



Homeowners Association

Policy and Procedures

Title: Detached Structures & Garden Structures	Policy: ACC - 0001, Version: 3.0 Effective Date: November 15, 2010 Revision Date: Aug. 17, 2011
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Purpose and Scope

The CC&Rs do not address the issue of property owners installing detached structures or garden structures; therefore it is presumed that the owners have the right to do so. Rear yards are the owners' private space, and as such, all property owners should have the right to personalize rear yards to their own taste and design. Such structures in front yards are not allowed by the CC&R, as amended, or the City of Bixby Ordinances.

The fact that detached structures or garden structures are allowed does not, however mean that the HOA does not have the right to review and approve of the property owners plans. These modifications can visually impact our community from common areas, neighboring yards and perimeter streets. This policy establishes requirements for purchasing, constructing and/or placing these detached structures or garden structures on an owner's rear yard property. This policy is not intended to be a personal critique of any property owner's taste or design, but is intended solely to address whether the structure would have an adverse impact on our community.

Definitions:

Detached Structures could be defined as an outbuilding, storage building, storm shelter, safe room, greenhouse, above-ground pool, in-ground pool, work shop, shed, play room, barns, potting sheds, etc. This list is not all-inclusive. For the purposes of this policy statement the term of "Detached Structures" will be utilized to mean any and all detached structures, no matter the intended use.

Garden Structures could be defined as an arbors, swings, outdoor fire places, gazebos, hot tubs, umbrellas, temporary tents (erected for more than 10 calendar days), fountains, outdoor kitchens, all playground equipment. This list is not all-include. For the purposes of this policy statement the term of "Garden Structure" will be utilized to mean any and all garden structures, no matter the intended use.

Policy Statements

CC&R – Section 8.1 conveys the responsibility of reviewing all proposed plans for such structures to the Architectural Control Committee (ACC). The ACC is only authorized to review the proposed plans of the property owner and make a final recommendation to the Board of Directors. Please refer to the Auberge webpage for the current membership of the ACC. All property owners are responsible for seeking prior approval from the Board of Directors before purchasing, constructing or placing such structures if the structure will be visible. The Board of Directors is solely charged with making the final decision on all proposed plans.

Procedures

Detached Structures that will be visible:

Any detached structure should be of a color and material that will cause it to blend in with the exterior and color of the owner's house, insofar as possible. We recognize that most detached structures will be prefabricated in nature and will be subject to color and material limitations. Most prefabricated buildings usually offer a range of colors. The goal shall be to avoid harsh colors, such as white or other bright colors, that will seem out of place in our community. Roofs should be low profile in design, if the structure will not be visible. The goal should be to avoid the height of the detached structure from exceeding the property owner's rear yard fence. This is generally six feet in height or less. The site selection is critical because of the topographical flow of the lots. If the structure will be visible, the pitch of the roof should be 6X12. The intent of this requirement would be to make this new structures roof be compatible with existing roofs in the community. To further assess the structure for appropriateness, the owner should ask the following questions:

1. Will the detached structure be visible from an internal street within The Auberge'?
2. Will the detached structure be visible from any perimeter street?
3. Will the detached structure be visible from a neighbor's rear patio?

If any of these questions are answered in the affirmative, then the property owner should be prepared to advise the ACC on how he/she proposes to minimize/block the view from these three areas. In all cases, it is recommended that the property owner contact all neighbors who will be visually impacted if this structure is added to the rear yard. This should be done prior to any involvement of the ACC. The ACC will provide a copy of the final plans to all affected neighbors prior to a final recommendation being made to the Board of Directors. The property owner will need to provide the required number of copies of the final plan to the ACC for distribution to the affected neighbors.

If the property owner's lot backs up to a perimeter street, the Board of Directors recommends that any detached structure be located within the side yard of his property, if possible. In doing so, a height of four feet for such buildings would be recommended. If the recommended heights are not available, or just won't work for the owner, then the

property owner should advise the ACC on how they propose to minimize/block the view of the storage building. This could be done with either the use of a small screening fence or appropriate landscaping. The proposed screening fence must be reviewed by the ACC. Any landscape screening material should be evergreen in nature must be reviewed by the ACC.

Additional guidelines for detached accessory buildings from the City of Bixby Ordinances

- b. *A detached accessory building shall not be located in the front or side yard, or encroach upon a minimum building setback line, but this limitation shall not apply to carports, provided the minimum required front yard or side yard or setback line is observed. (Ord. 994, 4-2-2008) (Note: Carports are not approved for construction within The Auberge')*
- c. *Within the rear yard, a detached accessory building shall be located at least five feet (5') from any interior lot line. (Ord. 272, 4-2-1974)*

Garden Structures:

In general, any garden structure is approved in 'The Auberge', however, the property owner must complete the exact same review process for detached structures.

Review Process:

We will try to be responsive, but please allow us some time to review your project. Thirty days would be best, but if you can't do that, give us as much time as you can. Call any member of the ACC to begin this process. Please be ready to provide to the ACC all of the details of your proposed project: dimensions, materials, colors, location, etc. to speed up this process. Remember that the ACC is required to take a final recommendation to the Board of Directors, so factor this time into your project schedule.

Any approvals granted by the Board of Directors should not be construed to mean that you are in conformity with the City of Bixby's City Ordinances, Zoning Codes or Building Codes. It is the property owner's responsibility to assure compliance with appropriate permitting requirements. In addition, the owner assumes full responsibility for the location of any Detached Structure or Garden Structure within any utility easement and should be aware that such location can constitute a violation of City or other Public Codes. This could subject a property owner to fines, penalties and legal action and cause a cloud on Property Deed. You should also be prepared to remove any Detached Structure or Garden Structure should you chose to sell your property.

We all want the freedom to use our rear yard in any way we want to, and that is how it should be. However, one of the benefits of our community is the effort we make to try and be sensitive to our neighbors. Compliance to this policy also makes a large step toward our desire to protect the values of our respective properties and our community as a whole.