

**Walnut Grove Estates Community Association**

**Rules & Regulations Manual**



**April 2022**

**Approved - General Meeting April 28, 2022**

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## **1. Introduction**

The initial concept and its goal of a common interest community development was a key objective in the planning, defining the legal entity, the design and the construction of the Walnut Grove Estates subdivision. The goal was achieved by a combination of scale of dwelling units, site layout, site planning, the consistency of building materials, unit design, colour palette, landscaping and a balance of open common space while maintaining the privacy of the individual properties. The inclusion of a central community centre and common landscaped lands in the initial planning was central and crucial to the success of the concept and has proven to be a major focus for the Walnut Grove Estates community.

The preservation and management of the common assets, design principles, property care while respecting the individual Owner's rights are ensured and enhanced by the Policies and Procedures, Rules and Regulations established and approved by the Walnut Grove Estates Community Association. The protection of property values is increased by the adherence to these documents. Compliance with these documents is also linked by the Covenant and Restrictions on title of each dwelling property and the common desire to protect and maintain the unique community that is Walnut Grove Estates, as described in Section 2 Covenants and Restrictions.

This Manual provides a comprehensive listing of all the elements that are to be governed and sets out the process for requests for change or alteration, review and approvals as well as a mechanism of enforcement while retaining a balance between rigid doctrine and common purpose.

This Rules and Regulations Manual has been developed to assemble all Rules and Regulations into one document and to clearly define the application, review, approval and appeal process for any Owners wanting to make changes to any governed element.

## **2. Covenants and Restrictions**

The principle of a uniform architectural style with consistency in building style, materials and colour palette throughout the Community to create a visually appealing Community that would enhance both the living enjoyment for all residents and the home values is protected in the Covenants and Restrictions (C&R) that are registered on all homeowners' property titles. The C&R read in part "These covenants shall be binding upon and ensure to the benefit of the Owners from time to time of any of the above-described lands, their respective heirs, executors, administrators, successors and assigns." Item 10 of the C&R states "They shall not contravene any Rule or By-Law promulgated by Walnut Grove Estates Community Association." The governing By-Law # 2, Article XVIII, Rules and Regulations, states "The Board may recommend changes to Rules and Regulations, or amend the Rules, of the Corporation respecting the use of the Units and the Common Areas to promote the safety, security and welfare of the Members and the property (Units and Common Areas), as well as to prevent unreasonable interference with the use and enjoyment of the Common Areas and of other Units. The Rules shall be passed or amended by Ordinary Resolution at a meeting of Members which has been called for this purpose." These rules apply to all Owners' Units and to the Community Centre.

## **3. Governed Elements**

The exterior of all buildings and lot features shall not be modified from the original design that involve the following elements:

- roof and soffits, including roof vents.
- eavestroughs and downspouts
- front doors; style and colour including storm / screen doors.
- exterior wall mounted lights
- garage doors
- windows
- walkways, steps and railings
- siding and brick
- driveways
- front yard trees (if owned by the property owner)
- fences
- grading and storm drainage that affects neighbouring properties.  
**Note that this is a City of Kingston responsibility, and the Board will report any non-compliance to the City for enforcement.**
- garden sheds

Should an Owner want to make a change to any of these elements, a Request for Change form must be submitted to the Board for review and approval. This process is further explained in Section 4.

In addition to the preceding elements that require a Request for Change, there are the following elements that are covered by the Rules, and if implemented in noncompliance, the Board will review for possible action:

- Window air conditioner
- Exterior window shades
- Clotheslines
- Commercial signs and Communications Equipment
- Storage of vehicles in the fronts of houses
- Parklands and pathways
- Bird feeders
- Solar Panels

The rules and regulations that govern all of these preceding elements are noted in the following section.

#### **4. Rules and Regulations**

The following Rules and Regulations have been developed and approved to maintain the consistent architectural style of the Community and to ensure that all Owners are not adversely affected by any actions of their neighbours.

#### **4.1 Roofs, Soffits, Fascia and Roof Vents**

Replacement shingles shall be BP Everest 42 Driftwood for the roof and BP Yukon Driftwood (3 Tab) shingles for the caps. If an Owner wishes to install a different shingle, it must be of the same colour and style as the BP shingles and the Owner must submit a “Shingle Replacement / Declaration Form (Appendix II.) to the Board for approval.

Roof vents, soffits and fascia shall match the size and style of the original design elements.

#### **4.2 Eavestroughs, Downspouts, Exterior Wall Mounted Lights, Siding and Bricks**

Replacement shall match the original in colour and style.

#### **4.3 Front and Storm Doors**

Exterior front doors can be repainted in any of the five original approved colours, provided that all semi-detached and townhouse units in the same block have the same door colour.

The following are the five colours originally approved. As Glidden paints are no longer available, the selected paints must colour match exactly these noted colours.

- ICI (Glidden); MP # 90GG 21/076; Blue Forest
- ICI(Glidden); MP # 70YY 22/144; Virginia Vine
- ICI (Glidden); MP # 80YR 16/303; Copper
- ICI(Glidden); MP # 30YR 16 /286; Scenic Rose
- ICI (Glidden); MP # 90RR 13/103; Black Forest Frost

The only type of storm door that will be permitted is a White “Clear Vue” style door.

