

Heritage Glen Townhome Association

Architectural Guidelines, Standards, and Criteria

Version 2.0

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Heritage Glen Townhome Board of Directors
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1 Purpose of the Architectural Guidelines, Standards, and Criteria

These guidelines are a supplement to the Heritage Glen Townhome Association's (Association) Declaration and Bylaws. The Declaration is the legal document governing property rights and obligations for all homeowners. All homeowners should have been given a copy of the Declaration and Bylaws at their closing; if a copy was not received, contact the Heritage Glen Board of Directors (Board) or the management company.

The Declarations describe in legal, general language a broad framework for governing architectural changes. These guidelines are intended to address the specific issues by describing in greater detail and with more precision the types of additions and modifications to property that are allowable — and those that aren't allowable. The goal is to make all homeowners fully aware of the community's architectural guidelines so as to minimize confusion and violations of the guidelines, while maximizing compliance and understanding.

The need for Architectural Guidelines for exterior structural and ornamental modifications to your home and common areas affects all members of the community. Design review affords the members of the community an opportunity to ensure that the standards of quality to which the community was built are properly maintained. Quality of life for all residents is improved when a tranquil, civil, and fair design review process is implemented. Additionally, a unified approach to architectural modification within the community will ultimately preserve a positive reputation of the neighborhood within the real estate marketplace; which in turn directly affects your ability to sell your home at the highest possible price.

The objectives of the Heritage Glen Architectural Control Committee (ACC):

- Protect and preserve the quality of the community while offering the greatest possible freedom in the use and alteration of one's property.
- Enable residents to achieve their personal objectives with respect to their property in a manner that maintains the community's objectives.
- Review all applications for exterior alterations or landscaping, and encourage resident involvement in the review process.
- Foster pride in the appearance of our community.

The Architectural Control Committee welcomes all suggestions. We are a committee made up of homeowners and neighbors, and invite your cooperation. Please send your suggestion to either the Architectural Control Committee or Board of Directors.

2 Change Control Process

2.1 Process Summary

Any architectural change that is not Permitted (see definition in 2.2) must be submitted to the ACC. The ACC will review the Architectural Change Request and either make decision or refer the Architectural Change Request to the Board.

2.2 Architectural Guidelines Explained

The term "permitted" means that the Architectural Control Committee has created guidelines relating to a specific area, that, if followed, would result in an "automatic acceptance" for alteration that do not require submission of an Architectural Change Request to the Committee. These kinds of guidelines are designed to help individual homeowners understand what is considered to be acceptable by the Committee so that the entire process is streamlined.

The term “contingent” can be applied to all other types of exterior alterations to any property located within the Heritage Glen community that require submission of an Architectural Change Request to the Committee.

Note: Refer to section 3 which outlines the modifications that are permitted and those requiring an Architectural Change Request be submitted. Homeowners should submit an application when unsure if their proposed change is permitted or contingent.

2.3 Review Criteria

The Architectural Control Committee evaluates all applications on their individual merits. Considerations include the characteristics of the housing type and the individual site. Because this is a townhome community alterations and additions are more noticeable and have great impact on adjoining properties.

Design decisions made by the Architectural Control Committee in reviewing applications are not based on personal opinion but are based on the following criteria which represent, in more specific terms, the general standards of the Heritage Glen Declarations:

1. LEGAL CONSIDERATIONS

Certain alterations encroaching onto the common areas are subject easement agreements between the homeowner and the Association.

2. DESIGN COMPATIBILITY

The proposed alteration or addition must be compatible with and/or compliment the architectural characteristics of the community setting. Compatibility is defined as adhering to the already existing architectural styles, quality of workmanship, similar use of material, color and construction details.

3. LOCATION AND IMPACT ON NEIGHBORS

The proposed alteration or addition should relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns are access, drainage, view, sunlight and ventilation. When a proposed alteration or addition has possible impact on adjacent properties, the applicant should discuss the proposal with neighbors prior to making application.

4. SCALE

The site of the proposed alteration or addition should relate well to adjacent structures and surroundings.

5. COLOR

Contact the chairperson of the Architectural Control Committee to review the expanded choices within the selected color palette.

6. MATERIALS

Continuity is established by use of the same or compatible materials as were used in the original townhomes.

7. WORKMANSHIP

The quality of work should be equal or better than that of the surrounding area. Poor workmanship, besides causing the owner problems, can be visually objectionable to others, and/or can cause safety problems.

8. MAINTENANCE CONSIDERATIONS

The proposed alteration or addition does not negatively impact association provided maintenance in the common areas, such as irrigation, lawn care or utilities.

