

**Guidelines Pertaining to the Construction and/or Renovation of Patios and Decks**  
**Guidelines Pertaining to the Maintenance of Patios and Decks**  
**Guidelines Pertaining to the Installation and Maintenance of Awnings**  
**Rules Pertaining to the Uses of Patios, Decks and Awnings**  
**July 2018**

The guidelines outlined in this document are hereby submitted to the Towne Harbour Island (THI) Board of Directors (BOD) on July 17, 2018. They pertain to new construction and renovations of decks and patios and to the installation of awnings. They apply also to the continued maintenance of new patios, decks and awnings. Maintenance of original decks, patios, porches and balconies (see definitions below) remain the responsibility of the THI Home Owner's Association (HOA).

The rules outlined in this document pertain to the usage of all THI decks, patios and awnings, new, renovated or original.

A variance proposal must be submitted by the home owner before any work can begin on the construction or renovation of existing patios, decks, porches or balconies, as well as the installation of awnings. Approval by the AC and the BOD is required. In its deliberations of variance proposals, the AC will give careful consideration to all of the following issues:

- Compliance with all approved guidelines.
- Compliance with all City of Canandaigua zoning ordinances (see below). If not in compliance, a variance request must be submitted to the City of Canandaigua Zoning Commission for approval
- The possible or likely impact of the proposed construction/renovation on neighboring properties and neighboring home owners.
- General community esthetics and the impact on the community as a whole.

The following definitions are pertinent to this recommendation:

- Patio is defined as an outdoor, ground-level structure composed of masonry-type materials, including flagstone, clay brick, natural or synthetic pavers, poured concrete, or gravel. It is typically not attached to the housing unit.
- Deck is defined as an outdoor structure made of planks composed of wood or composite materials. It may be at ground level or elevated. It may be attached to a housing unit or free-standing.
- Balcony is defined as a deck attached to the housing unit on the second floor of the building. In THI, only the high-rise units have balconies, which were part of the original construction. Unless modified by a home owner, their maintenance is the responsibility of the HOA.
- Porches come in two varieties in THI. Some porches are associated with the front entryway of the unit, and may be composed of poured concrete or pressure treated lumber. Porches are also found in high-rise units beneath overhanging balconies. They are typically enclosed on two sides with a floor of poured concrete. In both cases, if the porches are part of the original construction and have not been modified by a Homeowner, their routine maintenance is the responsibility of the HOA.

What follows is that portion of the City of Canandaigua Zoning Ordinance that pertains to decks, patios and porches as of 2018:

*Chapter 850 Zoning—City of Canandaigua*

*Article VI: Supplementary Lot, Height, Yard and Use Regulations*

*§ 850-27 Projections into required yards.*

*A. Certain architectural features may project into required yards as follows:*

*(4) Patios, carports and open porches may be located in side and rear yards, provided that they are not closer than three feet to any adjacent property line. If located closer than eight feet to any adjacent property line, they shall be screened with a fence maintained in good condition or evergreen type hedges or shrubs spaced at intervals of not more than six feet. In the case of a corner lot, no patios, carports or porches shall extend into any required yard fronting on a street.*

## **Guidelines for the Construction, Renovation and Maintenance of Patios**

### **Configuration**

- Patio surface area must not exceed 400 square feet.
- The design of the patio is not prescribed, but must be approved by the AC and BOD.
- Patio must be installed at existing grade level.
- Permanent water features integrated into the structure are not permitted.

### **Materials**

- The patio surface must be constructed from Pennsylvania bluestone, flagstone or interlocking patio pavers.
- Colors must be in harmony with the surrounding area, i.e. earth tones, muted colors, and are subject to approval by the AC and BOD.
- Patios constructed of materials approved previously, but not in compliance with these guidelines, may be renovated using original materials.

### **Installation**

- Installation must meet accepted industry standards as follows:
  - The patio surface must be installed on a properly prepared and graded surface.
  - Excavation should be deep enough to allow a base layer of at least 8" of crusher run #1 stone and a bedding layer of sand.
  - A bedding layer of ASTM C778-17 sand should be 1" or as directed by the manufacture of the paver.
  - Base layers must be plate-tamped at 4" lifts.
  - Snap edge must be applied to secure paver installation.
  - Polymeric sand is to be used to fill the joints between pavers, stones, etc.
  - Patio must pitch a minimum of 3/16" from the foot of the building.
- Weather permitting, efforts should be made to complete patio installation within two weeks of the start of construction. Any anticipated deviation from this timeline must be explained in the variance request.
- Cost of all patio materials and installation shall be the sole responsibility of the owner.
- Any expense incurred by the HOA as a result of installation of the patio shall be the responsibility of owner (e.g. excavation destroys drain lines or electrical cables).

### **Maintenance**

- Patio maintenance shall be the sole responsibility of the owner.
- Failure to maintain the patio is the sole judgment of the Board upon recommendation by the AC. Owners will be given 30 days to bring the patio into compliance or to remove it. An extension may be granted with a reasonable explanation. After 30 days, the Board shall authorize the repair or removal of the patio at the owner's expense, paid within 15 days after repairs are completed, or a lien will be filed in the Ontario County Clerk's Office.

