

# Architectural Design Standards



Sienna Homeowners Association, Inc.

Building a Great Place to Live

*Sienna HOA Inc. ACC, Version 1.1, February 19, 2024*

# Sienna Architectural Design Standards

## Table of Contents

<b>Architectural Control Committee Mission Statement .....</b>	<b>6</b>
<b>Overview of Design Standards and Review Process.....</b>	<b>6</b>
Authority, Purpose, Definitions.....	7
Review Criteria .....	8
Appeal Process .....	9
<b>Application Information .....</b>	<b>9</b>
Submission of Plans and Specifications .....	9
<b>Design Standards .....</b>	<b>11</b>
Guideline #1: Exterior Building Alterations .....	11
<i>General Guidelines.....</i>	<i>11</i>
<i>Painting, Roofing, Awnings, Storm Windows and Doors.....</i>	<i>11</i>
<i>Air Conditioners, Dog Houses, Mailboxes, Detached Buildings .....</i>	<i>12</i>
Guideline #2: Decks and Retaining Walls .....	13
Guideline #3: Patios, Driveways/Walkways/Parking Areas .....	14
Guideline #4: Exterior Decorative Objects .....	15
<i>General Guidelines.....</i>	<i>15</i>
<i>Exterior Decorative Objects .....</i>	<i>15</i>

<i>Exterior Lighting and Holiday Decorations .....</i>	16
<i>Flag Poles .....</i>	17
Guideline #5: Landscaping and Yard Maintenance.....	17
<i>General Guidelines.....</i>	17
<i>Trees and Shrubs .....</i>	18
<i>Vegetable Garden Plots.....</i>	19
<i>Firewood.....</i>	19
Guideline #6: Play Equipment.....	19
<i>General Guidelines.....</i>	19
<i>Playhouses/Tree houses .....</i>	20
<i>Trampolines.....</i>	20
<i>Basketball Goals.....</i>	21
Guideline #7: Signs .....	21
<i>Restrictions and Exceptions</i> <i>(Real Estate, Security, Events, Elections).....</i>	21
Guideline # 8: Private Pools .....	22
<i>Wading Pools .....</i>	22
<i>Above-ground Pools .....</i>	22
<i>In-ground Pools .....</i>	22
<i>Hot Tubs/Spas.....</i>	22
<i>Landscape Pools and Waterfalls .....</i>	22

Guideline #9: Fences.....	23
<i>General Guidelines</i> .....	23
<i>Request for Fences</i> .....	23
<i>Specific Guidelines</i> .....	23
Guideline #10: Recreation and Towed Vehicles, Parking Vehicles .....	24
<i>General Guidelines</i> .....	24
Guideline #11: Antennas and Satellite Dishes .....	25
<i>General Guidelines</i> .....	25
<i>Installation</i> .....	26
Guideline #12: Business Use of Property .....	26
<i>General Guidelines</i> .....	26
Guideline #13: Subdivision of Lots.....	27
Guideline #14: Miscellaneous Covenants .....	27
<i>Animals, Clotheslines</i> .....	27
<i>Nuisances, Prohibited Activities</i> .....	28
<i>Storage, Collectors, Trash</i> .....	28
<i>Water wells Septic Tanks</i> .....	28
<i>Window Treatments</i> .....	28
<b>Covenant/Standards Enforcement .....</b>	<b>29</b>
Recognition and Due Process .....	29

<i>Recognition of Violation</i> .....	29
<i>Appeal</i> .....	29
<i>Penalties</i> .....	30
<i>Penalty Procedures</i> .....	30
<b>Summary/ Effective Date</b> .....	<b>31</b>
Exhibits.....	31
Exhibit A     Fence Styles and Placement .....	32
Exhibit B     Driveway Modifications .....	34
Exhibit C     Dish Guidelines for Contractors .....	35
Exhibit D     Index and Summary of Covenants.....	36

# Sienna Architectural Design Standards

## Architectural Control Committee Mission Statement

The Architectural Control Committee (ACC) is chartered and appointed by the Board of Directors of the Sienna Homeowners Association to preserve and enhance the appearance of the Sienna community and thereby preserve, protect and enhance the value of Sienna properties.

The Committee is charged with ensuring uniform, equitable (fair) and reasonable compliance with the architectural provisions stated in the Declaration of Covenants, Conditions, Easements and Restrictions (Declaration) for Sienna.

The ACC is also charged in the Declaration and by the Board to develop Architectural Design Standards for the Sienna Homeowners Association.

## Overview of Design Standards and Process

The Declaration of Covenants, Conditions, Easements and Restrictions (Declaration) for Sienna provides for a design review process through which any exterior property modification must be approved by the **Architectural Control Committee, (ACC)**. This provision applies both to new construction and any exterior modification of existing homes/properties. It was created for the purpose of achieving harmony and balance and maintaining a high standard of quality within the community.

As an administrative arm of the Board of Directors, the ACC's role is to preserve, protect and enhance the value of the properties in Sienna by enforcing the Declaration and implementing reasonable aesthetic standards. The ACC is chartered with ensuring uniform and equitable (fair) and reasonable compliance with the Declarations.

The following Architectural Design Standards are provided to amplify and supplement our community's Covenants (Declarations). Homeowners are encouraged to study these guidelines as well as the Covenants. Note that in the event of a conflict, the Declaration of Covenants, Conditions, Easements, and Restrictions will take precedence.

**IT IS IMPERATIVE THAT ALL HOMEOWNERS REQUEST APPROVAL BEFORE BEGINNING ANY EXTERIOR IMPROVEMENTS OR MODIFICATIONS TO THEIR PROPERTY!** The only exceptions to this requirement are specified within each of the following Guidelines. Many problems occur when a homeowner begins a project without written approval from the ACC. Permission will be easier to get than forgiveness. The sanctions for violations are severe. (See section VIII of the Declarations.)

**Each request for project approval is unique to the Lot to which it pertains; it will be evaluated on the individual and unique elements of the setting and the project. ACC actions on prior requests of a similar nature elsewhere in the community will not serve as a precedent for any subsequent request. Further, unauthorized actions by any prior**

**homeowner(s) will not be acceptable justification for subsequent requests for project approvals.**

To ensure compliance and uniformity of the process, the Declaration has established a process that provides for approval, appeal and penalties, such as warnings for noncompliance with these standards. (Refer to Covenant Enforcement Procedures Article VIII).

The contents of these guidelines and any action of the ACC or its agents, are not intended to be and should not be construed to be an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials or construction, nor as ensuring compliance with building codes, zoning regulations or other governmental requirements. Members or agents of the ACC Committee, the Board, and/or the Sienna Homeowners Association, Inc., shall not be held liable for injury, damages or loss arising out of any approval or disapproval of construction, or a modification to a Lot.)

## **AUTHORITY**

These Architectural Design Standards are promulgated pursuant to the authority granted to the Architectural Control Committee (hereinafter referred to as the ACC) by Articles V, VI, VII and VIII of the Declaration for Sienna. The requirements of these Design Standards shall be in addition to and not in lieu of the requirements and provisions of the Declaration. The authority of the Architectural Control Committee is quite explicit in section V of the Declaration.

## **PURPOSE**

Plans and specifications must be submitted to and approved by the ACC pursuant to the Declaration and these Design Standards are for the sole and exclusive purpose of ensuring that all exterior structures within Sienna are in conformity and harmony of external design with the existing standards of the neighborhood. (Article VI, Declarations for Sienna.)

## **DEFINITIONS**

The words “structure”, “owner” and “lot” as used herein shall have the same meanings as such words have in the Declaration. (Note “structure” means any thing or object the placement of which upon any Lot may affect the appearance of such Lot, including by way of illustration and not limitation, any building or part thereof, garage, porch, shed, greenhouse or bathhouse, coop or cage, covered or uncovered patio, swimming pool, fence, curbing, paving, wall, tree, shrub, sign, signboard, temporary or permanent living quarters (including any house trailer) or any other temporary or permanent improvement to such Lot.

As used in this document, “Architectural Design Standards,” and “Community Design Guidelines” shall be of equal weight, with “Standards” prevailing. Standards imply that an Exception is required. A guideline implies that exceptions will be granted for good cause. (In either case ACC approval is required.)

## REVIEW CRITERIA

The ACC will evaluate all submissions on the individual merits of the application. In addition to evaluation of the particular design proposal, review will include consideration of the characteristics of the housing type and the individual site. What may be an acceptable design of an exterior in one instance may not be for another. Design decisions made by the ACC in reviewing applications are not based on personal opinion or taste. Judgments of acceptable design are based on the following criteria, which represent in more specific terms the general Control of the Declaration.

