**BCHA Operating Procedure**: *Architectural Control*

**Updated:** 5/25/2015

**Responsibility**: BCHA Board of Directors

**Reference:** *Declaration of Covenants, Restrictions and Conditions*:

* *Article IX Architectural Control*
* *Article X Exterior Maintenance*
* *Article XI Protective Covenants*

**PURPOSE**

To formalize BCHA's Architectural Control policies and procedures intended to reasonably assure compliance with established covenants in a prudent and effective manner and to the extent feasible, in order to preserve and maintain the original aesthetics as conceived by the developers and builders as well as to preserve and maximize property owners’ property values. They are not intended to be all inclusive however; proposed new construction or modifications not covered by these guidelines will also be reviewed by the ACC and Board. It should be emphasized that all proposed construction and modifications must be submitted, reviewed and approved by these Committees before any construction begins.

**POLICY**

It is the association's policy to:

* effectively maintain and enforce reasonable architectural control over BCHA Subdivision properties in a consistent and systematic manner.
* act upon submitted *ACC Modification Requests* within the specified period. Note: In the event the *ACC* or the *Board* fails to approve or disapprove such modification within 30 days after receipt of request, approval will not be required and the modifications will be deemed to be acceptable.
* Enforce compliance as reasonable and prudent as per the BCHA covenants.

**DEFINITIONS**

***Architectural Control****:* The application of architectural baseline management, modification/change control and enforcement of covenant compliance to subdivision properties.

***ACC****:* The *Architectural Control Committee*, an appointed team tasked to monitor and exercise *Architectural Control* on behalf of the *Board*

***ACC Modification Request Form:*** The form used to request action on planned modifications to the exteriors of subdivision properties. (See *attached*)

**RESPONSIBILITIES**

***BCHA Board of Directors*** - (a) Maintains *Association* property and facilities in a neat and attractive condition; (b) Appoints an ACC, (c) monitors its effectiveness (d) resolves conflicts in requirements.

***Architectural Control Committee (ACC****)* – (a) reviews and approves each *ACC Modification Request Form* submitted by homeowners, (b) enforces compliance, with established *Covenants*, as required, and (c) refers disputes to the *Board*.

***BCHA Homeowners*** – (a) maintain exterior of properties in a neat and attractive condition, as required by *Covenants*, (b) completes an *ACC Modification Request Form* before any new construction or modification is commenced.

**MODIFICATION REVIEW AND APPROVAL**

***Homeowner:***

1. Submits an ACC Modification Request Form prior to the addition to, change in or alteration of the exterior of subdivision structures. (**Note:** can be downloaded from *BCHA website*).
2. Completes necessary information as completely as possible and submits form to *Southern Property Management Co*.
3. Attaches any plans, specifications, or color samples involved as well as professional architect/designer recommendations.
4. Receives written approval of the request from *SPM* before proceeding.

***ACC Member(s):***

1. Contacts homeowner to discuss the matter, as necessary
2. Makes the following determinations:

* Plans (front, side and rear elevations) and specifications reviewed for salient factors
* Nature, kind, shape, and height compatible with surrounding structures/ topography
* Exterior design harmonious with property and surrounding properties
* Materials of acceptable quality and consistency with existing structures
* Exterior finishes and colors in conformity with neighborhood standards/norms
* General quality reasonably anticipated to be consistent with neighborhood standards

1. Notifies *Southern Property Management* of approval or disapproval.
2. Submits variances, if any, to the *BCHA Board*, for a vote

**COMPLIANCE ASSURANCE**

***Southern Property Management Co.***

1. Bi-monthly evaluation of *BCHA* properties and sends written notice to non-compliant *Homeowner* defining the violation(s)
2. After the deadline, notifies *Board of Directors* if *Homeowner* has not complied.
3. Facilitates the *Board* to enforce fines for non-compliant violation(s). (See attached *Fine Schedule*)

**ATTACHMENTS**

*Architectural and Landscape Guidelines*

*ACC Modification Request Form*

*BCHA Fine Schedule*

**ARCHITECTURAL AND LANDSCAPE GUIDELINES**

The Protective Covenants contain design review authority and broad, general objectives of the community association to protect our property values and integrity of the subdivision. These *Architectural and Landscape Guidelines* do not replace or alter the original Covenants, but are intended to clarify and define expectations of the community. For the complete Architectural Control and Protective Covenants, please refer to the Declaration of Covenants, Conditions and Restrictions, which may be found on our web-site [www.thebaycolony.com](http://www.thebaycolony.com).

Reference: Article IX - Architectural Control - Section 1

No building, fence, wall or other structure, except those provided by the Declarant, shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to, change in or alteration of any said structures be made until complete final plans and specifications showing the nature, kind, shape, height, materials, basic exterior finishes and colors, location and floor plan thereof, and showing front, side and rear elevations thereof and the names of the builder, general contractor and all subcontractors have been submitted to and approved by the Association’s Board of Directors or by an architectural control committee of three or more persons appointed by said Board as to the harmony of exterior design and general quality with the existing standards of the neighborhood and as to location in relation to surrounding structures and topography.

Architectural Design Guidelines

Exposed concrete block or poured concrete foundations and site retaining walls must be covered with stone, brick, or stucco to complement the house materials.

Primary residential roofing materials must be cedar shakes or shingles, fiberglass or asphalt shingles in colors and textures which complement the balance of the colors and materials selected for the house.

Primary colors for siding, stucco and trim must be confined to earth tones which are compatible with the natural environment and existing colors of the house.

Stucco and synthetic stucco must be painted or integrally colored.

