



THE PRESERVE AT NOTTINGHAM HOMEOWNERS ASSOCIATION

ARCHITECTURAL GUIDELINES

1. PURPOSE OF THE GUIDELINES

These guidelines are a supplement to the Preserve at Nottingham Homeowners Association's (HOA) Declaration of Covenants. The Declaration is the legal document governing property rights and obligations for all homeowners. All property owners should have been given a copy of the covenants at their closing; if a copy was not received, contact the HOA or visit the website at www.hoapreserve.com.

The covenants 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.

Additionally, these guidelines may be silent on a particular improvement, but the Architectural Control Committee (ACC) must still review and approve the improvement. If the proposed improvement is not addressed by these guidelines or the improvement is questionable in some manner (general aesthetics, heights, transitions, impact on visual sight lines, etc.) the Committee may place a moratorium on the improvement until it has the opportunity to create the necessary guidelines.

Finally, the ACC and the Board recognize that some improvements have taken place in the development that may not be consistent with the guidelines. Most of those improvements took place when Lennar controlled the architectural approval process and/or during the transition. The ACC and Board considers these improvements "grandfathered"; however, they do not represent precedents that other homeowners should rely on for being consistent with these architectural guidelines or the architectural character of the development.

2. WHAT IS A RESTRICTIVE COVENANT?

A restrictive covenant is basically a contractual agreement to take, or refrain from taking, some action. In the case of architectural design review, it means to refrain from building or significantly modifying property without prior approval of some authority. In the Preserve at Nottingham, Article IV of the Declaration grants authority to the Architectural Control Committee

(ACC). The ACC is comprised of homeowners from the community. Members of the ACC are appointed by the Board of the Preserve at Nottingham HOA.

3. BENEFITS OF ARCHITECTURAL GUIDELINES

A properly designed and well-managed system of architectural design review will yield substantial benefits — both economic and aesthetic — to the entire community. Architectural controls, rather than being a harmful burden to residents, will enhance the quality of life, promote property qualities that add value to the community, and make the community more attractive. In short, the basic purpose of architectural controls is to keep the community looking like a nice place to live.

The positive benefits must be kept in mind by all homeowners. From time to time, some homeowners who are denied permissions to make certain modifications to their property may complain that the architectural controls are unduly restrictive. Even the most loosely drawn and weakly enforced control would be subject to such criticism. Anytime you have controls, someone at some point will be denied permission to do something.

The key to making the architectural guidelines successful is to set reasonable guidelines that have the support of the community and to enforce them in a fair, even-handed manner. The Preserve at Nottingham HOA has stressed this above all else in writing these guidelines and in enforcing them. If the guidelines are unnecessarily strict, many homeowners will object, eroding community support for the guidelines. On the other hand, lax guidelines and weak enforcement will open the community to many types of objectionable architectural practices, harming the entire community.

It should be remembered that all new construction and property alterations must comply with City of Maple Grove building codes and zoning ordinances. Construction that is not allowed by the City also is forbidden by the Preserve at Nottingham covenants. On the other hand, construction that is allowable by the City might not be permitted under the covenants. Before undertaking construction, all homeowners should check with the City to ensure they are in compliance with all regulations and laws.

4. ROLE OF THE ARCHITECTURAL CONTROL COMMITTEE

The Preserve at Nottingham's Declaration requires that there be an Architectural Control Committee (ACC). The committee's chief function is to review all property modification requests filed by homeowners and to grant or deny permission to make the proposed changes. All decisions by the ACC must be in writing. All significant proposed modifications to property require approval from the ACC. No construction can begin until approval is granted by the ACC or, in the case of appeals of ACC decision, by the HOA Board of Directors.

5. REQUESTING PERMISSION FROM THE ACC

Before undertaking any construction or modifications that are of the type requiring ACC approval, homeowners must request such approval in writing from the ACC using a special form called an **Architectural Approval Form**. (A copy of the form is attached at the end of the guidelines.) Copies of the form can be obtained from the ACC or the HOA Board of Directors; it is also located on our website at: www.hoapreserve.com. The form, if properly completed, generally will provide all

the information needed for the ACC to make a decision. However, for larger projects, additional information such as project sketches or blueprints and a list of materials to be used must accompany the application. Generally, the bigger the project the more information that must be supplied to the Committee.

Homeowners failing to supply adequate information will be asked by the ACC to provide more details on the project. Construction cannot begin and approval will not be granted until such additional information is supplied.