### Conformance with Covenants

All applications are reviewed to confirm that the project is in conformance with the Declaration including offsets and easements.

### Relation to the Natural Environment

Fencing in particular can have a damaging effect on the feeling of open space. Other factors such as removal of trees, disruption of the natural topography and changes in the rate or direction of storm water run-off may also adversely affect the natural environment. Changes in the natural environment will be reviewed rigorously since a natural setting is an asset of Sienna.

### Validity of Concept

The basic idea must be sound and appropriate to its surroundings and add to rather than distract from the ambience of Sienna.

### Design Compatibility

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

### Location and Impact on Neighbors

The proposed alteration should relate favorably to the landscape, existing structure(s) and the neighborhood. The primary concerns are the impact on access, view, sunlight, ventilation and drainage. For example, fences may obstruct views, breezes or access to neighboring property; decks or larger additions may cast unwanted shadows on the adjacent patio or infringe on a neighbor's privacy. When a proposed alteration has possible impact on adjacent properties, it is **required** that the applicant discusses the proposal with adjacent lot owners prior to making an application. In most cases it also is required that the applicant submit neighbor comments along with the application.

### Scale

The size (in three dimensions) of the proposed alteration should relate well to adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.

### Color

Color may be used to soften or intensify visual impact. Any parts of the addition that are similar to the existing house such as roofs and trim should be matching in color.

### Materials

Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house. For instance, vertical wood siding on the original house should be reflected in



an addition. On the other hand, an addition with wood siding may be compatible with a brick house. Examples of homes in the community may be cited as the basis for acceptable use of materials, but such citations shall not assure approval.

#### Workmanship

Workmanship is another standard applied to all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards. Certain architectural requests will require professional installation by a licensed contractor. **The Association assumes no responsibility for the safety of new construction by virtue of design or workmanship.**

#### Timing

A variety of alterations can be built or installed by the residents themselves rather than a contractor. Projects that remain uncompleted for long periods of time, however, are visually objectionable and can be a nuisance and safety hazard for the neighbors and the community. All applications must include estimated completion dates. If such time period is considered unreasonable, the ACC may disapprove the application. Unless special permission is granted for extenuating circumstances, all exterior modifications must be completed within ninety (90) days of commencement. Unusual weather conditions will be considered.

### **APPEAL PROCESS**

In the event that a modification request is denied by the ACC, the homeowner has the right to appeal the decision of ACC. The aggrieved Homeowner's request for a hearing must be in writing to the Board of Directors (BOD), stating all facts pertinent to the appeal. The hearing shall be held within thirty (30) days of the appeal. The resident will be allowed fifteen (15) minutes to present her/his case before the BOD, after which the Chairperson of the ACC will also have fifteen (15) minutes to present its case before the BOD. After a short question and answer period the BOD will deliberate until a judgment in the case is rendered. If the Chair of the ACC is a member of the Board he/she will reclude her/himself from the Board deliberation. The BOD's decision is final. **During the appeal process no work may begin on the project.**

### **APPLICATION INFORMATION**

#### **SUBMISSION OF PLANS AND SPECIFICATIONS**

An "Application for Modification" form for the request for a modification, hereafter "Form", or "Application", is provided for use in requesting review/approval of any exterior modification. If you do not have a Form, you may contact our management Company, currently HMS Inc. (The ACC will provide the form electronically upon request.) The Application/Form must contain the following information as appropriate:

Plans and specifications for the construction or replacement of any Structure on the Lot Shall be submitted to and reviewed by the ACC in accordance with the requirements of Article V, Section 6a through 6f of the Declaration of Covenants and Restrictions for Sienna Inc. Each Owner shall submit to the ACC at least two (2) complete sets of such

plans and specifications clearly designating which Lot is being modified by such plans and specifications.

Plans and specifications should contain information showing the nature, kind, shape, height, materials and location of the proposed property addition or modification, a sketch of all existing trees 3" in diameter (at a height of 2') and other significant vegetation on the Lot that will have to be removed for the proposed project, and their relation to surrounding structures and topography. If trees or shrubs are removed that provide screening between adjacent neighbors (including rear views), trees and shrubs of equivalent screening value shall be provided.

Plans shall be drawn to scale and include all significant elements of the existing and proposed structure. (Pictures may help.) Elements should include, but not are limited to, roofline, gables, vents, doors, windows, trim, steps and walkways. All exterior materials shall be labeled. If an addition is requested, drawings shall include a minimum of two views. The floor plan must address egress and any required steps/stairs to grade. Any exterior fixtures should be similar to fixtures on the existing house.

Plans should include the estimated date of completion.

The submission of any application should be done at least forty-five (45) days prior to the anticipated time that you intend to begin work. Any and all modification requests must be approved, in writing, before any work begins. The ACC recognizes the importance of expediting the approval process and has been able to routinely handle most completed applications in a relatively short period of time. (30 days—10 to 15 days for an expedited request for a \$30 fee)

If any work is begun before written approval, the ACC will refer the Owner to Article V, Section 11 of the Declaration of Covenants and Restrictions for Sienna, which states that the ACC is authorized to enforce sanctions.

All work must be completed within the period specified on the application. This requirement ensures timely completion and protects the community from extended periods of partially completed construction. If it appears to the homeowner that all work may not be finished by the original completion date, the applicant must immediately notify the ACC to discuss possible options, such as approval for an extension.

Approvals granted by the ACC are valid for six (6) months from the date of approval. For any project not begun within six (6) months, the homeowner must reapply for approval to ensure that the project conforms with any subsequent revisions to the Sienna Design Standards.

A fee of \$30 (a check payable to Sienna HOA Inc.) must accompany all formal expedited applications for modifications to cover the costs incurred in review. Normal 30-day reviews require no fee. Informal reviews are welcomed by the ACC at no cost to HOA members.

# SIENNA ACC Design Standards

## GUIDELINE #1: Exterior Building Alterations

### General Guidelines

An Application/ Form **must be submitted** for all exterior-building alterations. No exterior construction, alteration, addition or erection of any nature whatsoever shall be commenced or placed upon any part of the Sienna community unless expressly approved in accordance with the Declaration of Covenants and Restrictions for Sienna, Article V Section 6.

Building alterations include, but are not limited to: storm doors and windows, awnings, driveways, garages, sidewalks, porches, mailboxes, swimming pools, decks, patios, gazebos, exterior lighting, flag poles, tennis courts, greenhouses, playhouses, playground structures, swing sets, fences, servant's or guest quarters, out buildings of any nature, and room additions or any alteration of the exterior appearance to the home. Unless addressed elsewhere in these Guidelines, any exterior modification constitutes an alteration as defined in this context and requires submission of an application for approval.

Written approval of any exterior modification must be obtained from the ACC before changes are commenced on the home.

The original architectural character or theme of any home must be consistent for all exterior components of the home. Once the character is established, no change may alter that character without approval.

If Forsyth County authorities make changes to the plans as approved by the ACC, the owner must submit such changes for approval prior to commencing construction.

*Homeowners are advised that a Forsyth County building permit may be required for certain exterior building alterations. It is the Homeowners responsibility to obtain necessary permits & inspections.*

### Painting

The exterior colors of the walls and roof of homes shall be compatible and harmonious with the colors of other homes in the neighborhood. An Application/Form **is not required** for repainting the exterior walls and trim with the same colors that were included in the original design or previously approved, unless the home was previously painted with an unapproved color, which was grandfathered. If there is any question regarding the current color acceptability, the homeowner should submit a Form. If the repaint color is to be the same, a record of the paint color (usually recorded by the builder on the circuit breaker) should be maintained.

An Application/Form **must be submitted** for all paint color changes. A paint color change requires the following information:

Paint sample – color chips or a sample of painted materials; and

Description of area of home to be repainted.

(Homeowner may be asked to paint a 2' X 2' sample area on the home to aid in the ACC's approval determination.)

For decks and fences, staining with natural wood tones is preferred and no written approval by the ACC is required. Written approval from the ACC is required for any other type of staining. The same process for approval of non-standard and staining shall apply.

### Roofing

A Form **is not required** to replace an existing roof with the same color and type of roofing material or to upgrade to an "Architectural Shingle" style in the same color and material family.

A Form **must be submitted** for all roof color or material changes.

