

Architectural Control Committee (ACC) of the Rock Creek Master Homeowner Association

Guidelines and Requirements

Decks, Patio, Pergola and Gazebo Guidelines

July 28, 2022

Key Provisions

Please read all requirements in full.

Approval is required for any change of components related to your proposed work. This would include architectural plans, elevations, details, etc. All new improvements must have a look and style that is “harmonious” with the Rock Creek neighborhood as determined by the ACC.

New and Full Replacement: See requirements below.

ACC PRE-APPROVAL REQUIRED. As with any change or improvement to the dwelling exterior or lot, written permission must be obtained in advance by following the ACC request process. This applies even if rebuilding the exact same model on the lot. Failure to do so may subject the homeowner to fines, and the homeowner may be required to change or remove any non-HOA compliant work performed – or to restore the lot or dwelling to its original condition – entirely at the homeowner’s expense, which may include any legal costs incurred by the Association. The ACC convenes monthly (twice monthly May through August). The review and approval process generally takes 20 to 30 days, but can take as long as 45 days if your request is not typical. We will make every effort to expedite approvals for rebuilds when feasible. Please build adequate time for ACC review approval into your project planning. In special situations and where possible, we will try to accommodate requests to expedite the approval process. Such requests can be made to the management company. Read all requirements in full below, as well as the applicable Association Covenants and Policies, carefully.

Your ACC Request Must Include:

- Plot Plan, showing the building footprint, with setbacks, dimensions, and easements, drawn to scale. A Plot Plan (also called an Improvement Location Certificate; or ILC) can be obtained from the Town of Superior. The requested project plans should be drawn to scale, with dimensions on the Plot Plan. “Footprint” for purposes of this document is the boundaries of the structure, when placed on the property.
- A conceptual rendering, sketch, or photo of the proposed pergola, gazebo, patio, or deck and handrails.
- Proposed materials, colors, textures and finishes to be used.
- Provide structural drawing for proposed improvements to the property, including plans, elevations and details.
- Photographs of the yard from various angles as well as the area of the home relative to the proposed improvement.
- Lighting plan (if applicable) with brochure and/or specifications of the proposed lighting.

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The Town of Superior website states:

“The set back for Covered patios, decks, and other ancillary structures is 10 feet (“Ancillary Setback”).”

However, RCHOA can be more restrictive in its setbacks.

These structures require a separate application to be submitted to the ACC for approval prior to installation and must be “harmonious” with the community and comply with the MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ROCK CREEK Section 8.7, Item O, “Landscaping”, and this policy...

- Patios at grade or decks **less than 36 inches** above grade may be built to the rear **10 foot setback** to the property line with ACC approval.
- Decks **greater than 36 inches above grade** must have a rear **20 foot setback** to the property line.

This is intended to protect your neighbor’s privacy and maintain the “feel” of the Rock Creek Community. The ACC may consider exceptions to the 20’ rear setback provision in cases where it is impractical. Exceptions may require a modification to the design, structure, or location, with considerations including, but not limited to, the size of the lot and the extent to which the structure is screened from view, properties that border 100% of the rear property line with open space, legacy structures that are rebuilding or resurfacing their elevated decks or structures, and/or other conditions considered not to impede on the adjacent property’s privacy.

- Any and all exceptions to any policy will be at the ACC’s discretion and are not guaranteed.
- All setback distances outlined above are minimum requirements from the property line to the closest point of the structure. In most cases where a fence is involved, the fence is the property line – but this may not be the case.

Important: **Other setbacks may apply to your property**, such as utility easements if you border a street or open space, and these can vary by street. These are generally noted on your official plot plan.

- Decks may not exceed the width of the living area of the home, excluding the garage.
- If covered, the deck or patio must be in “harmony” with the design and exterior finish and roofing of the home.
- Pergolas and Gazebos may be allowed with ACC approval.

Structures that interfere with the quiet enjoyment of a neighboring property, or are deemed to be unsightly from the street or open space, as determined by the ACC, including but not limited to raised decks, lighting, and speakers, may not be approved or may require to be screened from the view of the street, open space, and/or neighbors.

Approval from the ACC does not constitute approval from any other regulatory bodies, and therefore all applicable building, utility, and other relevant codes, rules, regulations, statutes, etc. should be consulted and complied with prior to beginning work. A Town of Superior building permit is required for structures that meet certain criteria, which can be determined by contacting the Building Department.

Approval from any other regulatory body does not constitute approval from the ACC or the HOA.