9. CITY / COUNTY BUILDING AND WORK PERMITS

Acceptance of any project does not waive the necessity of obtaining required city or county permits.

Obtaining a city or county permit does not waive the need for Architectural Control Committee acceptance.

2.4 How to Submit Architectural Change Request

The Process for Acceptance of Your Architectural Change Request as follows:

1. When you contemplate making an exterior alteration to, or certain landscaping changes on, your property, you should first consult the guidelines contained within this document. They will help you in finalizing your plans and will assist you in the preparation of your Architectural Change Request.
2. The Heritage Glen Declarations should be reviewed to insure that your planned project is in compliance.
3. You should also make yourself familiar with all relevant, city, county and state regulations. Including, obtaining permits when required.
4. After you have studied the Guidelines, complete and submit your Architectural Change Request, a copy of which is included in this document. One (1) Change Request must be submitted for each proposed alteration. Be sure that your Change Request is complete and clear, and that it has all the necessary signatures, including your own. The Change Request form can also be found at our website, Heritageglenhoa.com.
5. Submit your Architectural Change Request to the Architectural Control Committee.

Your Architectural Change Request will be reviewed at the next Architectural Control Committee meeting and you will be notified of the outcome.

6. Check with the utility companies to insure that your planned improvements will not disrupt services or damage any utility lines. Additionally, contact the Maintenance Committee regarding the irrigation system.
7. No work shall commence until written acceptance is received from the Architectural Control Committee. All work shall be completed within six (6) months of acceptance. All meetings of the ACC are open to residents. If you have submitted an Architectural Change Request to the ACC, it is probably in your best interest to attend the meeting at which it will be reviewed; however, it is not necessary. At the meeting, your Change Request will be presented and discussed. You will be invited to join in the discussion if you attend. If you are not present, you may be contacted if the ACC has questions. Upon conclusion of the discussion, the ACC will vote to recommend acceptance or rejection of your Change Request, or to recommend acceptance with modifications or stipulations. Rejections will be explained. Accepted Change Requests will be returned within ten (10) working days.

Note: If you wish to modify the original Architectural Change Request, please submit a new Change Request and note on it that this is a resubmission.

2.5 Appealing a denied Architectural Change Request

While the Architecture Control Committee and Board of Directors will make all reasonable efforts to allow homeowners to proceed with proposed exterior alterations, inevitably some homeowners will be denied permission to make the changes. If a homeowner who has been denied permission wishes to appeal the decision, they may do so. To appeal, the homeowner must so notify the Board in writing within 15 days of the denied Architectural Change Request.

The Board will, upon receipt of the appeal notification, schedule a hearing on the appeal. The hearing and the Board's decision on the appeal generally will be made within 30 days of receipt of the appeal notification. If the Board cannot decide the case within this period, it will notify the homeowner that further time is required. Note that failure of the Board to decide on the appeal within 30 days will not be considered rejection or acceptance of the appeal and the homeowner should not infer that permission to proceed has been granted.

At the hearing, the homeowner will be allowed to present their case. A member of the ACC may also appear at the hearing. After the hearing, the Board will rule on the appeal and the homeowner will be notified in writing. The Board is the final arbiter in such appeals.

In making an appeal to the Board of Directors, the homeowner must present the same proposal as was made to the ACC. The intent here is to ensure that the facts on which appeals are made to the Board are identical to the facts considered by the ACC. Any change in the facts essentially constitutes a new proposal, which must be considered by the ACC before it can be appealed to the Board.

2.6 Enforcement Powers & Fines

The Heritage Glen's Townhome Association Declarations and Minnesota statute give the Board of Directors the right to enforce all Declaration violations, including violations of the architectural guidelines explained herein. Enforcement proceedings can include a suit for injunctive relief, placement of liens against the property and lawsuits against property owners for violations of the covenants. The Board of Directors can and will take all necessary legal steps to ensure compliance with the architectural guidelines. But legal actions will be a last resort. It is hoped that differences on architectural decisions can be satisfactorily settled without the need for costly legal action.

Homeowners who proceed with an improvement without ACC and/or Board acceptance are subject to fines. The fine schedule is as follows:

- Commencing construction without acceptance up to \$500.00
- If acceptance is given after construction has begun the fine may be reduced to \$250.00
- If acceptance is not granted and construction progresses, a fine of \$50.00 per day shall be assessed on the property owner until the property is returned to its original condition.

The Board is the authorizing body for fines and shall assess the above fines on a case by case basis. Acceptance shall not be granted until all fines have been paid.