### Awnings

An Application/Form **must be submitted** for all awnings. Awnings or coverings must be either canvas or a structural extension of the home's existing roof. Colors or finish must be compatible with the home's primary and trim colors. Addition of awnings or coverings requires the following information:

- Picture or drawing of all windows/doors on which awnings will be installed and their location, (back or side – generally, awnings are not allowed on the front of the home);
- Picture depicting style of awning to be installed; and
- Color samples and materials list.
- Awnings and similar structures must be maintained in a good state of repair as to color and structural integrity.

### Storm Windows and Doors

A Form **is not required** for the addition of any storm windows and doors which specifically meet the following criteria: All storm windows and doors must be full view clear glass and made of anodized bronze or anodized aluminum with baked enamel finish compatible with the home's primary and trim colors. Doors with other styles including those with screens, cross supports or decorative designs require a Form to be submitted and approved.

A Form **must be submitted** for all storm windows and doors that do not meet these criteria and must include the following information:

Picture or drawing of your home, showing the location of all windows/doors on which storm windows/doors will be installed; and

Picture depicting style and color of storm window/door to be installed.

### Air Conditioner Units

**Window air conditioners are not approved for use.** No air conditioner shall be installed in any window of any building located on any Lot, nor shall any air conditioner be installed on

any building located on any Lot so that the same protrudes through any exterior wall of such building.

#### Dog Houses/Animal Facilities

A Form **must be submitted** for all doghouses or animal facilities. All doghouses or animal facilities must be located in the backyard where they will have minimum visual and sensory impact on adjacent properties or from the street. Construction type, size, and exterior colors/materials will be given consideration in determining approval. (See guidelines for detached buildings.)

Construction or placement of pet/animal confinement areas is prohibited. Confinement areas include, but are not limited to, hutches, pens, coops, cages, chain link dog-runs or wire pens. Underground fencing is acceptable and does not require ACC approval.

#### Mailboxes

Style and color of mailboxes shall remain consistent throughout Sienna. Posts and boxes are to be maintained in good condition, with properly operating self-latching door and flag. Posts must be neat, of adequate strength and size, and erected within 5 degrees of vertical.

#### Detached Buildings

Detached buildings are not encouraged. A Form including plans and specifications **must be submitted** for all detached buildings. Detached buildings may be considered subject to the following guidelines:

- The building should generally be located in the rear of the primary home with primary emphasis being that placement on the Lot minimizes visual impact on adjacent properties or from the street;
- Building may not cause disorderly, unsightly, or unkempt conditions; and Detached building exterior materials including siding, colors and roofing must match the exterior materials and colors on the primary home.
- Gazebos are considered detached buildings and must meet standards of design consistency.
- Portable structures such as tents, canvas gazebos, entertainment structures are allowed but should be temporary in nature. (Less than 10 days.) If use is abused, the ACC may require temporary permits.

### **GUIDELINE #2: Decks and Retaining Walls**

An Application/ Form **must be submitted** for new decks and existing deck modifications. A site plan denoting location, dimensions, materials and color must be submitted with the application. The following, without limitation, will be reviewed: location, size, conformity with design of the house, relationship to neighboring dwellings, and proposed use.

## Decks

The following guidelines have been adopted for decks in Sienna:

- In most cases, the deck may not extend past the sides of the home. For steeply sloped lots, or where side entry doors exist, special consideration may be given with an emphasis of impact on neighboring homes and unique topography.
- Materials must be cedar, cypress, No. 2 grade or better pressure treated pine, or composite decking materials.
- Natural wood tone stain is preferred. The ACC must approve all other stain or painting. Painted decks must be maintained to the same standard as house siding.
- It is preferred that vertical support for wood decks use steel mounts embedded in concrete but standard posts in concrete are acceptable. Posts must be matching wood stain, opaque wood stain, painted black, or in a paint that matches the house colors. This is the same provision as defined under "Painting". All vertical supports for wood decks must meet minimum county standards for wood posts or painted (black) metal poles, (preferably boxed in as to appear to be wood posts). Brick, stone, or stucco columns matching the home are also acceptable.

*Homeowners are advised that a building permit may be required to construct a deck.*

## Retaining Walls

A Form **must be submitted** for all retaining walls. The following are the guidelines that have been established for retaining walls within Sienna. No construction or alteration of existing landscaping involving changes of grade at any residence shall take place prior to written approval by the ACC. (In some cases, a survey or County approval may be required.)

- All exposed concrete block or poured concrete foundations and/or retaining walls must be veneered with natural stone, brick, or stucco, or painted to complement the existing structure;
- Retaining walls constructed of landscape timbers or crossties, if visible from the street, must be shielded or softened by an approved vegetative landscape method; and
- Retaining walls should complement the design, texture and color of all structures on the same Lot and should not interfere with drainage.

## **GUIDELINE #3: Driveways/Patios/Walkways/Parking Areas**

An Application/Form including drawings and specifications **must be submitted** for any type or design of driveway, patio cover, walkway, parking area, trellises, railing, and other such items.

## Patios

General patio guidelines are:

- The patio is located in the rear yard.
- The patio does not extend beyond the sidelines of the house.
- The patio does not extend to within 10 feet of side or rear property lines.
- The patio's elevation above ground level at any point does not exceed 6 inches for patios and 4 inches for walkway.
- No patio should exceed 25% of the gross area of the rear yard.
- No additional patios shall be allowed in the front yard except as part of an approved porch extension.
- Special consideration will be given to unique circumstances such as side terrace level doors.

### Driveways

Driveways present special challenges. Driveway guidelines include the following:

- Driveway modifications should not significantly change the appearance of the area in front of the house. They may not interfere with easements or setbacks nor alter drainage patterns without remediation.
- Driveways should remain at their original width at the street.
- Widening for additional parking should be at the side of the house and not exceed eight (8) feet.
- Extensions should not extend beyond the rear edge of the house.
- Neighbors affected by the change **must be consulted**.
- The driveway must remain at the current level as it meets the house.
- Additional parking shall not be used for storing RVs, Boats, Trailers, Cars, Yard Tools, etc.
- Driveways, walkways, and parking areas must be painted or paved with materials that are in harmony with the community and as approved by the ACC.

## **GUIDELINE #4: Exterior Decorative Objects**

### General Guidelines

Decorative objects in the front yard may present the appearance of “clutter” if not tastefully done. Two objects are acceptable without review (see below). In no case will “messages or statements” (statutes of Saints, Ten Commandment tablets etc.) sent by decorative objects be subject to ACC review. (So called “hate symbols”, should they become contentious, will be resolved by neighbor-to-neighbor negotiation and then by the appropriate civil authority.) The ACC will judge objects only by their aesthetic impact.

### Exterior Decorative Objects

A Form **must be submitted** for **all** exterior decorative objects, both natural and manmade if objects are placed in the front or side yards. Exterior decorative objects include large items

such as bridges, wagon wheels, sculptures, fountains, birdbaths, birdfeeders, benches, porch swings, free standing poles of all types, and items attached to approved structures.

Objects will be evaluated on criteria such as position, proportion, color and appropriateness to the surrounding environment.

Up to two decorative objects will be allowed without prior approval provided they do not exceed 18 inches in height and are of natural colors (grays, browns, greens) so as not to be overly noticeable. Front door and entry area decorations must be tasteful and in keeping with the style and colors of the house. Plants and flowers must always be neat and healthy. Neatly maintained front porch flowerpots that coordinate with exterior home colors and containing evergreens/flowers **do not** require submittal for approval. Some decorative objects, however, which meet the above criteria, may not be consistent with the community-wide standards, and therefore, these objects would not be approved if applied for, and as such can be “denied” *ex post facto*. For example, objects such as recycled tire “flowerpots” are less than 18 inches in height, and are natural colors; however, the member may be required to remove said objects upon the request of the ACC.

#### Exterior Lighting and Holiday Decorations

Except as provided below, an Application/Form **must be submitted** for all exterior lights or lighting fixtures, not included as a part of the original structures.

Landscape accent lighting may be used to enhance walkways, vegetation and architectural feature illumination.

In general, lighting should meet all of the following criteria:

- Lighting does not exceed 18 inches in height.
- The number of lights does not exceed 10.
- Individual lights must be low wattage (12 or less).
- Lights used are white or clear, non-glare type and located to cause minimal visual impact on adjacent properties and streets.
- Single pole gas or gas-like electric lights with fixtures that are consistent with the home and not exceed eight (8) feet in height and are 75 watts or less are acceptable.