An integral part of the application process requires the homeowner to give notice to their neighbors and have those neighbors acknowledge the notice by signing the Architectural Approval Form. Notice should be given to any neighbor that is adjacent to your property and/or will be able to visually see the project. Neighbors are given the opportunity by the notice to contact the ACC if they perceive any issues with the improvement. Rejection of any application by the ACC will not be made solely on the basis of objection(s) raised by neighbor(s).

The ACC will act on all properly filed alteration requests within 14 days of the receipt of the completed Architectural Approval Form and supporting documents. If the ACC fails to approve or disapprove a properly filed request within 14 days of receipt, approval will be deemed to have been given and construction may begin.

In cases where an Architectural Approval Form is rejected by the ACC, the ACC may ask the homeowner to modify his/her alteration plans so the project may be given approval. This will give the homeowner a maximum opportunity to make the proposed alteration, while ensuring that the property change complies with the architectural guidelines. This process may involve some negotiations and compromises between the homeowner and the ACC. Where such compromises are made by the ACC, they should not be considered as new defacto architectural guidelines. The integrity of these architectural guidelines should not be construed to be undermined by carefully decided, case-by-case compromises.

6. APPEALING ACC DECISIONS

While the ACC will make all reasonable efforts to allow homeowners to proceed with proposed exterior alterations, inevitably some homeowners will be denied permission to make changes -- despite negotiations and attempts to reach compromise. If a homeowner who has been denied permission wishes to appeal the decision, he/she may do so. To appeal, he/she must notify the HOA Board of Directors in writing that he/she is appealing the ACC's decision. This written notification of appeal must be filed with the HOA within 15 days of the ACC's decision.

The HOA Board of Directors will, upon receipt of the appeal notification, schedule a hearing on the appeal. The hearing and the HOA'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 the customary 30-day period, it will notify the homeowner that further time is required and attempt to make a decision as close to that time-frame as possible. Note that failure of the HOA Board to decide on the appeal within 30 days will not be considered rejection or approval of the ACC's decision and should not be considered by the homeowner to mean that he/she has permission to proceed with construction.

At the hearing, the homeowner will be allowed to present his/her case, explaining why he/she believes the application should be approved. A representative of the ACC also may appear at the hearing to give the ACC's side of the story. After the hearing, the HOA Board will rule on the appeal and notify the homeowner by letter of its decision. The HOA Board is the final arbiter in such appeals and its decisions may not be appealed further, except in a court of law.

In making his/her appeal to the HOA 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 HOA 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 HOA Board.

7. ENFORCEMENT POWERS & FINES

The Preserve at Nottingham's covenants and Minnesota statute give the HOA the right to enforce all covenant 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 HOA Board 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 approval are subject to fines. The fine schedule is as follows:

- Commencing construction without ACC approval up to \$500.00
- If approval is given after construction has begun the fine may be reduced to \$250.00
- If ACC approval 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. ACC approval shall not be granted until all fines have been paid.

8. ARCHITECTURAL GUIDELINES

Following are the ACC's guidelines for certain, common types of property modifications and additions. 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 HOA Board of Directors.

a. FENCES

All fences require approval of the ACC. No fence of any kind shall be erected or maintained on any portion of a lot, including a corner lot, along the front property line or from the front building line to the front lot line, or in the case of a corner lot,

on any side property line that has street or road frontage, or from the side building line to the side lot line where the side lot frontage abuts a street or travel way, unless approved by the Architectural Control Committee. No chain link fences will be allowed anywhere.

Other criteria used to judge the acceptability of fences include:

- i. Black, painted metal fences are the only fencing material allowed. Wood fences and chain link fences are not allowed.
- ii. Fence height shall not be greater than four (4) feet.
- iii. If the ground slopes, the fence shall be contoured. The bottom of the fence, such as a stockade fence, should be no more than 4" above grade at any point. Vertical supports shall be plumb.
- iv. Gates shall match the fence in material, style, color, and height.

b. SHEDS

All sheds require approval from the ACC. The following criteria will be used in judging the acceptability of sheds:

- i. Wooden sheds that are attractively designed will be allowed. Acceptability of sheds made from other materials, (e.g., prefabricated sheet-metal) will not be allowed.
- ii. Sheds will have siding and roofing materials consistent with one's home.
- iii. Sheds shall be of a not exceed 10'x14' in dimension or 10' in height. In addition, the improvement should have minimum setback of ten (10) feet from any adjoining lot.
- iv. Sheds shall be located in rear yards; preferably behind one's garage. Consideration shall be given to whether the site chosen for the shed is viewable from adjoining properties. Where sheds are clearly visible from neighboring properties, efforts shall be made to obscure sheds either by choosing another less-visible location or by using screening, such as fencing or shrubbery.

