

DEVON HILLS COMMUNITY DEVELOPMENT CODE STANDARDS

Definitions

- 1) Approval or Approved: Written permission from the NCMC or Board to proceed with construction activity in accordance with plans reviewed by them.
- 2) Common Property or Common Area: Association owned property created by the Planned Unit Development belonging to the entire neighborhood and controlled by the Board.
- 3) Shall: Indicates a requirement enforceable by the Board.

Standards for Common Properties

- 1) Common Properties: Common properties shall not be modified in any way without approval. Only the Board shall be permitted to modify common areas.
 - Trees, shrubs or other vegetation shall not be removed from any common property without approval.
 - Individual property owners shall not extend their yards into the common areas either by clearing or fencing.
 - Individual property owners shall not store any possessions or install any modifications in common areas.

Standards for Individual Properties

- 1) Building Design: Design and aesthetic appearances shall be approved.
 - Basic harmony shall prevail within each neighborhood such that no structure will detract from the overall neighborhood aesthetic and environment.
 - Colors, materials, finishes and building forms shall be sensitively integrated with the particular landscape and topographical character of each site.
 - Finish grades and elevations shall be compatible with neighboring sites, particularly with regard for drainage and views.
 - Architectural design shall be compatible with neighborhood.
 - Massing of building forms shall be balanced and aesthetically pleasing.
 - Form, color and materials shall be appropriate for architectural design.
 - Windows and doors shall have size, quantity and location to assure aesthetically pleasing character .
 - Window frames shall be wood or vinyl. Colors shall be harmonious with the exterior colors of the neighborhood.
 - Window draperies, blinds or treatments visible from the exterior shall have colors harmonious with the neighborhood.

- Additional windows, platforms, etc. that may invade the privacy of adjacent dwellings shall not be permitted.
 - Roofs shall be proportioned consistent with architectural style. Flat roofs shall not be permitted. The main roof slope shall have an 8:12 pitch or greater.
 - Roof objects (vents, fans, skylights, equipment, etc.) shall be located on rear of roof as much as practicable or on side of roof.
 - Roof objects shall not extend above ridges or peaks.
 - Roofing shingles shall be gray in color, consistent with neighborhood.
 - Guttering and downspouts shall be installed on all houses. Downspout discharge shall be controlled on site. Existing homes originally built without gutters shall not be required to have gutters and downspouts.
 - Second or third story additions shall not be permitted.
 - Mechanical, electrical and electronic equipment serving an individual home shall be located behind the front building line of the primary structure, shall be properly housed and screened or landscaped to blend with the site and house.
 - Window or wall air conditioners shall not be permitted except in the bonus room over a garage if the air conditioner is not visible from any street.
- 2) Exterior Materials on Homes: Changes to or new exterior materials, finishes and colors shall not be permitted without approval.
- Exterior materials of all structures shall extend to ground level.
 - Fronts and side facades of homes shall be brick, stone, exterior insulation and finish system (Dryvit is one manufacturer), or a combination of the same. Homes in Devon Valley may have vinyl siding on the side facades.
 - Rear facades of homes may either match the front or be constructed of wood, aluminum or vinyl lap siding.
 - Exposed concrete, concrete masonry units, metal panels, or simulated brick or stone shall not be permitted.
 - Decks shall be wood of standard construction.
 - Patios may be paved with any approved material.
- 3) Garages: Garages shall not be modified or constructed without approval.
- Detached garages shall not be permitted.
 - Garages shall not face the street, except in the Devon Glen and Devon Valley neighborhoods.
 - Garages shall not be converted for living spaces or used for purposes other than storage of vehicles or other normal residential use.
- 4) Out Buildings: Out buildings, other than small dog houses, shall not be permitted.
- Tree houses shall not be permitted.
 - Kennels shall not be permitted.
- 5) Sheds, Trailers and Temporary Structures: Sheds, barns, shacks, trailers, motor homes or similar permanent or temporary structures shall not be permitted.
- 6) Energy Conservation Equipment: Solar energy, wind energy or other energy conservation apparatus shall not be permitted without approval.
- Apparatus shall be constructed or installed as an integral and harmonious part of the architectural and aesthetic design of the structure for which it serves.