### **Landscaping**

- A variance for new landscaping associated must be submitted to the Landscape Committee and the owner is responsible for the cost of the plants and installation.
- Thereafter, the HOA is responsible for the maintenance of the approved shrubs and trees.

## **Guidelines for the Construction, Renovation and Maintenance of Decks**

These guidelines apply only to those decks added by current or previous owners and were not part of the original construction of the units. Those porches made of pressure-treated lumber, specifically those at the front doorways that are part of the original construction, are not covered by these guidelines unless the owner chooses to remove and replace them. If the HOA requires that an original porch be removed and replaced, its replacement costs will be borne by HOA and these guidelines will apply.

Likewise, balcony flooring is not covered by these guidelines unless the owner chooses to replace or renovated the flooring. If the HOA requires that the original balcony flooring be removed and replaced, that costs will be borne by the HOA and these guidelines will apply.

### **Configuration**

- Surface decks are not permitted on the inner circle that face the common courtyard.
- Deck surface area should not exceed 400 square feet.
- The design is not specified but subject to AC and Board approval.
- Permanent water features integrated into the structure are not permitted.
- Deck railings will be permitted when necessary to meet code requirements.

### **Materials**

- New decks must be constructed of approved composite materials only. Pressure treated lumber is not approved except to repair existing decks and railings made of pressure treated lumber.
- If the owner removes and/or renovates an original front porch or original balcony flooring, only approved composite materials must be used.
- Colors should be in harmony with the surrounding area and are subject to approval.

### **Installation**

- New decks must be installed on a properly prepared foundation that meets approved depths based on frost levels (currently 42”).
- Weather permitting, reasonable efforts shall be made to have deck installation completed within two weeks from start of construction. Any anticipated deviation from this timeline must be explained in the variance request.
- Cost of deck materials and installation shall be the sole responsibility of the owner.
- Costs of porch and balcony flooring undertaken by the owner and not required by the HOA will be the responsibility of the home owner
- Any expense incurred by the HOA as a result of installation of the deck of balcony shall be the responsibility of owner.

### **Maintenance**

- Maintenance of new decks shall be the sole responsibility of the owner.
- Failure to maintain the deck is the sole judgment of the Board upon recommendation by the AC. Owners will be given 30 days to bring the deck into compliance or to remove it. An extension may be granted with a reasonable explanation. After 30 days, the Board shall authorize the repair or removal of the deck at the owner's expense, to be paid within 15 days after repairs are completed, or a lien will be filed in the Ontario County Clerk's Office.

### **Landscaping**

- A variance for new landscaping must be submitted to the Landscape Committee. The owner is responsible for the cost of the plants and installation.
- Thereafter, the HOA is responsible for the maintenance of the approved shrubs and trees.

## **Guidelines for the Installation and Maintenance of Awnings**

### **Installation**

- A variance must be submitted to the AC prior to installation
- Installation may be on the roof or on the outside wall, whichever best suits the location
- Cost of materials and installation shall be the sole responsibility of the owner.
- The owner is responsible for all future structural problems with the roof or wall that may result from the installation of the awning.
- Any expense incurred by the HOA as a result of installation of the awning shall be the responsibility of owner.

### **Material**

- The size, color, composition and design of the awning requires approval by the AC and Board and should be in harmony with the surrounding area, the exterior color of the unit, and general aesthetics.

### **Maintenance**

- Awning maintenance shall be the sole responsibility of the owner.
- Failure to maintain the awning is the sole judgment of the Board upon recommendation by the AC. Owners will be given 30 days to bring the awning into compliance or to remove it. An extension may be granted with a reasonable explanation. After 30 days, the Board shall authorize the repair or removal of the awning at the owner's expense, paid within 15 days after repairs are completed, after which a lien will be filed in the Ontario County Clerk's Office.

## **Rules Pertaining to the Use of Patios, Decks and Awnings**

The rules associated with the use of patios, decks and awnings are common sense rules that guarantee safety and show consideration for other residents, specifically those neighbors whose enjoyment of their property may be impacted directly.

- Nothing other than furniture, closed table and patio umbrellas, and covered grills may be stored on patios when not in use. Efforts should be made to position these items close to the unit to minimize their visibility by neighbors.
- Children's play equipment may not be erected under any circumstances.
- Patio/deck enclosures made of cloth or screening are not permitted.
- Shade canopies may be used for single events, but must be taken down when not in use.
- Gas grills, fire tables or devices of any fuel types may be used on patios or decks, but must be operated at least 10 feet from the structure in order to comply with insurance requirements.
- Wood fueled devices and clay chimney heating devices are prohibited.
- No deep fryers are to be operated on decks or patios.
- The BOD reserves the right to disallow use or location of any device.

### **Rules for awning use**

- Awnings should be extended only when the patio or deck is in use and fully retracted at all other times. Owners who consistently violate this rule may be ordered by the Board to remove the awning at the owner's expense and to make all necessary repairs.