c. OTHER STRUCTURES

Other types of structures, such as playhouses also require ACC approval and generally will be allowed if they are attractively designed and sufficiently obscured from view of neighbors. Such structures also shall be of a size that is appropriate for the size of the property. Where such structures are allowed, they shall be well maintained. In addition, the improvement should have minimum setback of ten (10) feet from any adjoining lot.

d. DECKS

Before decks may be built, the homeowner must submit to the ACC a detailed Architectural Approval Form, 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 will be:

- i. Decks are to be located primarily in the rear of the homes, although other locations will be considered where appropriate.
- ii. Decks shall be compatible in materials and color, with the applicant's home.
- iii. Modifications to existing decks must also be approved by the ACC.
- iv. 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. In general fluorescent lights should not be used as exterior lighting.
- v. Decks of more than 550' square feet will be assessed significantly against the visual impact to adjoining properties and the ability of the expansion to remain consistent with the original character of the home.

e. THREE SEASON & FOUR SEASON SUN PORCHES

Before three or four season sun porch may be built, the homeowner must submit to the ACC a detailed Architectural Approval Form. Criteria to be used in judging the improvement will be:

- i. Three or four season sun porches shall be compatible in materials and color, with the applicant's home.
 1. On four season porches the exterior shall be compatible in materials and color, with the applicant's home.
 2. On three season porches the exterior shall be compatible in materials and color, with the applicant's deck.
- ii. Three or four season sun porches shall include sufficient windows elements consistent with sun porches (oppose to an extension/room additional).
- iii. Expansions of more than 250' square feet will be assessed significantly against the visual impact to adjoining properties and the ability of the expansion to remain consistent with the original character of the home.

f. PATIOS

All patios require ACC approval. Patios generally shall be built in the rear of homes, although other locations will be considered where appropriate. 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 submitted to the ACC. Approval will be denied if adjacent properties are adversely affected by changes in drainage. If exterior lighting is to be included in the construction, consideration shall be given to the impact the lighting will have on adjoining homes.

g. EXTERIOR PAINTING

An Architectural Approval Form is not required when the home is painted an identical or very similar color to what is currently on the house. When all or part of the exterior is to be painted a color substantially different from what currently is on the house, approval must be obtained from the ACC. When deciding applications for color changes, the ACC will consider the harmony of new colors with dominant color schemes and consistency with neighboring houses. The application shall state what part of the house is to be painted.

h. AWNINGS & PERGOLAS

Awnings and pergolas will not be permitted on the front or side of any home. Awnings and pergolas at the rear of the house shall be in colors that are compatible with the home's exterior colors. Natural wood is permitted for pergolas. The Architectural Approval Form shall include the size of the awning or pergola, a color sample, and a description of the materials to be used. Applications also shall describe how the structure will be supported and the method of attachment to the house.

i. EXTERIOR DECORATIVE OBJECTS

An Architectural Approval Form is required for all exterior decorative objects that are of significant size. Examples of objects that would require ACC approval include flagpoles, sculptures and fountains. Decorative objects requiring ACC approval will be evaluated on such criteria as sitting, proportion, color, and appropriateness to the surrounding environment. Small, unobtrusive decorative objects will not require ACC approval. Examples of such objects include flower pots, and small rocks used in rock gardens.

j. LANDSCAPING

Customary landscaping, such as flower, shrubs, and small trees generally will not require ACC approval. However, types of landscaping described below do require ACC approval and require the homeowner to submit the Architectural Approval Form.

- i. Planting used as a fence or for screening purposes.
- ii. Placement of large decorative rocks on a property.
- iii. Landscaping that involves a change of grading or slope or installation of a retaining wall or other structure.

k. SATELLITE DISHES & ANTENNAS

Certain types of electronic equipment that affect the exterior of the home require ACC approval. Such equipment includes large television and ham radio antennas, satellite dishes, and microwave antennas. The overall length of an antenna, including mount, shall not exceed six (6) feet measured from the building surface on which the antenna is mounted. A satellite dish mounted on the back, second story of a home shall not require architectural approval. Unless due to signal issues, satellite dishes must be placed on the second story of a homeowner's roof; satellite dishes may not be placed on a deck or mounted to a pole in one's yard.

l. MAJOR ALTERATIONS

Major building alterations include, but are not limited to: porches, greenhouses, room additions, fireplaces, and garages. For major alterations, Architectural Approval Forms shall be highly detailed and will be evaluated on a case-by-case basis. It is suggested that the application be a duplicate of those documents that are submitted to the City for a building permit. Criteria to be used in judging the improvement will be:

