

**Version-Approved July 23, 2009**

***An application is required wherever an asterisk (\*) is shown. An application may downloaded from the Highland View Web site or requested from a member of the Architectural Committee.***

### **Highland View Homeowners Association Architectural Guidelines**

**Architectural Committee Guidelines** - The Association has been charged with the responsibility of maintaining the aesthetic and architectural character of Highland View. Any owner desiring to make **ANY** exterior change, improvement or addition (including any change in color) must obtain approval for the change. All applications will be considered on an individual basis, and all reasons presented for the improvements will be weighed and evaluated, based on the following considerations:

1. The harmony of external design and location in relation to surrounding homes in the community.
2. The recognition of future maintenance problems or expenditures the installation might cause the Association.
3. Adherence to the guidelines established in the Declaration of Covenants, Conditions, and Restrictions dated May 9, 1989.

### **PROCEDURE FOR OBTAINING WRITTEN APPROVAL**

**Step 1:** Review the Architectural Guidelines as they pertain to the intended project. The project must be consistent with the written guidelines.

**Step 2:** The homeowner must fill out the Request Form completely and provide detailed drawings or photos of the proposed project.

And also from the Property Management Company. The completed Application (Request forms, drawings, and photos) must be sent either by regular or electronic mail to the Property Management Company. Their contact information is:

**Maria Lewis, Property Manager**  
**Westwood Management, Inc.**  
**109 International Drive, Ste 220**  
**Franklin, TN 37067**  
**Off: 615-794-1411**  
**Email: [maria@wmco.net](mailto:maria@wmco.net) / [www.wmco.net](http://www.wmco.net)**

**Step 3:** The Property Management Company will review the Application to ensure that it is complete. The homeowner will be notified by postal service or email when the completed application has been received. If further information is needed, the homeowner will be notified of the necessary documents to complete the application. The process of review does not officially begin until the application process is complete.

**Step 4:** Once the application is complete, the Property Management Company will send it to the members of the Architectural Committee.

**Step 5:** The Architectural Committee will review the application. After the initial review, the homeowner will be notified by a member of the Architectural Committee if there are any questions or concerns regarding the proposal. If necessary, a member of the Architectural Committee will meet with the homeowner to review the submission and discuss any questions, concerns, or suggestions.

**Step 6:** After reviewing the application, the Architectural Committee will either ACCEPT the application as submitted, ask for REVISIONS that adhere to the architectural guidelines, or DECLINE the application. An electronic response from the Architectural Committee will be sent to the Property Management Company who will then notify the homeowner both by email and by postal service of the decision.

**Step 7:** The homeowner should expect an ACCEPT, REVISE or DECLINE decision within 30 days of a **completed application**.

**Step 8:** Decisions shall be based upon the following criteria:

- o **Step 8A:** If the decision is ACCEPT the review process is complete.
- o **Step 8B:** If the decision is REVISE the application may be resubmitted for further review. Upon receipt of the REVISED application, the Architectural Committee has 14 days to render a decision.
- o **Step 8C:** If the application is DECLINED, the Architectural Committee will respond by email to the Property Management Company. The Architectural Committee may make suggestions for modifying the application to make it acceptable. The Property Management Company will notify the applicant of the decision, the reasons for the decision and any suggestions for modification of the plan made by the Architectural Committee. The applicant may appeal this decision in writing to the Property Management Company within 30 days of receipt of the decision. After review of the appeal, the Architectural Committee will vote on the application and the original decision can be reversed with a majority vote of the Architectural Committee.

**Step 9:** APPROVALS are valid for 6 months from the date the applicant receives the official notification. That is, work must begin within the 6 months of the acceptance date or a new application must be submitted.

**Step 10:** If the applicant desires to modify the plans or specifications for architectural changes during construction, a revised application **must** be submitted to the Property Management Company. The Architectural Committee will review the revised application and reply through the Property Management Company. Every effort will be made to render a decision on the revision in a timely fashion, but the work on the revised part of the plan must not begin before a decision is rendered.

Any change or improvement made by an owner is the responsibility of the owner for maintenance, repair and/or replacement. Unauthorized changes or improvements must be removed or restored to original conditions at the discretion of the Board of Directors and will be at the expense of the owners. Failure to do so may result in the Association placing a lien against the property involved. The purpose of the Architectural Committee is not to discourage improvements but to oversee the nature of improvements in order that they enhance the value and conform to the overall aesthetic appearance of Highland View. This is a protection of your investment. The Board of Directors, the Architectural Committee and the Association. Members are in favor of improvements and hope that owners will desire to personalize their homes.