A Form **is not required** for seasonal decorative lighting and decorations. Recognized civil and religious holiday lights and decorations are to be consistent with generally accepted practices within the community. (Bright lights should be off by 11 p.m. and not be a distraction to neighbors.) Seasonal decorative lighting and other decorations may not be erected before 30 days before the holiday and must be removed within ten (10) days following the celebrated “day”. Lighting and decorations used for the Christmas/Hanukkah/Kwanzaa /New Year holidays must be removed by January 12 following the Holiday. Flags, banners and signs are not considered “decorations” as used in this provision and are addressed elsewhere in this document.



## Flag Poles

A Form **is not required** to be submitted for a single flag pole staff, of less than 7 feet in length, attached to the front portion or side portion of a house at an appropriate angle. The size of any flag displayed may not be greater than 3 x 5 feet.

A Form **must be submitted** for all freestanding poles. A flag pole usually will be approved provided the placement is harmonious with the topography of the member lot. Any freestanding pole must be less than 20 feet in height, and removed from view when not in use.

## **GUIDELINE #5: Landscaping and Maintenance**

### General Guidelines

The trees and terrain of Sienna give the community its special character.

Landscaping should relate to the existing terrain and natural features of the Lot. ACC approval of a landscaping project is required when the activity will result in major changes to the existing landscaping or when grading or contour modifications are required. **THE APPLICATION FOR ANY LANDSCAPE PROJECT MUST SPECIFY A FIRM COMPLETION DATE.**

The general appearance of each Lot and residence, including landscaping, must conform to the level of upkeep that is accepted as the community standard. (Neat and maintained.) Failure to maintain the property to this standard will subject the owner to liens on the property.

A Form **is not required** to be submitted to re-sod or re-seed lawns with the same or similar grass types.

Homeowners must keep their Lot and all improvements thereon in good order and repair including, but not limited to:

- Each homeowner is responsible for removal of debris, clippings, etc. from the property line to the center of the street. Plants growing in the street (cracks and joints) should be removed when regular mowing occurs.
- All planting areas should be properly maintained at all times. After the first frost, all affected annual plants should be removed. At the end of the growing season, all dead plants should be removed consistent with good plant husbandry. (Note: many perennial plants such as roses, mums and many shrubs should not be trimmed until spring.)
- All lawn and landscaped areas must be properly maintained. This includes:
- Seeding and watering: Lawns are to be maintained in a uniform and consistent manner and appearance. Grass areas should be watered and uniformly green during growing seasons **consistent with county/city watering restrictions.**
- Regular mowing and periodic edging along the main lawn as well as sidewalk and curb to keep Bermuda runners off paved areas;
- Timely removal of all weeds, onions and non-grass plants;

- Pruning and cutting of all trees and shrubbery, painting or other appropriate care of all buildings and improvements as appropriate. This should be done in a manner and with such frequency as is consistent with good property management and the precedent set in the surrounding neighborhood;
- Covering landscape beds with suitable mulch such as pine straw, chopped pine bark mulch, wood mulch, etc. Rock, stone or pebbles may be considered suitable mulch if tastefully applied and placed within a contained border material. Any rock used as mulch should be similar to those native to the surroundings. White rock is not permitted. Renewal of pine straw or bark mulch used in islands or naturalized areas are required at least annually;
- Preventing or remediation of grass encroachment into bedding areas. Suitable edging or trenching may be necessary to prevent Bermuda grass encroachment;
- Planting of flowerbeds and ornamental planting are allowed such that other guidelines are not compromised (refer to Trees and Shrubbery below);
- Outdoor storage of garden tools and loose hoses must be screened from view. Hoses stored on rollup storage carts, which are properly maintained, are allowed. Any tools or items stored under a back deck or porch should also be screened from view;
- Natural flow of water, drainage, and runoff shall not be diverted, channeled or obstructed;
- Repairing, painting, power washing and other appropriate external structure maintenance for structures on the Lot to maintain a “fresh” appearance.

### Trees and Shrubs

A Form **is not required** to be submitted for planting or replacing ornamental trees and shrubs in existing plant beds; however, a change or addition to bedding size or shape in the front of the house will require submission of a Form.

A Form **must be submitted** for screen planting (row or cluster style – 5 or more trees or shrubs), property line plantings and the planting of all other types of trees. Forms must include a description of the sizes and types of trees or shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent properties. The Board of Directors seeks to preserve and protect the beauty and ecological benefits trees provide to the Community. Therefore, removal of healthy, living trees in excess of three (3) inches in diameter at a point two (2) feet above the ground is not permitted unless prior written approval is granted for each individual tree to be removed by the ACC. The ACC will give approval for the removal of any tree that is dead, severely diseased or damaged. If a tree poses an immediate threat to persons or property, the homeowner should contact HMS for advice/approval. The ACC will give consideration to the impact on the natural environment and topography for healthy trees.

Please be aware that there may be additional governmental regulations that the homeowner must follow. The homeowner is responsible for verifying and adhering to any city, county, state, and/or federal regulations pertaining to tree removals. The Association’s ACC approval of your project does not constitute approval by any governmental authorities.

If any trees are removed then the stumps must also be removed and the area landscaped if possible given the topography of the Lot.

Trees cannot be planted that will interfere with sight lines of driveways and road intersections.

#### Vegetable Garden Plots

A Form **is not required** for garden plots if all the following guidelines are met:

- The plot is located behind the rear line of the house so as to minimize the visual impact on adjacent properties or from the street and is located within approved building lines; the maximum height of stakes and plants, at full growth, is less than 5 feet.
- All garden plots must be cleared at the completion of the growing season. Vegetables may not be planted anywhere except in the rear of the house.

#### Firewood

The following guidelines apply to the storage of firewood:

- Firewood piles are to be maintained in good order and must generally be located within the sidelines of the house and in the rear yard. Woodpiles are not to be kept on the sides or front of homes. The ACC recommends that any firewood be kept away from the home. Termites are a serious problem in Georgia, and wood stacked adjacent to buildings encourages infestation.
- Woodpile coverings are allowed only if the cover is an earth tone color and the woodpile is screened from the view of the street, or neighboring house. For example, a tarp-covered woodpile may be located under a deck with shrubs planted around it.

### **GUIDELINE #6: Play Equipment**

#### General Guidelines

Play equipment for children that is safe and attractive is encouraged. An Application/Form **must be submitted** for all play equipment. (Basketball goals are not considered play equipment, see below). The following guidelines apply:

- The play equipment shall be located in the rear yard and within the extended sidelines of the house, and shall not be located within any Lot side or rear setback areas.
- All requests must include desired location, description of material and dimensions along with a copy of the property survey or site plan showing house and property lines in scale.
- The play equipment shall not be taller than 18 feet in height.

- The play equipment shall be sized and located such that it will have minimal visual impact on adjacent properties. All such equipment must be placed within building lines.
- Play sets which are, environmentally and aesthetically compatible are strongly recommended.
- Buffer screening and plant material may be required.
- Play equipment, exclusive of wearing surfaces (slide poles, climbing rungs, swing seats, etc.) will require routine maintenance that will be the homeowner's responsibility. Metal or plastic play equipment will generally require more fencing and landscaping to shield from view and will generally be required to be painted to blend into the surrounding environment, (earth tones).

### Playhouses/Tree Houses

A Form **must be submitted** for all playhouses and tree houses. The following guidelines apply:

- Playhouses and tree houses must be located where they will have minimal visual impact on adjacent properties.
- In most cases, materials used must match existing materials of the home or similar to exterior materials used within the community on other homes.
- Playhouses and tree houses must be maintained at the community standard set for all structural improvements
- Buffer or screening plant material may be required.

### Trampolines

An Application/Form **must be submitted** for all trampolines. The following guidelines apply:

- Trampolines must be placed in the backyard within the property building lines.
- Trampoline requests must include desired location, description of Trampoline with dimensions along with a copy of the property survey or site plan showing house and property lines in scale.
- Trampolines may require approved fencing and have adequate planting so as to be concealed from view by neighboring residences and from the street.
- Neighbors are reminded that trampolines like pools and some play structures may be regarded as an "attractive nuisance" and require special attention to restricting access.

### Basketball Goals

In an effort to maintain uniformity in the neighborhood appearance, basketball goals attached to the structure of the house will be prohibited.