- i. All construction shall be compatible in materials and color, with the applicant's home.
- ii. Room additions shall include sufficient windows elements consistent with the general exterior appearance of other homes.
- iii. Expansions of more than 250' square feet will be assessed significantly against the visual impact to adjoining properties and the ability of the expansion to remain consistent with the original character of the home.
- iv. In addition, the improvement should have minimum setback of ten (10) feet from any adjoining lot.
- v. If changes in grade will affect drainage, these changes shall be indicated in the plans submitted to the ACC. Approval will be denied if adjoining properties are adversely affected by changes in drainage.
- vi. Construction materials shall be stored so that impairment of the views from neighboring properties is minimized. Excess construction materials shall be immediately removed after completion of construction.
- vii. In general, all improvements should have minimum setback of ten (10) feet from any adjoining lot.

m. RECREATION AND PLAY EQUIPMENT

- i. Installation of most commercially available play equipment, such as metal swing sets, does not require ACC approval. However, play equipment that is made by the homeowner may require ACC approval if it is substantial in

size. For example, a small sandbox made by the homeowner would not require ACC approval, but a homeowner-built playhouse would require ACC approval. All play equipment shall be located in backyards. In determining where to locate play equipment, consideration shall be given to the impact recreations activities involving the equipment will have on neighbors.

- ii. Basketball backboards and posts will be permitted to be placed in front driveways, providing they are located in such a manner that adjacent properties will not be adversely affected either in appearance or by trespass. Basketball backboards may be attached to the house without obtaining ACC permission.
- iii. Sports courts may be allowed. The total area may not exceed 250 square feet or 25% of the homeowner's backyard; whichever is greater. In addition, the improvement should have minimum setback of ten (10) feet from any adjoining lot.
- iv. However, the Committee shall also be very mindful as to the placement of the sports court and the lighting plan and the impact on a neighboring property.

n. FRONT MONUMENT

Realtor signs and yard sale signs are allowed on the front monument area during the hours of the open house/yard sale only. The signs should be placed on the street boulevard and not the main monument grass area. Per City code¹, the Association has the right to restrict signs placed in the road easement adjacent to our property. The Board decided that it will allow signs in these areas during the hours of the open house/yard sale. An Architectural Approval Form is not required. Signs placed outside of these permitted times will be removed without notice.

o. MISCELLANEOUS ITEMS

- **FIREWOOD:** Firewood shall be kept neatly stacked and shall be located to the rear or side of the house.
- **TEMPORARY STRUCTURES:** There shall be no residential use of any temporary structure, including trailers, tents, shacks, barns or "other outbuildings".
- **DOG HOUSES:** Dog houses are allowed with ACC approval, providing they are of a design that is compatible with the applicant's house and are located in an area where they are unobtrusive. Wire fencing is allowed in the case of dog

¹ No nongovernmental sign (e.g., for sale signs [added for emphasis]) shall be placed in a public right-of-way abutting private property unless permission to place such a sign is first obtained from the owner, occupant or other person having control of the abutting private property." §24.6(f)

kennels but the structure must be concealed with vegetation and or trellis. The Committee shall also be very mindful as to the placement of the kennel and may deny the kennel if the Committee believes its placement may be conspicuous to a neighboring property.

- **LIGHTING:** General landscaping lighting and fixtures attached to a homeowner's house do not require architectural approval. Light posts that exceed two feet in height are not allowed. Lighting that radiates significantly to adjoining properties is not allowed.
- **PERMANENT BARBECUE GRILLS:** Permanent grills require ACC approval and shall be placed in the rear of the house and shall not be located within ten (10) feet of the side or rear property lines.
- **SWIMMING POOLS:** Swimming pools, whether above or below ground require the approval of the ACC. The total area, including decking and related elements may not exceed 75% of the homeowner's backyard. In general, all improvements associated with a pool should have minimum setback of ten (10) feet from any adjoining lot. The Committee shall also be very mindful as to the placement of the pool and any associated lighting impact on a neighboring property.
- **COMPOST PILES:** Compost piles must be constructed of a sturdy outside frame with wire or block interior and shall not exceed 30 inches in height. They shall be located at least five (5) feet from a property line and shall be screened from view. An Architectural Approval Form is not necessary.
- **TRASH RECEPTACLES AND GRILLS:** Trash receptacles shall be stored out of sight. This can be accomplished by storing them in garages, or by using appropriate screening, fencing, or landscaping. Trash cans and grills can not be stored on the driveway or in front or on side of home.
- **SOLAR PANELS:** Due to their size and character solar panels are not allowed.
- **SPRINKLER SYSTEMS:** Underground sprinkler systems do not require ACC approval.
- **MAIL BOXES AND POSTS:** Mail boxes shall be black and consistent with those in the neighborhood. Post must be replaced with posts that match existing posts exactly. Unless approved by the ACC, posts may not be stained.
- **VEGETABLE GARDENS:** Vegetable gardens should be placed in a discreet area on the rear of one's home. An Architectural Approval Form is not necessary for a vegetable garden.