3 Architectural Guidelines, Standards, and Criteria

Following are the Architecture Control Committee's guidelines for exterior structural and ornamental modifications to your home and property. These guidelines are intended to help homeowners identify construction limitations. Areas not covered by these guidelines may be discussed in subsequent additions to these guidelines or in the community newsletter. Questions about these guidelines should be addressed to the Board of Directors.

3.1 Common Elements

See Section 3.1 in the Heritage Glen Townhome Association Declaration and Bylaws book on what constitutes the Common Elements. All modifications anywhere in the common elements require the submission of an Architectural Change Request and ultimate acceptance by the Board of Directors.

3.1.1 Landscaping

- i. A homeowner cannot remove an association tree or shrub without written consent from the Board.

- ii. Homeowners can plant trees or shrubs with written consent from the Board and the homeowner will be responsible for any maintenance.
- iii. Homeowners can plant around the base of trees with written consent from the Board.
- iv. A homeowner cannot change the grading or slope of the ground without written consent from the Board.

3.1.2 Rock Beds

- i. A homeowner cannot remove the river rock within the rock beds without written consent from the Board.

3.1.3 Irrigation System

- i. A homeowner cannot move, alter, or remove a sprinkler head without written consent from the Board.

3.1.4 Mail Boxes

- i. A homeowner cannot move, alter, or remove a mail box without written consent from the Board.

3.2 Limited Common Elements

See Section 3.2 in the Heritage Glen Townhome Association Declaration and Bylaws book on what constitutes the Limited Common Elements.

3.2.1 Landscaping

- i. Customary landscaping within rock beds, such as flower, shrubs, or small trees. *ACTION REQUIRED: Permitted*
- ii. Planting used as a fence or for screening purposes. *ACTION REQUIRED: Contingent*
- iii. Placement of large decorative rocks on a property. *ACTION REQUIRED: Contingent*
- iv. Landscaping that involves a change of grading or slope or installation of a retaining wall or other structure. *ACTION REQUIRED: Contingent*
- v. Tree Rings: Stone, brick, permeable rubber. No Larger than six feet in diameter. They must be maintained by the homeowner. *ACTION REQUIRED: Permitted*
- vi. Rain Barrels. Are size restricted to less than 50 gallons, and should be made of materials that blend in with the home/landscape. Wooden barrels are not allowed. *ACTION REQUIRED: Permitted*

3.2.2 Exterior Decorative Objects

- i. Flower Pots (decorative planters) – located on steps, patio, deck or rocks beside, in front of, or behind homeowners residence. *ACTION REQUIRED: Permitted.*
- ii. Hanging Planters – on shepherd hook located within rocks beside, in front of, or behind homeowners residence. *ACTION REQUIRED: Permitted*
- iii. Window Boxes – with a complementary or accent color. *ACTION REQUIRED: Permitted*
- iv. Wind Chimes – low chimed that is not an annoyance to neighbors. *ACTION REQUIRED: Permitted*

- v. Small Flags – non-offensive, attached to the home not to exceed 3 feet by 5 feet. *ACTION REQUIRED: Permitted*
- vi. Small Bird Feeders – must not become a nuisance to adjoining neighbors (increased droppings, etc.). *ACTION REQUIRED: Permitted*
- vii. Decorative Benches – (decorative lawn fixtures) located on steps, patio, deck or rocks beside, in front of, or behind homeowners residence. *ACTION REQUIRED: Permitted*
- viii. Stepping Stones – located in the rocks beside, in front of, or behind homeowners residence. *ACTION REQUIRED: Permitted*
- ix. Sculptures - located on steps, patio, deck or rocks beside, in front of, or behind homeowners residence. *ACTION REQUIRED: Contingent*
- x. Fountains - located on steps, patio, deck or rocks beside, in front of, or behind homeowners residence. *ACTION REQUIRED: Contingent*
- xi. Other – large accent garden pieces located on steps, patio, deck or rocks beside, in front of, or behind homeowner’s residence. *ACTION REQUIRED: Contingent*

3.2.3 Driveways

ACTION REQUIRED: Contingent

- i. Driveways must be either broom finished concrete or asphalt.
- ii. Must conform to the existing grade/profile of the driveway; width not to exceed that of the garage.

3.2.4 Sidewalk / Steps / Front Stoop

- i. Sidewalk/Steps/Front Stoop must be broom finished concrete. *ACTION REQUIRED: Contingent*
- ii. Must conform to the existing dimensions/grade/profile of the Sidewalk/Steps/Front Stoop.
- iii. Metal hand railings with a complementary or accent color. *ACTION REQUIRED: Permitted*

3.2.5 Handicap Ramp

ACTION REQUIRED: Contingent

- i. Must be located within the homeowner’s share of common area.
- ii. It cannot extend beyond 50 percent of the distance between the home and the neighbor’s home.
- iii. It cannot impede access to any utility easements.