## **LANDSCAPING**

\* Elaborate or excessive amounts of landscaping in the front yard must be approved.

*Landscape Materials:*

*It is recommended that a mixture of lawn, plant materials, and ground cover be used. Coverage of a substantial portion of the yard with artificial turf, concrete, asphalt, red, white or any colored rock or gravel, shall not be considered in character of the aesthetic and architectural character of Highland View.*

\* The planting of more than eight (8) trees totals in one's yard must be approved due to Site Line Restrictions.

\* No sound hardwood trees in excess of 4" in diameter shall be removed from the property without written approval of the Association. No trees or foliage shall be removed from the common grounds to include mountainside or surrounding common wooded areas.

\* Lamp posts are acceptable provided they are 7 feet tall and posts should be black. The fixtures should match the house fixtures or compliment them.

No outbuildings are permitted. Outbuildings as defined as a permanent structure with enclosed walls and a roof, i.e., sheds, barns, playhouses, etc.

Flagpoles are not permitted. *Freestanding flagpoles are not permitted. To display a flag on certain holidays, use of front doorway poles hung on the house is permitted.*

All vegetable gardens must be confined to the backyard and must be maintained so as not to be unsightly.

No homeowner shall store more than two cords of firewood, which should be neatly stacked and free of debris, preferably in one's backyard.

Outside clotheslines and clothes hanging devices shall not be permitted.

No signs shall be erected, posted or displayed, except street and identification signs installed by the Association or developer, except one temporary real estate sign not to exceed six square feet in area per lot advertising the home for sale. *Political signs and other temporary signs, such as graduation or baby announcements, may be displayed but only for a reasonable timeframe before and after the announced event.*

*Yard ornaments including statues, birdbaths, bird feeders, weather vanes, and other similar items are not permitted in homeowner's front yards. Yard ornaments must be an extension of the natural landscaping rather than a highlighted feature of the landscaping. Decorations for holidays are not included in the yard ornament guideline provided they are only visible during the holidays.*

## **FENCES AND WALLS**

### **\* FENCES**

It is the desire of the Architectural Committee to keep the grounds within Highland View as natural and unobstructed as possible. Therefore, we strongly discourage the use of perimeter fencing around Highland View homes. However, in the event fencing is required, we have selected the following:

\* 1. Invisible fencing - Can cover your property boundaries, the perimeter of your home, with no exposed wire, and will keep your dog safe within your yard. We highly recommend the use of this fence.

\* 2. Gothic/Picket - 4' western cedar with 1" x 4" boards, 2" x 4" runners and 2" spacing or 50% of the width of the board. Set posts should be 18" deep and post should be 4" by 4" cedar or brick to match your house. This fence should be natural color and quality installed. It can only be constructed in the rear of the house.

\* 3. Wrought Iron - 4' tall with posts of wrought iron or brick to match your house. The post must be set 18" - 24" deep with 4-1/2" between and must be painted black. Wrought iron must be of high quality and can only be installed in the rear of the house.

4. No chain link fences are allowed.

\* 5. Privacy Fences - The fence must be within 6' of the patio or deck edge. It should be no more than 6' high, two or three sides, and made of natural materials: wood, brick or stone. The decorative side of the fence must be visible from the outside of the fence.

6. *All fences will comply with all Brentwood City ordinances.*

### **\* WALLS**

Walls may not be constructed along the front lot lines or perimeter boundary of any site. Front terrace walls must be approved by the Architectural Committee, must be made of the same brick as the house, and must be aesthetically consistent with the Highland View development. The Architectural Committee must approve all other types of walls or structures.

Sight Line Restrictions - No fence, wall, hedge, shrub or other object which may obstruct the sight lines of motorists shall be placed or permitted to remain on any corner lot, street median or common area. It shall be presumed that any object more than 30" above street level and within (a) the triangle formed by the two curbs of a corner lot or other intersection, or (b) a street median, is an obstruction to the sight lines. The foliage line of any permitted tree located within the triangle or street median must be maintained more than 60" above street level and shall not extend over the roadway.

*Definitions. For the purposes of this section, the following definitions shall apply.*

- a. Fence shall mean any self-standing structure, partition and/or wall erected to enclose a piece of land to provide privacy, security and/or sound absorption/reflection. For the purposes of this section, a screening wall shall be considered a fence.
- b. Open fence shall mean any fence having no more than 50 percent of its surface covered.
- c. Perimeter fence shall mean any fence running approximately parallel to and within 20 feet of a lot line.
- d. Solid fence shall mean any fence having more than 50 percent of its surface covered.