- 7) Subdivision of Unit: Subdividing homes or changing boundary lines shall not be permitted without approval. Any such changes shall be subject to local codes and zoning regulations.
- 8) Site Design: Site design shall be approved.
 - Structures, walls, fences, hedge rows over four feet, berms or similar separating devices shall not be permitted between the front building line of any lot and the street.
- 9) Mailboxes: Mailboxes, newspaper boxes and similar devices shall not be permitted without approval.
 - Boxes shall be mounted in an architectural pillar constructed of material that matches the front of the home it serves, and shall be compatible in scale and character to others in the neighborhood.
 - Mailboxes shall be United States Postal Service approved.
- 10) Sculpture and Similar Items: Exterior sculpture, fountains, flags, decorations and similar items shall not be permitted without approval.
 - Items shall respect the scale, character, color and design of the surrounding homes and environment.
Exception: American flags shall be permitted without prior approval as long as the standards are not violated.
- 11) Lighting: Exterior light fixtures and lighting designs shall not be permitted without approval.
 - Exterior lights shall not be directed onto adjacent property or streets.
 - Facade illumination should not be obstructed by landscaping.
Exception: Seasonal Christmas/Hanukkah lighting is excluded. The Christmas/Hanukkah season is from November through January.
- 12) Utility Lines: Above ground utility lines, wires, pipes or similar conveyances shall not be permitted, except as required temporarily for construction of an approved project.
- 13) Reception or Transmission Devices: Exterior antennas, aerials, satellite dishes or other similar apparatus shall not be permitted without approval.
 - Satellite dishes over two feet diameter shall not be allowed.
 - Satellite dishes shall be placed between the main building rear facade and the rear property line.
 - Antennas shall be located in the attic.
- 14) Clotheslines: Clotheslines shall not be permitted.
- 15) Garbage Can Enclosures: Enclosures or screens other than landscaping shall not be permitted without approval.
 - Garbage cans shall be screened from view of neighboring homes, yards and streets.
- 16) Pools: Above ground pools shall not be permitted. Below ground pools shall not be permitted without approval.
 - Pools shall be subject to codes and zoning regulations.
 - Pools shall be located in rear yards only.
- 17) Landscaping: Written approval is required before removing any trees or cropping any trees. Landscaping shall be approved.
 - Planting or clearing in common areas by individual lot owners shall not be permitted or tolerated.

- Planting theme shall reinforce the natural character of the wooded and meadow quality of the surroundings. Landscaping shall be provided to compliment the architectural character of buildings on site in form, location and scale.
- Mature vegetation shall, whenever practicable, be saved to give the neighborhood an established feeling.
- Appropriate construction procedures shall be followed to protect and preserve desirable trees, shrubs or other landscaping that exists on a site or an adjacent property.
- Disturbed ground areas at a construction site shall be seeded and strawed, sodded, or covered with plants in a suitable mulch bed.
- Landscaping shall be installed within ninety days of substantial completion of the building project.
- Exterior artificial vegetation shall not be permitted.

Exceptions: The following landscaping shall be permitted without prior approval as long as the standards are not violated.

- Planting of individual or small clusters of trees, shrubs or flowers that is similar to other approved vegetation of the neighborhood and that does not exceed 25 percent of the front yard area.
 - Planting of flower and vegetable gardens in the rear yard.
 - Maintenance of foundation shrubbery.
- 18) Irrigation: Sprinkler or irrigation systems that draw water from creeks, drainage ways or ponds shall not be permitted. Systems that utilize domestic water shall be subject to approval.
- Water shall not be directed or drain onto adjacent properties, walkways or streets.
- 19) Drainage: Alteration of existing drainage ways shall not be permitted without approval.
- Erosion shall not be permitted.
- 20) Fences: Fences shall not be permitted without approval.
- Design shall be double faced, or if single faced, the finished side shall face outward towards adjacent property, walkways and streets.
 - Material shall be wood, and fence shall be maintained with stain or suitable finish to remain aesthetically pleasing.
- 21) Sight Distance at Intersections: Fences, walls or landscaping shall not be permitted where obstruction of safe visibility would occur at a street corner or curve.
- 22) Paving: Paving shall not be permitted without approval.
- Driveways and walks shall be surfaced with exposed aggregate concrete.
 - Curbs and streets are public and shall not be modified.
- 23) Storage: Exterior open storage shall not be permitted.
- 24) Drilling and Mining Operations: Drilling, mining, tunneling, pits or similar type activities shall not be permitted.
- 25) Objectionable Uses: Noxious or offensive activity shall not be permitted. Activities shall not cause embarrassment, discomfort, annoyance or nuisance.
- Plants, animals or devices of any sort whose normal activities or existence is in any way noxious, noisy, dangerous, unsightly, unpleasant or of a nature that may diminish or destroy the enjoyment of other properties shall not be permitted.