3.2.6 Retaining Walls

ACTION REQUIRED: Contingent

- i. A change request to build, replace, or modify a retaining wall must be accompanied by a site plan showing the retaining wall’s relationship to other properties and scale drawings.

3.2.7 Utility Installations

ACTION REQUIRED: Permitted

- i. Air Condition Systems (Compressor)
 - a. Must be located with the homeowner's share of common area.
 - b. It cannot extend beyond 50 percent of the distance between the home and the neighbor's home.
 - c. It cannot impede access to any utility easements
- ii. Cable Box
 - a. A homeowner cannot move, alter, or remove a Cable Box.
- iii. Phone Box
 - a. A homeowner cannot move, alter, or remove a Phone Box
- iv. Gas Meter
 - a. A homeowner cannot move, alter, or remove a Gas Meter

3.3 Structural Elements

*Note: any partial replacement (i.e., accidental damage or weather related) must be compatible with existing materials.

3.3.1 Decks

ACTION REQUIRED: Contingent

A change request to build, replace, or modify a deck, including any enclosures under the deck must be accompanied by a site plan showing the deck's relationship to other properties and scale drawings or blueprints. Criteria to be used in judging decks or enclosure will be:

- i. Decks are to be located primarily in the rear of the homes, although other locations will be considered where appropriate. Stairs are optional; however easement considerations may be applicable.
- ii. Decks, including any enclosures under the deck, shall be compatible in materials and color with the applicant's home. Composite materials are acceptable.
- iii. If exterior lighting is to be added as part of the deck, consideration shall be given to the impact night-time lighting will have on adjacent properties.

3.3.2 Three Season & Four Season Sun Porches

ACTION REQUIRED: Contingent

A change request to build, replace or modify a Sun Porch, including any enclosures under the porch must be accompanied by scale drawings or blueprints. Criteria to be used in judging the porch or enclosure will be:

- i. Three or four season sun porches, including any enclosures under the porch, shall be compatible in materials and color with the applicant's home.
- ii. Any non-glass exterior walls must match the existing exterior material.

3.3.3 Patios

ACTION REQUIRED: Contingent

A change request to build, replace or modify a Patio must be accompanied by a site plan showing the patio's relationship to other properties and scale drawings or blueprints. Patios extending into any Common Area shall be subject to the Heritage Glen Easement Agreement. Criteria to be used in judging patios will be:

- i. Patios generally shall be built in the rear of homes, although other locations will be considered where appropriate.
- ii. Patios shall provide for adequate drainage and shall be built in an attractive, professional manner. If changes in grade are anticipated, this shall be shown in the plans.
- iii. Acceptance will be denied if adjacent properties are adversely affected by changes in drainage.
- iv. If exterior lighting is to be added as part of the patio, consideration shall be given to the impact night-time lighting will have on adjacent properties.

3.3.4 Awnings and Pergolas

ACTION REQUIRED: Contingent

A change request to add, replace or modify an Awning or Pergola must be accompanied by the size of the awning or pergola, a color sample, and a description of the materials to be used. Additionally, describe how the structure will be supported and the method of attachment to the house. Criteria to be used in judging the Awning or Pergola will be:

- i. Awnings and pergolas shall be in colors that are compatible with the home's exterior colors.
- ii. Natural wood is permitted for pergolas.

3.3.5 Satellite Dishes and Antennas

ACTION REQUIRED: Permitted

- i. Satellite Dish – must be mounted on the roof near the rear of the house.
- ii. Local Channel HDTV Antenna – if not installed in the attic, it must be mounted on the roof near the rear of the house and no larger than the Satellite Dish.