#### **HOME IMPROVEMENTS AND ADDITIONS**

\* The changing of exterior paint colors must be approved by the Architectural Committee and should be neutral tones. Color chips must be made available. *This includes the painting of brick exteriors.*

\* Patio covers must be of a permanent nature. Acceptable types of covers include lattice work, trellis type, or solid roofs with shingles that match the existing roof.

\* Awnings must be of a permanent nature. Colors must be compatible with house colors.

\* Decks - There shall be no wrap around decks or second floor decks. All other decks must be approved by the Architectural Committee.

Mailboxes shall be galvanized steel rural mailboxes, and medium model 1 - 1-1/2, mounted on a 4" x 4" rough sawn post or such other uniform design approved by the Architectural Committee.

Building Material - No lumber, brick, stone, block, concrete or other building material, nor any other thing used for building purposes shall be stored on any site except for the purpose of construction on such site, and then only for such length of time as is reasonably necessary for the construction of the improvements then in progress.

\* No outside television or radio antennas shall be maintained on any lot. *Any satellite dish installed on any property must be less than one meter (39 inches) in diameter. The receiving dish should be hidden from view from the road, preferably installed in the rear of the house. If this location is not possible, due to the location of the house, then the dish must be hidden from view from the road with landscaping. Receiving dishes are not to be mounted on fencing. The location of the receiving dish must be approved prior to installation.*

Skylights must not be on the front of the house.

Windmills will not be approved. Solar panels will not be approved.

Window Treatments - Window treatments shall consist of draperies, blinds, decorative panels or other tasteful window covering. No newspaper, cardboard or aluminum foil will be allowed for temporary use. Sheets or other temporary window treatments are permitted for a reasonable time period, not to exceed 60 days on windows facing the street.

Construction Damage - Any builder or owner who makes a curb cut or damages any public areas or common areas in any way will be responsible for repairing the same at his sole expense.

Owner Obligations and Maintenance - All sites, together with the exterior of all improvements located thereon shall be maintained in a neat and attractive condition by their respective owners.

\* *Roofs – New roof shingles in a color and texture consistent with the neighborhood will be allowed without application for change. Any other material such as tiles, tin, etc. will require approval of the Committee*

\* *Driveways – Black top material is not permitted for driveways. Any change in texture, type of pattern, or color must receive prior approval. All designs and materials must be consistent with the aesthetics of the neighborhood.*

#### **RECREATIONAL IMPROVEMENTS / PLAY EQUIPMENT**

\* Swing sets and other playground equipment are allowed but only in the backyard. Equipment must be in good condition and hidden as much as possible from the road. *If the equipment falls into disrepair, it is expected that the Owner will remove it.*

\* Basketball goals are acceptable. However, front entrance goals are discouraged. Basketball goals cannot be attached to the house or placed on the curb near the road. Placement is subject to approval. *If the equipment falls into disrepair, it is expected that the Owner will remove it.*

\* Tree houses must be located in the rear of the house and the design and color must be approved by the Architectural Committee.

\* No aboveground swimming pools are permitted. All in-ground pools are permitted but must be approved by the Architectural Committee.

\* Fish ponds must be screened from view and location approved prior to installation. Fishponds should be located in the rear yard, directly behind your home. Fishponds are to be child proof when unattended.

No tennis or basketball courts shall be permitted on any lot.

\* Hot tubs should be located in the rear yard and directly behind your home. All tubs must have a locking cover and privacy fence with a locked gate so it is childproof while unattended. Additional hot tub guidelines include:

1. All hot tubs and spas are to be screened from view.
2. All hot tubs and spas are to be in ground decking.
3. No piping, pumps, filters or other mechanical equipment shall be exposed to view.
4. No water from a hot tub or spa is to be allowed to drain onto adjoining property.
5. No drain lines shall be connected to the local sewer system, nor shall said lines cross the common ground. Drainage will be restricted to the owner's own lot alone.
6. No lighting of hot tubs or spas shall be allowed to "spill" onto adjoining properties.

## **VEHICLES**

Automobiles and Vehicles - Every attempt should be made to park automobiles, small passenger trucks, passenger vans and other commonly used private passenger vehicles in the garage or on the driveway. Commercial vehicles, non-passenger vehicles, recreational vehicles, campers, boats and trailers shall not be parked or stored overnight outside the garage. No vehicle shall be parked overnight if commercial equipment or commercial lettering is exposed in or upon the vehicle. The foregoing restriction shall not be deemed to prohibit the temporary parking of commercial vehicles making delivery to or from, or used in connection with providing services to the subject property of any owner. No vehicle should be parked on the street for longer than a 24-hour period.