A Form **is not required** to be submitted if all the following guidelines are met:

- If the goal is placed adjacent to a driveway, it should be as close to the house as possible, within 15 ft.)
- Goal is not affixed to the house in any way.
- Backboard is white, beige, clear or light gray; other colors will be considered if muted.
- Post is painted black.
- Portable goals must be stored out of view when not in use.

*[Note: Negative impact related to time of use, lighting and noise on adjacent properties should be avoided. As with all improvements, basketball goals must be maintained to the condition as originally installed.]*

## **GUIDELINE #7: Signs**

**No sign of any kind** shall be erected by an Owner or Occupant within Sienna without the prior written consent of ACC. Signs are not to be placed upon any common areas, main entrance areas or neighborhood entrances areas, unless prior written approval is obtained from the Board of Directors.

A Form **is not required** for posting signage in your own Lot for the following purposes:

- One “For Sale” or “For Rent” sign may be placed on a Lot, consistent in size with those used by residential brokerage firms, provided these signs are professionally lettered and not hand made. In no case shall the face of the sign be more than five (5) square feet.
- Signs required by law for legal proceedings may be erected.
- Only one professional security sign with a maximum face area of two (2) square feet shall be erected on any lot. A corner lot may have two (2) signs: one facing each street.
- Small yard signs of less than five square feet may be posted temporarily during the day of a yard/garage sale, or during the month around a birth or graduation.
- Small contractor signs less than five square feet may be placed when work is being performed.
- No signage for any private business is allowed.
- All signage must be a minimum of 15 ft from the curb.

- Election signs must be associated with a scheduled government election. Signs must be on the owner's property and not within 5 ft. of lot lines or 15 ft. of the curb(s). Signs are limited to 24" by 36" in size. Two signs are permitted per lot. Signs should not block traffic sight lines nor exceed 48" in height. Signs may put up four weeks before an election and must be removed one day after the election. Signs shall be maintained in good repair. Signs placed in Sienna common areas will be removed.

## **GUIDELINE #8: Private Pools**

### Children's Portable Wading Pools

A Form **is not required** to be submitted for **children's portable wading pools** (those that can be emptied at night) as long as they do not exceed 18 inches in depth and whose surface area does not exceed 36 square feet. Portable wading pools must be stored out of view when not in use.

### Above-Ground Pools

Above ground pools are generally prohibited, unless specifically approved. In-Ground Pools

A Form **must be submitted** for all in-ground pools. Due to the unique nature of each individual installation, the following factors will be considered:

- Appearance, height, and detailing of all retaining walls must be consistent with the architectural character of the house — some terracing may be acceptable.
- The fencing enclosing the pool area must meet fence guidelines.
- Pool area as related to lot size.
- Light sources which can be seen from neighboring lots (generally not acceptable); and
- Landscaping enhancement of the pool area and screening with landscaping.

**It is the Owners responsibility to comply with all Forsyth County and any other municipal regulations, permits and codes. ACC approval is neither an endorsement of suitability or safety.**

### Hot Tubs/Spas

A Form **must be submitted** for exterior hot tubs and spas.

Hot tubs and spas must be screened from adjacent properties and streets.

Equipment must be screened and situated such that it is not a nuisance to neighboring lots.

### Landscape Pools and Waterfalls

A Form **must be submitted** for all owner installed landscape pools and waterfalls. Plans should include location on Lot and elevations in two dimensions. Natural rain waterfalls and storm easements installed by the developer/builder and enhanced by the Lot owner are exempted from the approval process.

## GUIDELINE #9: Fences

### General Guidelines

The original design concept of Sienna promotes a feeling of open space; therefore, fencing is not generally encouraged. Fencing, however, is important to many owners and becomes a significant element in the “flavor” of a community. (Consider the white “horse fences” at the Polo Fields and surrounding commercial developments.) Should an owner desire to erect a fence a Form **must be submitted** to the ACC for approval.

The owner should conform to one of the standardized fence details, which have been pre-approved by the Declaration, attached herein as Exhibit A, unless otherwise approved by the ACC.

The fit of the fence design with the environment will be critical. (For example, a wrought iron fence next to an open or common area.)

### Request

A request for fencing must include the following information:

- A picture or drawing of the fence type listing all material being used.
- Dimensions including height span between posts, post size, crossbeam size, number of rails, and color.
- A site plan denoting the location of the fence together with information as to existing fences erected on adjacent properties.
- Acknowledgement of adjacent property owner’s approval or disapproval.
- Decorative fences for landscaping shall be approved on a case-by-case basis.

### Specific Guidelines

The following guidelines have been adopted for fences in the community:

- No chain link, wire or plastic fencing is to be used.
- For privacy fences, the maximum height must not exceed six (6) feet nor be less than four (4) feet. They should be constructed of 1”x 6” treated pine or natural cedar. See exhibit A for acceptable designs.
- The maximum span between posts shall be 10 feet; the minimum post size shall be 4x4 inches and the maximum shall not exceed 6x6 inches.
- The crossbeam structure (rails) shall not be visible from any street (e.g. finished sides of the fence must be turned to the outside).
- The fence may be left natural or may be stained with natural wood tones or finished to coordinate with the existing exterior house trim; no opaque wood stain or paint will be approved.

- Typically, the fence should join the home at the rear corners on both sides. Fences shall not be located forward from the rear corner of the home. That is, no closer to any street than the rear edge of the home.
- On corner lots, the fence shall not be closer to any side street than the building lot line. Corner lot fence applications are evaluated on a case-by-case basis due to lot configurations and house placement. Fence approval for corner lots may require more landscaping and set back distances to avoid a “stockade” appearance.
- Fences should be placed within 6 inches of property lines, unless topographical considerations prevent such placement.
- “Canyon” placement (in relation to a neighboring fence) is to be avoided. See diagrams following in exhibit A (page 32).
- The initial finish and maintenance aspects of the fence should be able to withstand weathering and minimal deterioration over time. (See Deck Standards, page 13.)
- There are to be no “alleyways” (in relation to a neighboring fence) created which would inhibit the maintenance of the property between the fences. See diagram in attached exhibits.
- The minimum height requirement for a private pool fence is to be based on Forsyth County specifications.
- Proposed fence should be compatible (style and finish) to any existing fence on adjacent properties.
- Natural and existing drainage must not be interfered with; space must be provided between the fence and the ground in areas where water needs to pass underneath. Fences must not obstruct access to electric and gas meters, and utility easements (i.e. sewer).
- Fences shall be maintained in good condition.

## **GUIDELINE #10: Recreational and Towed Vehicles, Parking of Vehicles**

### General Guidelines

The following guidelines apply:

- No vehicle shall be left parked and/or unattended in any common areas owned by the Association, except during use of a Sienna Community facility. **No overnight parking in the common area parking lots is allowed.**
- No boat, trailer, camper or recreational or any other type vehicle may be parked or stored in open view on residential property for longer than a 48-hour period. No two 48-hour periods may occur within a 7-day period.



- No commercial vehicle or any vehicle displaying signage may be parked or stored in open view on residential property for longer than a 24-hour period.
- All vehicles parked in open view and not in a garage must be operable and may not be unsightly. No long-term vehicle work in view will be allowed. No vehicle may be parked on any unpaved areas or on any yard, sidewalk, or right-of-way.
- Since the roadways throughout the Sienna Community are maintained and governed by Forsyth County, no unlicensed recreational vehicle may be operated upon these streets. This includes but is not limited to, go-carts, all terrain vehicles etc.
- Motorized vehicles, licensed or unlicensed, including dirt bikes, motorcycles, ATV's etc., **may not** be operated on the common areas and paths within the Sienna community. Violators will be considered trespassers and referred to the County Sheriff.
- As a general rule, parking of vehicles on the street is discouraged. Temporary parking (four hours or less) is allowed if not a nuisance to neighbors nor an impediment to traffic flow. Homeowners are responsible for guest parking and must ensure that guests park in a safe manner and do not impede access to other driveways, mailboxes, fire lanes and traffic.

### **GUIDELINE #11: Antennas, Satellite Dishes**

This guideline applies to installation, attachment and maintenance of direct broadcast satellite ("DBS") dishes or antennas and multi-channel multipoint distribution services ("MMDS") dishes or antennas (herein collectively called "Satellite Dishes", which shall include the supporting mast, cabling and all other components or accessories thereof).

A Form **is not required** for satellite dishes used for reception only, no larger than one meter, and installed in accordance with the General Guidelines below.

A Form **must be submitted** for the installation of any and all other satellite dishes, transmission devices, antennas, and/or other similar devices that are not specifically governed by the FCC. External antennas used for the purpose of transmitting electronic signals are prohibited.