26) Signs: Signs shall not be permitted without approval.

- Signs shall be restricted to the minimum number and size necessary, shall be visually unobtrusive and consistent with other signs in the neighborhood in format, lettering and coloring.
- One sign maximum allowed per parcel, in addition to address and security sign.
- One sign maximum allowed per neighborhood entrance feature at the intersection with Old Hickory Boulevard.
- No sign lighting is permitted except for neighborhood entrance features. The source of illumination shall be concealed from direct view. Backlighting shall not be permitted.
- No moving or flashing signs permitted.
- Signs other than address numerals shall not be permitted on buildings.

Exceptions: The following signs shall be permitted without prior approval as long as the standards are not violated.

- Temporary signs advertising sale of property shall be limited to five square feet, three feet maximum height above ground and shall be located only on the property for sale. Sale signs shall be removed no more than ten days after closing the sale of the property.
- Temporary signs advertising yard sales, garage sales or similar events shall be limited to five square feet, three feet maximum in height above ground and may be located at the entrance feature and on the property where the sale occurs only during the hours that the sale is open.
- Political signs during election periods shall be limited to five square feet, three feet maximum in height above ground and shall be located on the owner's property. Political signs shall be removed no more than two days after election day.
- Security alarm signs shall be mounted low to the ground in a landscaped area near the building.
- Address signs shall be four inches high, either black or brass mounted to either the mailbox or the front door of the home. Painted addresses on curbs shall not be approved. Existing painted signs may remain, but shall not be repainted.

27) Timely Completion: Once begun, any construction project shall be diligently pursued to the end, and shall not be suspended any longer than reasonably necessary.

28) Maintenance: All existing construction and improvements shall be maintained by the owner in a condition meeting the aesthetic standards of the Board.

End of Procedures and Standards

NEW CONSTRUCTION AND MODIFICATIONS COMMITTEE

August 24, 1996

To: All Homeowners

Re: Devon Hills Community Development Code

Dear Homeowner:

Under the direction of the Devon Hills Community Association, Inc. Board of Directors, the New Construction and Modifications Committee has worked to simplify and consolidate the Devon Hills Community Development Code. The Code has been in effect since creation of the Association, with some modifications subsequently approved by the Board.

The enclosed copy represents the current edition of the Code, and this edition is to be used by each homeowner who plans to modify or reconstruct their property in any of the ways covered by the Code. Please read the Code again and be aware of the procedures and limitations, then save it for future reference.

UNDER NO CIRCUMSTANCE IS ANY HOMEOWNER ALLOWED TO MODIFY COMMON PROPERTY, INCLUDING THE BUFFER ZONES BEHIND EACH LOT OR EASEMENTS BETWEEN LOTS.

Deliver plans for modifications to the Chairman of the New Construction and Modifications Committee, 2712 North Highlands Drive. You must receive written Board approval prior to starting work. All homeowners are encouraged to abide by this Code, since it is designed to prevent conditions that tend to reduce the beauty, enjoyment or value of all neighborhood properties.

Sincerely,

David R. Carter, Chairman
New Construction and Modifications Committee

Enclosed: Committee Roster
Code Procedures and Standards

NEW CONSTRUCTION AND MODIFICATIONS COMMITTEE PROCEDURES

STATEMENT OF PURPOSE

The association or any homeowner planning to change the outward appearance of any individual or common property in Devon Hills shall present plans and materials as required to determine the compatibility with the existing neighborhood environment prior to start of construction activity. This includes all exterior surfaces and spaces or interiors so far as the change can be readily visible from any street or adjoining property.

