.**

**C. Party Walls:** Each patio wall constructed as part of the original construction of the townhouse structure, and placed on the dividing line between separate residence units, shall constitute a party wall. With respect to any such wall, each of the adjoining owners shall assume the burdens and be entitled to the benefits of these walls as follows:

1. In the event any such party wall is damaged or destroyed through the act of one adjoining Owner, or any of his guests, tenants, agents or members of his family, then such Owner shall forthwith proceed to rebuild and repair the same to as good condition as formerly without cost to the adjoining Owner.
2. In the event any such party wall is damaged or destroyed by some cause other than the act of one of the adjoining owners, his tenants, agents guests or family (including ordinary wear and tear and deterioration from laps of time), then in such event, both such adjoining Owners shall proceed forthwith to rebuild or repair the same to as good condition as formerly, at their joint and equal expense.
3. Any owner proposing to modify, make additions to or rebuild his townhouse in any manner which requires the extension or other alteration of any party wall shall first obtain the written consent of the adjoining owner. This written consent must be included in the documentation provided to the Board of Directors (Architectural Committee) along with the other requirements detailed in Paragraph 2 Section A “Architectural Changes”, and attached to the Architectural Submittal Request Form.

**D. Patio Covers:** The design must conform to the existing structure, and offer an acceptable improvement. Any change to the patio that attaches to the building walls or shed is considered to be permanent and will need architectural approval. (Items that are not attached to the walls are considered furniture, and do not require architectural approval). However, no patio structure permanent or not may be taller than 13 feet and colors must match or harmonize with existing colors. All patio covers must be removed for painting, roofing, or for any other reason, if the HOA requires it.

**HOA Patio Cover Guidelines:** Cover must be constructed with steel or aluminum ICC approved materials – ESR1398P, ESR1953P, or ESR2676P ([www.icc-es.org/reports/index.cfm](http://www.icc-es.org/reports/index.cfm)). (Wood will require a Building Permit). **It is the owner’s responsibility to ensure the patio cover meets City and/or County building code requirements, and obtain a Building Permit if it is required.**

**HOA patio cover standards:** *(some items may not apply to lattice, trellis, sun screen, sails, gazebos, etc)*

- Must have a 2’ setback from each party wall.
- Must have Structural integrity: Regulation standard- posts, beams, tie downs, anchors, ledger etc.
- No roof may extend over or rest on any part of the shed.
- Must include drainage: must direct rain water away from the shed and patio floor. The roof must have **at least** a ¼ “per foot slope. No water pooling – no flat places permitted.
- Must have flashing: to assure that no water seeps through the ledger attachment, a well sealed flashing is required. (Any damage to the unit is the financial responsibility of the owner, and may require dismantling for repair)
- Must be aesthetically pleasing: Color and design must coordinate with the complex, must be attractive and not become a problem to the community. If the patio cover appears to be an eyesore, sub-standard, unstable, rotting or falling apart, causing damage, or found to be violation of HOA standards, a violation fine may be levied.
- If a light or fan is to be incorporated in the structure, a licensed electrician should install it.
- Solar panels: If there are to be solar panels, (see F. below)

**When construction/ installation is complete, keep your design, site plan, and pictures for your records. You are also required file a copy that includes your unit address, contact information,**

**signature and date with the HOA for their records. If you have a City Building Permit, file a copy of the final approval with the HOA.**

- E. Patio fences and gates:** Must conform to industry standards, and be compatible with, and complementary to the appearance of the community, presenting an acceptable improvement. No part may exceed the height of the adjacent party wall.
- F. Solar Panels:** Must conform to industry standards, the appearance must be compatible and complementary to the existing structure, or present an acceptable improvement. Solar panels must be installed and/or removed by a qualified contractor. Solar panels must be removed for painting, roofing, or other reasons, if the HOA requires it.
- G. Sheds:** Owner must repair and maintain the integrity and appearance of the shed. Rebuilds will require an Architectural Submittal form and the new structure must retain the basic footprint of the original structure, blend with the other sheds in the community, or pose an acceptable improvement.
- H. Antennas:** Internet and TV reception guidelines: see page 16 of the Owner's Handbook.
- I. Clothes Lines:** No clotheslines or clothes drying vehicles shall be allowed, above the patio walls, where it is visible to the parking area or street.
- J. Patio water heaters:** must be fully screened. The screening must conform to, and maintain the appearance of the community, or pose an acceptable improvement.
- K. Common area water heaters:** must be fully enclosed, and must be attached to and blend with the existing structure of the unit, maintaining the appearance (material and color) of the unit or pose an acceptable improvement. Structure size must be the minimum area footprint that allows for the water heater and tight access. Design, including dimensions, proposed appearance, and material must receive Architectural Change approval before construction. Maintenance, including paint, will remain the responsibility of the current and future owners.
- L. Doors, windows, and screens** must conform to the existing structure, and maintain the appearance of the original structure or pose an acceptable improvement.
- M. Flags and Flagpoles:** must conform to State law. No free-standing flag poles. Flags cannot measure larger than 4'x6', and masts cannot be longer than 6 feet, or larger than one inch in diameter. Masts must be mounted to wood, (not masonry).
- N. Mailboxes, exterior light fixtures, and house numbers:** must conform to the existing structure, maintain the appearance of the original structure or pose an acceptable improvement.

**O. Enforcement:** Unapproved structures are subject to removal at owner's expense, and may be subject to violation fines until corrected. Handbooks (rules), HOA forms, etc. are available online at *tempegardenshoa.org*, or from management by request.