#### General Guidelines

**Satellite Dish Size Limits:** Satellite dishes shall be no larger than one meter in diameter.

Satellite Dishes or antennas mounted on masts are prohibited except where necessary for reception of an acceptable quality signal. The mast is limited the peak of the roofline. Concealed cabling shall not count toward this total size guideline.

**Location:** The Satellite Dish must be placed in the location that is least visible to public view. Satellite Dishes may be installed, in order of priority, in the following locations:

**Rear of Home:** Whenever possible, Satellite Dishes must be mounted in or on the rear of the home within the sidelines of the home so as not to be visible from the street.

Ground mounted: When ground mounted, satellite dish must be screened from view by natural landscaping — no lattice. Any cables must be buried.

Rooftop mounting: Satellite dishes are allowed only on the rear of the home.

#### Unapproved Locations and Location Disputes

If it is determined that the Satellite Dish cannot receive an acceptable quality DBS or MMDS signal in any of the pre-approved locations designated above, the homeowner must be able to supply written documentation stating the reason(s) the dish installation could not be placed at an acceptable location.

#### Installation

The Satellite Dish must be painted so as to blend into the background to which it is mounted or placed. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. No cabling shall be allowed on the roof surface. Any cabling on the surface of the exterior siding or brick of any home shall be painted to conceal it from view.

*The owner or occupant shall be responsible for the maintenance and repair of the Satellite Dish including, but not limited to, reattachment of Satellite Dish, and any components thereof within forty-eight (48) hours of dislodging, for any reason, from its original point of installation; repainting or replacement, if for any reason the exterior surface of the Satellite Dish becomes worn, disfigured or deteriorated.*

**(Special note: A Dish provider may seek the easiest (cheapest) location for the dish. The homeowner may not be aware of installations that are not consistent with the Architectural Design Standards. For these reasons owners should provide standards attached to this document as exhibit C (page 35) to Dish installers.)**

### **GUIDELINE #12: Business Use**

#### General Guidelines

Each lot shall be used for residential purposes only, and no trade or business of any kind may be conducted in or from a Lot or any part of the Property, including business uses ancillary to a primary residential use, except that the Owner or Occupant residing in a dwelling on a Lot may conduct such ancillary business activities within the dwelling as long as:

- The existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the exterior of the residence.
- The business activity does not involve visitation of the Lot by employees, clients, customers, suppliers or other business invitees; provided, however, this provision shall not preclude delivery of materials or items by United States Postal delivery or by other customary parcel delivery services (U.P.S., Federal Express, etc.).
- The business activity conforms to all zoning requirements for the Property.
- The business activity does not increase traffic in the Property.

- The business activity does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; and,
- The business activity is consistent with the residential character of the Property and does not constitute a nuisance or a hazardous or offensive use, or threaten the security or safety of other residents of the Property, as may be determined in the Board's sole discretion.
- The terms "business" and "trade", as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (of) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required thereof.
- Home offices used by consultants or telecommuters are considered consistent with the community.

### **GUIDELINE #13: Subdivision of Lots**

No Lot may be subdivided.

### **GUIDELINE #14: Miscellaneous Covenants**

The following have been included to educate all homeowners of other areas that specifically are not ACC Design Standards, but are directly addressed in the Declarations of Sienna. They will be enforced by the ACC or the Board.

#### Animals

No Lot shall be used for keeping or breeding of livestock animals or poultry of any kind. Household pets are allowed within legal limits provided that they are not permitted to be a source of annoyance to any other resident. All pets must remain on a leash while not on the owner's property and, the pet owner is responsible for removing any waste deposited by their pet.

#### Clothes Lines

Clotheslines of any sort, including retractable lines, are generally not permitted. Where used, they should be scarce, safe and out of sight.

#### Nuisances

No nuisance shall be permitted to exist upon any Lot. Without limiting the generality of the foregoing, no excessively loud exterior speaker, horn, whistle, siren, bell, amplified or other sound device, except such devices as may be used exclusively for security purposes, shall be located installed or maintained upon the exterior of any lot. Amplified music for occasional outdoor parties should be such as that neighbors are not disturbed.

### Prohibited Activities

No noxious or offensive activity shall be conducted on any Lot. Each owner of any Lot, such owners' family, tenants, guests and invitees, shall refrain from any act or use of such Lots which could reasonably be expected to cause embarrassment, discomfort, annoyance or nuisance to any other residence or residents of any other Lot.

Use of firearms within the community is considered a safety hazard and nuisance to members of the community. In this context, firearms include, but are not limited to: BB guns, air or gas-powered pellet guns, bow and arrows, crossbows, or other projectile-based devices are prohibited.

### Storage

All lawn and garden equipment, portable recreation equipment, canoes, garbage cans, and woodpiles shall be kept in a garage or screened by adequate planting or ACC approved fencing so as to be concealed from view by neighboring residences and from the street.

### Water Collectors

Barrels and other water collection devices attached to gutters must be in the rear of the house. They should be colored to match the house, be of a size that scales with the house (usually 55 gal.) and be erected in an orderly fashion, that is, matching the vertical and horizontal lines of the house.

### Solar Energy Collectors

All solar energy collection installations must be approved by the ACC.

### Trash

No portion of any Lot shall be used as a dumping ground for rubbish, trash or garbage, nor shall any trash or garbage be permitted to accumulate upon any Lot. Garbage containers shall be screened on each Lot so that they are not visible from the street or from any part of any other Lot. Composters and composting areas must be neat and out of sight. No burning of any rubbish, trash or garbage shall be permitted. Trash cans and/or containers, household or landscape, may be placed at the curb no earlier the **5 PM** on the day prior to collection. The trash cans and/or containers are to be removed from the curb no later than **9 PM** on the collection day.

### Water Wells and Septic Tanks

No private water wells may be drilled or maintained and no septic tanks or similar sewage facilities may be installed or maintained on any Lot or dwelling, except for wells maintained solely for irrigation purposes. All such irrigation wells must receive the prior written approval of the ACC, which shall not be unreasonably withheld.

### Window Treatments

No Residences shall contain sheets or similar temporary devices as window treatments for more than ninety (90) days. All such window treatments visible *from the street* should be white, cream, or off white in color.

## COVENANT/ STANDARDS ENFORCEMENT PROCEDURES

### RECOGNITION AND DUE PROCESS

#### Recognition of Violation

Alleged covenant violations — as reported by any source — may be submitted to the ACC, or HMS to be referred for appropriate action. The first action will be confirmation that a violation exists. If substantiated, the homeowner in violation will be contacted, the violation explained, and will be requested to provide corrective action in a reasonable time period according to the following policy:

Upon recognition of a violation, a letter will be forwarded from the Chair of the ACC or HMS Inc. our current management company, advising the homeowner of the violation, stating the steps necessary to remedy the violation and a time period in which to either respond with an appeal (in writing), and/or remedy the violation, and any imposed monetary penalty.

#### Appeal

If the violation cannot be resolved by consultation between the resident and the ACC, the resident may appeal the matter to the Board of Directors.

If after “due process”, refer to Article VIII, Section 6, of the Declaration, the violation cannot be resolved by the ACC/Board of Directors and the member, or if there is no response to the first letter, or if the violation has not been remedied within the prescribed time period, the Association may impose additional penalties or remedies, as deemed appropriate, and may include:

1. Suspension of the right to vote in Association matters;
2. Suspension of the right to use the recreational facilities and/or common areas;
3. Recording of notice of covenant violation with the superior court;
4. Correction of the violation by the Association with all costs charged to the homeowner; and/or
5. Filing of a lien for all costs, including but not limited to legal fees, to correct the violation.

As a last resort, if the action is still outstanding, then it may be necessary for the Association Board of Directors to file a lawsuit in order to enforce the Declarations.

The Owner has the right to make an appeal before the Board of Directors, within ten (10) days receipt of notification for an alleged violation of the Declarations (Covenants) or the Design Standards of Sienna. The Board must conduct a hearing within thirty (30) days.

1. Owner must submit in writing to HMS, their request of a hearing before the Board of Directors to appeal a decision of the ACC, within the ten (10) days of receipt of the notice from the ACC.
2. The President of the Board and the Chair of the ACC is notified of the request.