The New Construction and Modifications Committee ("NCMC" or "committee") exists as a service of cooperation to protect the property values for all homeowners in Devon Hills by disallowing new construction or modifications that detract from the overall neighborhood aesthetic. The NCMC's interest in reviewing site and building designs is to assure that a high level of quality of compatible development is consistently achieved.

APPROVAL PROCEDURE

Allow ample time for committee review and for resubmittal as necessary for approval.

1. Prior to starting work, submit two sets of construction documents to the committee with a cover letter describing the proposed work. All plans shall be neatly drawn to scale, fully noted to describe materials and scope of work, and each set shall include as applicable:
 - Site plans, showing building location, property lines, setbacks, buffers, site drainage, fences and other improvements.
 - Floor plans
 - Elevations
 - Actual material color samples
2. The committee will review all proposals within ten working days and forward its recommendation to the Board for final approval. One set of construction documents will be retained in the committee's files and one set will be returned.
3. The committee will either approve the plans in writing, or provide a written description of the reasons for disapproval. Should plans be disapproved, the appropriate changes must be made to the plans, and the plans resubmitted as before.
4. All plans requiring submittal to the Metro Building and Codes department shall have committee approval prior to submitting to that agency. The committee makes no determination about requirements for Metro approval.

5. Once the plans are approved, work may commence at any time within one year of approval. Work not begun after one year shall no longer be approved.
6. The opinion of the committee and the Board is final. Work in place that does not have approval of the committee is in violation of the Declaration of Covenants, Conditions, and Restrictions that all homeowners and the board have signed agreement to. The Homeowner's Association has the right to enter the property in violation, make the necessary corrections, and make an assessment to the homeowner as necessary to assure that expenses are paid.

AESTHETICS

The Board has sole discretion as to the appropriateness of any proposed new construction or modification. The Board reserves full and final authority on the determination of appropriate aesthetic effect or impact on the neighborhood.

INTERPRETATIONS AND WAIVERS

When questions of judgment or interpretation arise, the decision of the Board shall be final.

The Board shall have the right to waive minor violations and allow minor variances where the same resulted unintentionally or without gross carelessness on the part of the owner and are not materially harmful to the properties. If such waiver is granted in writing, such matters so waived shall no longer be deemed a violation by the NCMC or the Board. The fact that a variance is granted shall not be considered as approval for future similar variances and the standards shall remain in full force and effect.

DISCLAIMER

The approval of the NCMC of a plan or completed improvement is not intended to be an approval of the structural stability, integrity or design of the improvement or of the safety of any component therein but is required solely for the purpose of ensuring compliance with the Declaration of Covenants, Conditions and Restrictions for Devon Hills and the Devon Hills Community Development Code, and to insure the harmonious and orderly development and improvement of the properties.

Notice is hereby given to any future occupant of any such completed improvement and all invitees, guests or other persons who from time to time enter or go on or about such completed improvements that no permission or approval granted by the NCMC with respect to construction shall constitute or be construed as an approval granted by the NCMC of the structural stability, integrity or design of the improvement or of the safety of any component therein, and no liability shall accrue to the NCMC or the Association in the event that any such design or construction shall subsequently prove to be defective.

CORRECTION OF UNAPPROVED NEW CONSTRUCTION OR MODIFICATIONS

Should the owner fail to complete the construction according to the approved plans, or fail to maintain the improvements on his lot in a manner satisfactory to the standards set forth by the Declaration of Covenants, Conditions and Restrictions for Devon Hills, the Devon Hills Community Development Code or the NCMC, the Association may, after giving twenty days notice in writing to the owner and in the event of continued failure to commence the satisfactory correction of the matters in issue, enter upon the owners lot and complete, repair, maintain or restore the exterior of the improvements erected thereon. The cost of such corrections shall become part of the assessment to which such lot is subject, and the owner shall be personally liable for such costs as with other assessments.

SPIRIT OF COOPERATION

All homeowners should ponder the benefit of following these procedures. The Association is prepared to swiftly act on the occasion that a homeowner proceeds with new construction or modifications that are not approved. The Board will be in charge of handling homeowner complaints.

Should any homeowner be aware of an intolerable non-complying situation, please notify the management company or any board member.

DEVON HILLS

DEVON HILLS COMMUNITY
DEVELOPMENT CODE
(DHCDC)

April 3, 1993