9. OTHER

In all cases whether direct ACC approval is required or not, construction shall be completed in a timely manner not to exceed six months. Completion shall include all

elements of a project. After proper notice, the Board may assess fines of up to \$75.00 per day for non-completion of a project.

In all cases, the quality of construction and materials used shall be consistent with the character of the neighborhood. The ACC and/or the Board may require an improvement to be removed if it is not constructed as approved or the materials and/or quality of are poor condition. After proper notice, the Board may assess fines of up to \$75.00 per day for non-compliance.

*Adopted by Resolution by
The Preserve at Nottingham Board of Directors
11-13-2007*

The Preserve at
Nottingham
Home Owner's Association

Architectural Review & Approval Form

Architectural Review Committee (ARC)

a Standing Committee of the Board of Directors, The Preserve at Nottingham HOA, Inc.

As directed by the Declaration, the Architectural Review Committee (ARC) shall review and approve all exterior improvements (including grading changes) to ensure the proposed work ***is compatible with the housing style of most houses*** in The Preserve at Nottingham housing development. Please also review the **Architectural Guidelines**, available on the www.eneighbors.com website. All City of Maple Grove building code and regulation need to be met as well, and any necessary permits must be obtained.

The Review and Approval Form will not be considered complete without a copy of the following items, unless waived by the ARC:

- A survey showing the locations and dimensions of all existing and proposed improvements.
- A diagram or other visual representation describing the structural design, exterior elevations, exterior materials, colors, textures, and shapes of all improvements. This includes changes, and additions to all proposed exterior illumination (location and method included.)
- If your property's grades shall be affected, a visual description of existing and finished grades shown from the Lot corner angles and at corner angles to proposed improvement(s). Lot drainage provisions shall be indicated, as well as, cut and fill details if any appreciable change in the Lot contour is contemplated. Please note that City of Maple Grove approval may be required for any grade changes.
- The name and signature of any homeowner who may have visual sightline of your proposed project, which may include more than the neighbors immediately adjacent to your property.

HOMEOWNER'S INFORMATION:

Homeowners Name: _____

Address: _____

Telephone Number: _____ Email: _____

APPROVAL PROJECT REQUESTED: (Please Circle)

Fence

Pool

Deck/Gazebo

Patio

Shed/Outbuilding

Driveways/Sidewalks

Grading/Retaining Walls

Siding/Roofing

Windows/Gutters

Other (Please Describe)

DESCRIPTION OF IMPROVEMENT:

I Understand that the consent of the committee is required prior to commencing any improvement. I further acknowledge that the approval of the City of Maple Grove may also be required.

HOMEOWNERS SIGNATURE(S): _____

DATE: _____

APPROVAL OF RESIDENTS FROM ADJOINING LOTS:

I acknowledge that I have been notified of the planned improvements by my neighbor and if I object I shall contact the Architectural Review Committee within 10 days.

| | | | |
|------------------------|--|------------------------|--|
| Name: | | Name: | |
| Address: | | Address: | |
| Signature/Date: | | Signature/Date: | |
| Name: | | Name: | |
| Address: | | Address: | |
| Signature/Date: | | Signature/Date: | |

SUBMISSION:

The Preserve at Nottingham HOA Attn:
Architectural Review Committee PO Box
1551
Maple Grove, MN 55311

Or Email
preserveatnottinghamhoa@gmail.com

The Board checks this email on a weekly basis. If you have immediate questions, feel free to call us directly. Contact information is listed in the eNeighbors Directory.

For Committee Use Only:

Date Application Received: _____

Received by ARC Committee Member: _____

Following a review of your submittal for approval, The Architectural Review Committee:

■ Approves Your Request:

■ Approves Your Request with the following conditions:

■ Disapproved Your Request at this time, due to the following conditions:

Signed by ARC: _____

Signed Date: _____

Decision Date: (Delivered to HO) _____