Architectural Design Guidelines - continued

Sheet metal and PVC work such as roof caps and flashings may be painted to match the roof color. Gutters and downspouts must be painted approved colors.

Metal windows, doors, louvers and window and door screens should be anodized bronze or finished colors compatible with the primary house and trim colors.

Reference: Article X – Exterior Maintenance – Section 2. Lots

All lots subject to this Declaration, together with the exterior of all improvements located thereon, shall be maintained in a neat and attractive condition by and at the expense of their respective owners. Such maintenance shall include, but shall not be limited to, painting, staining, repairing, replacing and caring for roofs, gutters, downspouts, building surfaces, trees, shrubs, grass, walks and other exterior improvements; provided however, that any such painting or staining shall be compatible in appearance and quality with the range of colors and materials then existing on the other buildings in the neighborhood.

Site Design Guidelines

Landscaping should relate to the existing terrain and natural features of the lot. The amount and character of the landscaping must conform to the precedent set in the surrounding community. All landscaping beds must be covered with a suitable covering such as natural pine straw, chopped pine bark mulch, or wood shavings of natural earth tones. Rock is permitted in natural colors of tan, beige and gray.

Each homeowner is responsible for removal of debris, clippings, etc. from the property line to the center of the street. All planting areas should be properly maintained at all times. All dead plants and trees should be removed. Bare earth must be covered with natural pine straw or earth tone mulch to prevent soil erosion. No gravel, sand or bare dirt yards are permitted.

Each homeowner shall keep his/her lot and all improvements thereon in good order and repair including, but not limited to, seeding, watering, mowing, the pruning and cutting of all trees, shrubbery and weed control. This responsibility extends to curbs and streets, which should be properly trimmed and removed of weeds, debris, etc. This should be done in a manner and with such frequency as is consistent with good property management.

Site Design Guidelines - continued

All debris, clippings, etc must be properly removed from lawns, driveways, sidewalks, streets, etc. Hosing, raking or blowing materials into the streets or other properties of the community is not permitted.

Outdoor storage of garden tools and hoses must be screened from view and be kept behind shrubs. Any tools or items stored under a deck or porch must also be screened from view. Preferably these items should be stored inside the garage or basement.

Storage structures may not be used for workshops, or any other purpose that may be deemed by the ACC to cause disorderly, unsightly, or unkempt conditions. Exterior materials and coloring must match the exterior materials used on the home or be screened or camouflaged by natural coloring.

Landscape benches and sculptures, if visible from the street, should be tasteful, blend with the natural environment and be in keeping with the style and colors of the house.

Play equipment shall be located where it will have a minimum visual impact on adjacent properties and streets.

Exterior hot tubs should be screened from adjacent properties and streets. All pump, filter, etc. equipment for spas must be sited where it will not cause nuisance to neighbors and must be screened from view.

All exterior lighting should be a low level, non-glare type and located to cause minimum visual impact to adjacent properties and streets.

No private tennis courts are permitted.

Dog house exterior colors and materials must relate to the exterior of the house. The structure should be screened from any view from surrounding streets, and be discreetly located as to not cause a nuisance to neighbors. Clothes lines and/or fenced “dog runs” are not allowed.

All mailboxes should conform to an approved ACC design. They should complement the house structure with a natural cedar or pressure treated wooden post and black box. No additional information or design other than the routed address numbers is allowed.

All swimming pools shall fit naturally into the topography of the proposed lot and be located to provide minimal visual impact to surrounding properties and streets. All pump, filter, etc. equipment for pools to be sited where it will not cause a nuisance to neighbors and will be screened from view. No permanent above ground pool is permitted.

Site Design Guidelines - continued

All exterior garbage container storage areas are to be appropriately enclosed by unifying, low cedar or pressure treated fencing/landscaping. No storage areas permitted in front yards. No storage areas to be visible from the street.

All proposed gazebos, walls, fences, terraces, decks, arbors, etc. shall be of a unifying design, consistent with architectural character of the house.

Functional recreational vehicles including, but not limited to trailers, campers, boats/trailers, jet skis/trailers etc. shall not be stored on any community street or front yard. They shall be parked in the rear yard, or in the garage, and out of view from surrounding streets. No industrial equipment or non-functioning equipment of any type shall be stored on the property or any community street.

Special Situation Modifications

These specific modifications are inherently approved if they are installed according to the guidelines and require no application, submittal or review by the ACC. Failure to install the improvements according to the guidelines would lead to action by the ACC or Board to request compliance.

Basketball goals shall be mounted on black poles and have standard white or clear backboards. They should be located in side or rear yards and oriented for minimum visual impact from the street.

Front doors and entry area decorations should be tasteful and in keeping with the style and colors of the house. Plants and flowers in pots should always be neat and healthy.

Woodpiles should be located in the rear yard when possible.

Bird baths and bird houses should be tasteful and in keeping with the style and colors of the house. They should be located to blend naturally into the setting.

Reference: Article XI – Protective Covenants – Section 2. Fences and Walls

No fence or wall (of any kind) shall be erected, placed, altered, or allowed to remain on any Lot nearer to any street than the minimum building setback line except as may be approved pursuant to Article IX. Rear and side yards may be enclosed with decorative fencing, but chain link or woven wire type fencing will not be permitted. Front yards may not be enclosed in any way.

Fencing for rear or side yards shall not exceed 8’. Any addition or alteration of a lot that consists of hardscape changes (i.e. tiewalls, rock walls, rock/concrete/stone walkways, creekbeds) that may have potential to affect drainage patterns, neighboring lots or is noticeable from the street, requires preapproval by the ACC. Whenever possible, hardscaping should complement, instead of change, the natural topography of the lot.