3. A mutually acceptable date, time, and place are set for the appeal on the agenda for the meeting (within 30 days).
4. The Homeowner and the ACC Chair are each allowed fifteen (15) minutes to present their cases. A question-and-answer period follows each presentation.
5. The Board meets and deliberates until a judgment in the case is rendered. (If the chair of the ACC is a member of the Board she/he shall reclude her/himself from the deliberation.) The judgment of the Board is final.
6. The Board notifies both the ACC Chair and the homeowner of its decision. If the decision is in favor of the ACC, then the owner must take immediate steps to remedy the violation.

When a determination has been established that a property is in violation, violation will remain active until it is resolved. ***Transfer of ownership of a property WILL NOT erase an outstanding violation since a violation follows the property, not the property owner. The realty agency involved in transfer of ownership will be contacted and advised of the existing violation.***

## **PENALTIES**

Any resident who the ACC and/or Board find to be in violation of the Declaration of Covenants and Restrictions or these Community Design Guidelines is subject to penalties and/or corrective action as deemed necessary and appropriate. All such decisions shall rest with the Sienna Homeowners Association Board of Directors. The Board shall make the final determination and may take any and all appropriate corrective action as the situation may merit.

Note: Transfer of ownership of a property WILL NOT erase an outstanding violation since a violation follows the property, not the property owner.

### **For Noncompliance with Community Architectural Guidelines:**

**Warning letter:** First written notice, including cease and desist and time frame for necessary correction:

**Second written notice for same violation:** Letter is issued when time frame given in first letter has expired. New time frame is given to correct or remedy the violation.

**Third written notice for same violation:** Letter is issued when time frame given in Second Notice has expired.

**If no response received from owner:** ACC may take action to abate the violation, with the approval of the Board, at the Owner's expense.

**Failure to pay assessed penalty and/or costs attributed to Right of Abatement within thirty (30) days will cause the Board to place a lien on owner's property.**

## SUMMARY

These Guidelines and Standards dated February 19, 2024, supersede all previous guidelines and standards.

If you are unsure of the need to submit an Application/Form for a project not specifically referenced by these Standards/Guidelines, please call the Chair or any member of the ACC for assistance.

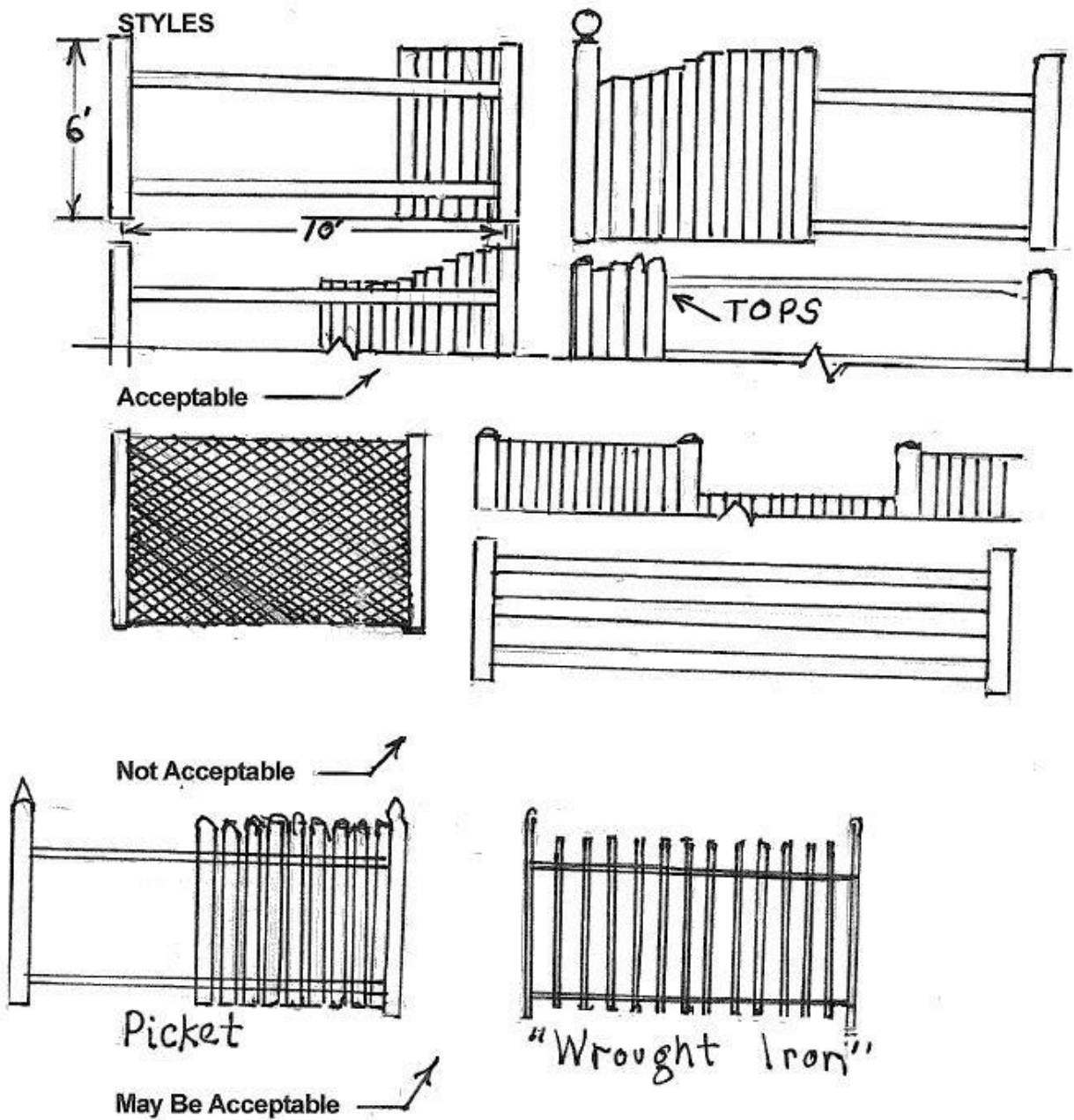
Also, please remember that these are Standards/ Guidelines. If you plan any major change to the exterior of your home, or plan a new construction or change in your landscaping, you must review the Documents and submit an Application/Form. The Guidelines may be obtained from the ACC or HMS via email. If you have a unique situation that needs consideration, submit a request informally or formally to the ACC.

Except as specified in this document, **under no circumstances should you proceed with your modifications or plans without first obtaining written approval of the ACC**. The ACC will make every attempt to resolve all issues in the best interest of the Community. The foremost purpose of the ACC and these Standards is to preserve, protect and enhance the values of the homes within Sienna and to respond to neighbors in a timely and friendly fashion

## Exhibits

<u>Exhibit A</u>	<u>Fence Styles and Placement</u>	<u>32</u>
<u>Exhibit B</u>	<u>Driveway Modifications</u>	<u>34</u>
<u>Exhibit C</u>	<u>TV Dish Guidelines for Contractors</u>	<u>35</u>
<u>Exhibit D</u>	<u>Index and Summary of Covenants</u>	<u>36</u>

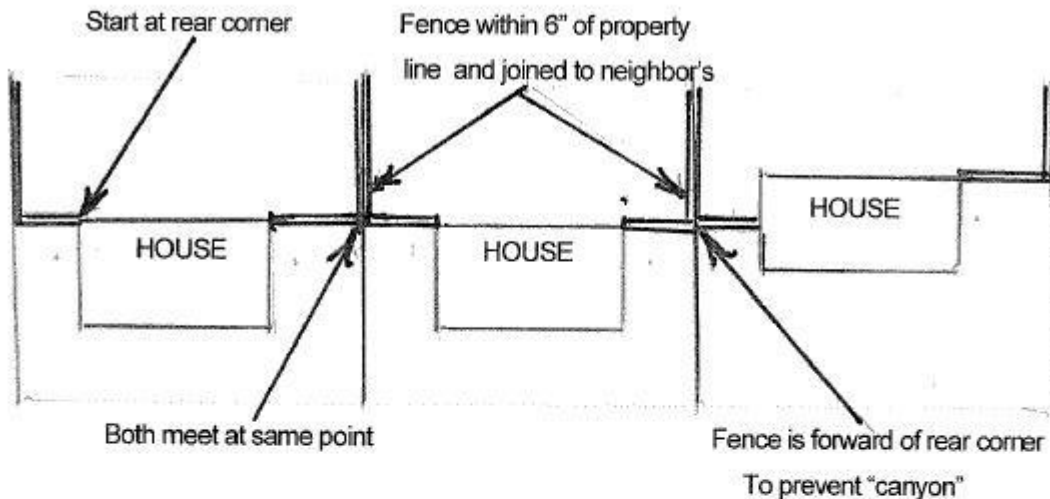
## EXHIBIT A - FENCE STYLES AND PLACEMENT