3.3.6 Roofs

- i. Asphalt shingles that are included within the color palate (on file with the ACC). *ACTION REQUIRED: Permitted*
- ii. Any other roofing materials are allowed. *ACTION REQUIRED: Contingent*
- iii. Skylights or Solar Tubes are allowed. *ACTION REQUIRED: Permitted*

- iv. Solar Panels. *ACTION REQUIRED: Contingent*

3.3.7 Siding / Soffits / Fascia / Gutters / Downspouts

- i. Siding/Soffits/Fascia/Gutters/Downspouts that are included within the color palate (on file with the ACC) and are of a permanent finished (needing no painting or staining). *ACTION REQUIRED: Permitted*
- ii. Any other Siding/Soffits/Fascia/Gutters/Downspouts materials are allowed. *ACTION REQUIRED: Contingent*

3.3.8 Windows / Doors

- i. Garage Door replacement that is included within the color palate (on file with the ACC) and is of a permanent finish (not wood) with or without opaque windows. *ACTION REQUIRED: Permitted*
- ii. Main Entry Door replacement with or without windows in a complementary or accent color. *ACTION REQUIRED: Permitted*
- iii. Exterior Storm Door Installation in a permanent finish with a complementary or accent color. *ACTION REQUIRED: Permitted*
- iv. Window replacement that does not alter existing opening and is of a permanent finish with a complementary or accent color: *ACTION REQUIRED: Permitted*
- v. New Window Installations in a permanent finish with a complementary or accent color. *ACTION REQUIRED: Contingent*
- vi. Door/Window Trim in a permanent finish or painted wood with a complementary or accent color. *ACTION REQUIRED: Permitted*

3.3.9 Exterior Lighting

ACTION REQUIRED: Permitted

- i. Garage door lights must match each other in style and finish. Garage lights must remain on light sensor.
- ii. Main Entry, Deck or Walkout lights must be complementary to the home.
- iii. Flood lights that radiate significantly to adjoining properties are allowed with written approval from adjoining neighbors.
- iv. Ground lights (either solar or wired) must be placed within the rock areas.

3.3.10 House Numbers

Most styles and sizes which complimentary to the house. *ACTION REQUIRED: Permitted*

3.3.11 Flag Poles / Flags

A flag pole not attached to the house will require a change request. *ACTION REQUIRED: Contingent*

3.4 Miscellaneous Items

3.4.1 Trash / Recycling Bins

Trash should not be stored (either in garbage cans or bags) in any location other than in the garage. Trash may not be placed on plants, shrubs, or walkways of the common areas. Trash cans should be placed at designated street curbs no earlier than 12:01 a.m. on the day of pickup and removed no later than that evening.

Note: the ACC requests that all trash be secured due to strong winds in Woodbury

3.4.2 Animal Control

City of Woodbury ordinance and the Association's declaration expressly prohibit free-roaming domestic animals. All pet feces must be promptly removed from the common areas.

3.4.3 Recreation / Play Equipment

See Section 7.9 in the Heritage Glen Townhome Association Declaration and Bylaws book for recreation/play equipment guidelines.

3.4.4 Vegetable Gardens

Vegetable Gardens must be located within the rock area toward the rear of the house.

3.4.5 Storage / Tool Sheds

A storage/tool shed is not allowed in the common area. It must be placed under the deck or seasonal porch.

3.4.6 Signs / Notices

Home "For Sale" signs are the only sign allowed in the common area in front of the home. Event signs such as garage sales, parties, open houses, gatherings, etc. are allowed only for the duration of the event.

3.4.7 Wood / Firewood Storage

Wood/Firewood must be located within the rock area at the rear of the house.

3.4.8 Parking – Autos / Boats / Campers / ATV's

See Section 7.11 in the Heritage Glen Townhome Association Declaration and Bylaws book for parking guidelines, including complying with City of Woodbury parking regulations.

3.5 Specifically Prohibited

- i. Window Air Conditioners
- ii. Fences of any kind

- iii. Nonstandard window treatments, such as bed sheets or paper
- iv. Clothesline
- v. Dog House / Dog Kennel
- vi. Fire pits
- vii. Composting bins.

4 Appendix

4.1 Easement Agreement

A typical Heritage Glen Townhome Association Easement Agreement between the Homeowner and the Association will contain the following components:

- i. Sprinkler System Component
 - Will be relocated such that the sprinklers will not spray under the deck.
 - Will be relocated such that the remaining Common Area is fully covered by the new spray patterns.
 - The sprinkler system will be returned to a fully functional state at the earliest opportunity.
 - All work and expenses associated with the relocation of the sprinkler system is the responsibility of the home owner.
- ii. Building Code Component
 - All work will comply with the current Building Codes. A permit for this construction will be obtained and finalized.
- iii. Maintenance Agreement Component
 - All maintenance of the landscaping is the responsibility of the homeowner. This responsibility is attached to the home if ever sold or transferred.
 - In the event the homeowner chooses not to maintain the landscaping in a reasonable state, the Board reserves the right to revoke easement and return the area to its current state with all expenses borne by the homeowner.

4.2 Architectural Change Request (Application)

The change request application can be obtained from the chairperson of the ACC, and also from the website, heritageglenhoa.com.