No junk vehicles, inoperative or unlicensed motor vehicle, structure of a temporary character (mobile home, etc.) shall be parked or stored on the property. The repair or maintenance of an automobile or other vehicle must be carried out within your garage.

*Boats, campers and/or other recreational vehicles may be temporarily parked (maximum of 48 hours) on the owner's driveway for cleaning and or repair.*

**Garage Doors** — In the event you have a garage door facing the front of a structure, every attempt should be made to keep the door and/or doors closed except when leaving or entering.

## **Pets**

House pets, dogs, cats, and caged birds may be kept provided such pets are not kept, bred or maintained for commercial purposes.

Dog runs are not allowed. Doghouses - Guidelines as follows:

1. The doghouse cannot be seen when viewing the front of the house.
2. The structure must be made of lap siding, redwood, cedar or pressure treated materials.
3. The doghouse must be painted a dark color to blend with the natural landscaping.
4. The dimensions of the doghouse may be no larger than 3' wide by 4' deep by 3' high.
5. Doghouses must be kept in good repair and provide an unobjectionable view to neighbors.

## **Trash**

Trash and garbage containers shall not be permitted to remain in the public view except on days of trash collection. Trashcans are preferable to exposed bags. Garbage should be collected *at the curb, on the side of, or in the back of your house*. No burning of any trash shall be permitted on the property.

## **Miscellaneous**

\* Garage Sales - Sales of personal property on the premises by "garage sales", "patio sales" or similar sales to the general public are prohibited, unless approved by the Architectural Committee. Nuisances and Unsightly Materials - No house or other structure on any site shall be used for any commercial or business purpose. Each owner shall refrain from any act or use of his site that could reasonably cause embarrassment, discomfort, annoyance or nuisance to the neighborhood. No noxious, offensive or illegal activity shall be carried on upon any site. Boats and recreational vehicles may be stored on the property, but may not be visible from neighboring lots, streets, roads or open areas.

Leasing - No unit may be leased without notification of the Board of Directors. All rules and regulations contained in this document must be part of the lease agreement.

## **GENERAL APPEARANCE / MAINTENANCE**

*Every owner shall be responsible for a well-maintained exterior appearance of their lot. Each owner must maintain and mow the grass so that it does not exceed 6 inches in length in both the front and rear yard. Owners shall maintain and repair all decks, fences, and patios in a neat orderly and well-maintained fashion. These areas shall not be used for storage.*

## **NO LIABILITY**

The Architectural Committee shall not be liable to any owner in connection with the exercise or non-exercise of architectural control hereunder, or the approval or disapproval hereunder or any improvement. Any approval of any plans or specifications by The Architectural Committee shall not be deemed to be a determination that such plan or specifications are complete or do not contain defects, or otherwise comply with any applicable government requirements. The Architectural Committee shall not be liable for any deficiency, or any injury resulting from any deficiency, in such plans and specifications.

## **Remediation process for Highland View Homeowners Association**

Owning a home in a community association offers many advantages to you the homeowner, but at the same time, sometimes imposes some restrictions. These restrictions are not meant as an inconvenience or an infringement of your rights as a homeowner, but rather are designed to maintain a pleasant overall appearance of the Highland View community. The Homeowner Association Covenants and Architectural guidelines describe how we collectively are to maintain and use our property.

When a variation from either the covenants or architectural guidelines is observed or brought to the attention of the architectural committee, the Board of Directors or the engaged property management company, the following process will be followed:

1. The identified situation will be communicated to the architectural committee, who will confirm whether or not the situation is out of compliance with the intent of the governing documents. If the situation is determined to be out of compliance, the architectural committee will notify the Board and the management company. The Board reserves the right to suspend these actions at any time during this process.

Once a home/property is determined to be in non-compliance:

2. The property management company will make a personal call to the homeowner, informing them of the observed situation. During the call, the homeowner will be asked how long they believe it will take to remedy the situation.

- a. Every effort should be made during this call to determine if there are extenuating circumstances that are preventing the homeowner from keeping the property in compliance. These circumstances will be shared with the Board for consideration before further action is taken.

- b. Depending on the circumstances and potential cost of the remedy, the length of time to complete the work may vary. It is expected that in most cases, the remedy would be completed within 30 days.

3. If the remedy is not completed in the agreed upon timeframe, the management company will send a follow up letter to the homeowner, giving an additional 14 days to comply.

4. If the remedy is not completed within the 14 days, the management company will send a certified letter demanding that the situation be remedied, as previously agreed, in 7 days or legal action may be initiated. The homeowner will be informed that the association will seek to recoup all legal expenses from the homeowner involved.

5. Legal action is initiated by the Board of Directors on behalf of the homeowner's association.