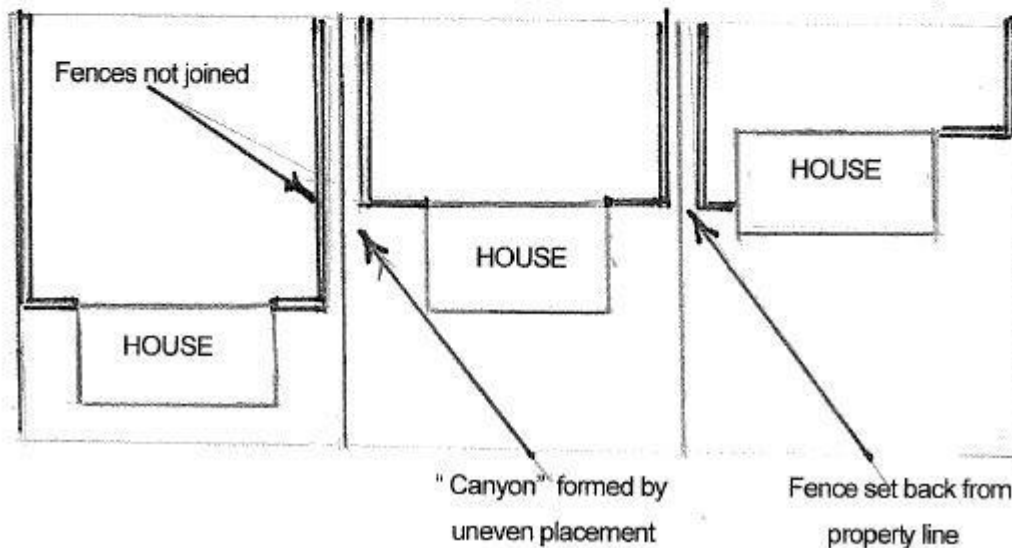


## FENCE PLACEMENT

**Acceptable (some examples, applies to back as well as side)**



**Not Acceptable (some examples, applies to back as well as side)**

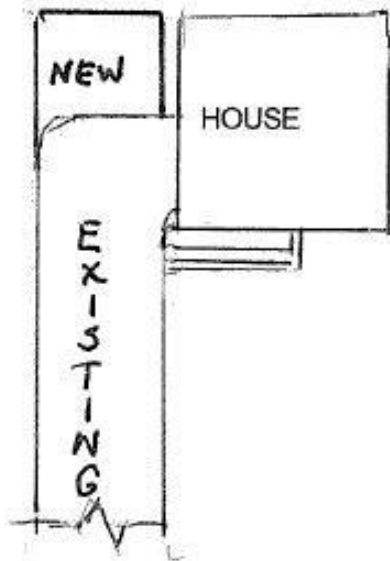


**Special Note: Fences adjacent to Commons or short "landscape fences" are not subject to the same Guidelines and are evaluated on a case-by-case basis.**

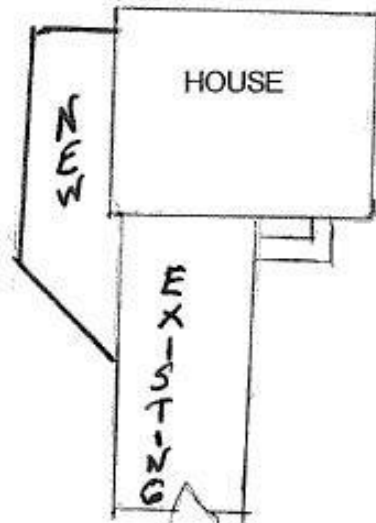
## EXHIBIT B – DRIVEWAY EXTENTION GUIDELINES

Acceptable (some examples)

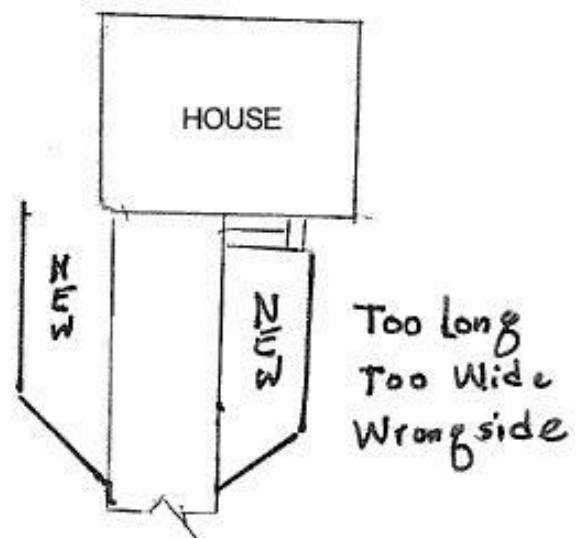
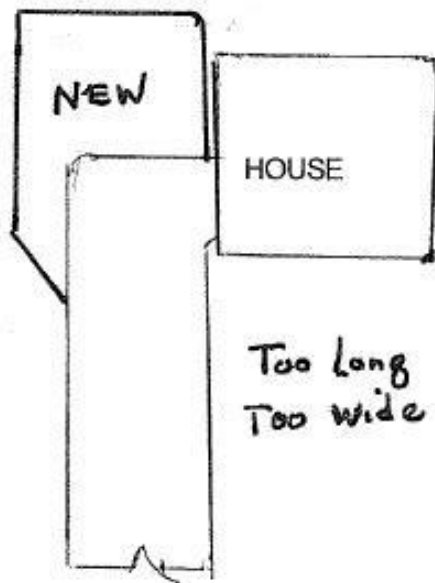
Side entry



Front Entry



Not Acceptable (some examples)



## **EXHIBIT C – TV DISH GUIDELINES FOR CONTRACTORS**

### **General Guidelines**

**Satellite Dish Size Limits:** Satellite dishes shall be no larger than one meter in diameter.

Satellite Dishes or antennas mounted on masts are prohibited except where necessary for reception of an acceptable quality. The mast is limited the peak of the roofline. Concealed cabling shall not count toward this total size guideline.

**Location:** The Satellite Dish must be placed in the location that is least visible to public view. Satellite Dishes may be installed, in order of priority, in the following locations:

**Rear of Home:** Whenever possible, Satellite Dishes must be mounted in or on the rear of the home within the sidelines of the home so as not to be visible from the street.

**Ground mounted:** When ground mounted, satellite dish must be screened from view by natural landscaping — no lattice. Any cables must be buried.

**Rooftop mounting:** Satellite dishes are allowed only on the rear of the home.

### **Unapproved Locations and Location Disputes**

If it is determined that the Satellite Dish cannot receive an acceptable quality DBS or MMDS signal in any of the pre-approved locations designated above, the homeowner must be able to supply written documentation stating the reason(s) the dish installation could not be placed at an acceptable location.

### **Installation**

The Satellite Dish must be painted so as to blend into the background to which it is mounted or placed. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. No cabling shall be allowed on the roof surface. Any cabling on the surface of the exterior siding or brick of any home shall be painted to conceal it from view.

## EXHIBIT D – INDEX AND SUMMARY OF DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SIENNA

ARTICLE I. Definitions (Additional property, Association, Board, By-laws, Structures, etc.)

ARTICLE II. Common Property (Conveyance, Right of Enjoyment, Rights of the Association, Types of Common Property)

ARTICLE III. The Homeowners' Association (Purpose, Membership, Voting Rights, Board of Directors, Voting)

ARTICLE IV. Assessments and Maintenance Charges (Annual and Special Assessments, Liens, Purpose of Assessment, Reserve Fund)

ARTICLE V. Architectural Control Committee (Establishment and Purpose of the Committee, Operations, Approval and Disapproval, Fees, etc.)

ARTICLE VI. General Covenants and Restrictions (The Basis of Design and Behavior for the Community that these Guidelines Attempt to Clarify – Each Guideline has a Basis in the Covenants)

ARTICLE VII. Easements, Zoning and Other Restrictions (Easement Areas and Rights)

ARTICLE VIII. Enforcement (Right of Enforcement, Right of Abatement, Collection of Assessments and Enforcement of Lien)

ARTICLE IX. Duration and Amendments

ARTICLE X. Annexations

ARTICLE XI. Miscellaneous (Changes in Covenants, Professional Management, Notices, By-laws)