#### **4.4 Garage Doors**

Replacement doors shall be the sectional, roll - up type and match the original in colour and style.

#### **4.5 Windows**

Replacement windows shall be casement type with grills that match the original in colour and style.

#### **4.6 Walkways, Steps and Railings**

Replacement or new walkways and steps shall be concrete and gray in colour. Replacement or new railings shall match the original in colour and style.

#### **4.7 Driveways**

Resurfacing or replacement shall be black asphalt to match the original.

#### **4.8 Front Yard Trees**

Some of the trees in front of homes are owned by the City of Kingston and some are owned by the Homeowners.

If an Owner is unsure if their tree is a City or Homeowner tree, they may check with *City, Customer Service* because the penalty for cutting down a city tree without permission can be high.

Street trees may become diseased or overgrown and require removal. If a Homeowner wishes to remove their tree, it must be replaced with any tree that is on the current City of Kingston list of approved street side trees that is available by contacting *City, Customer Service*. If the Owner's preferred tree is not available, the Owner may apply to the Board for approval of the proposed alternative tree. Coniferous replacement trees are also permitted.

Where trees are owned by the City of Kingston, replacement can be arranged by telephoning *City Customer Service*.

*The City Customer Service number is (613)546-0000.*

It is recognized that in some instances a tree would not be desirable or possible. The homeowner can then apply to the Board for a variance to these Rules and Regulations.

Following is the list of City owned trees within Walnut Grove Community:

Ellesmeer Avenue

33, 37, 39, 59, and 61 Ellesmeer

The 10 trees on the grass boulevard that backs onto cemetery grounds.

98 Ellesmeer - 1 tree on Farmstead side

129 Ellesmeer

141 to 167 Ellesmeer

152 to 168 Ellesmeer

28 Ellesmeer - 2 trees on Andersen Dr. side

Sheridan Street

100 to 120 Sheridan

101 to 121 Sheridan

Andersen Drive

Princess Street to Chadwick - city trees on both sides except for those next to parking lot and garden centre area at Rona store.

#### **4.9 Garden Sheds**

Garden Sheds are permitted in accordance with City of Kingston bylaws and must be approved by the Board of Directors. The following Guidelines for Garden Sheds will be applied when approving the request:

- Position the structure in as unobtrusive position as possible (e.g. behind existing privacy screens or approved wood fences), and it must be no larger than 80 square feet and no higher than 7 feet. Where no privacy fence is present, position shed at least 4 feet from approved fences, and surround it with shrubs and/or trees. This technique would ensure the quality of general landscaping in the area as viewed by neighbours and common property users.
- Choose colours that blend with existing buildings (i.e., beige and/or grey tones).

In keeping with our members wishes for a spacious and open environment and consistency of appearance, garden sheds are discouraged. If a homeowner decides a shed is necessary, a plan must be

submitted to the Board of Directors for approval and garden sheds must be in accordance with the City by-laws.

#### **4.10 Fences**

Natural fences, using shrubs, trees and other landscaping strategies are encouraged for privacy. Should a unit owner decide to build a fence, the following conditions must be met:

- The location, design, height, and components of any fence not called for by the Site Plan Agreement must be approved by the Board of Directors. Exceptions follow.
- Unit owners who have a Site Approved wooden fence as part of the back portion of their lot and who wish to duplicate the design, height, material and components of their fence to enclose their yard must submit their plan to the Board of Directors for approval.
- Unit owners who have a site approved chain link fence at the side or end of their property, and who wish to duplicate the design, height and components of their existing fence to enclose their yard, must submit their plan to the Board of Directors for approval.

#### **4.11 Window Air Conditioners**

Window air conditioners are not permitted in any dwelling in Walnut Grove Estates

#### **4.12 Exterior Window Shades**

Exterior shades, awnings or shutters may be installed only over or outside the windows or doors in the rear walls of a dwelling.

#### **4.13 Clotheslines**

The free-standing umbrella type of clothesline is the only type permitted and must be located near the back of the building.

#### **4.14 Commercial Signs and Communications Equipment**

No Communications equipment, except a satellite dish measuring no more than thirty inches in diameter is permitted.

No sign (excluding election signs), advertisement or notice other than a unit for sale or rent shall be inscribed, painted, affixed, erected or placed on the Owners property.

#### **4.15 Storage of Vehicles**

No Boats, recreational vehicles, trailers, commercial vehicles, derelict vehicles or parts thereof shall be permitted on the properties unless stored in the garage. Resident Owners or short term visitors may park in the driveway, a boat, recreational vehicle, trailer or commercial vehicle for a maximum period of three days. For longer stays other storage or parking arrangements must be found.

#### **4.16 Parkland and Pathways**

The use of skateboards, roller blades, bicycles or any motorized vehicle is prohibited. Exceptions which are permitted are the use of motorized wheelchairs, scooters and tricycles used for medical reasons. Pets must be on a leash at all times and their droppings must be gathered and removed.

#### **4.17 Bird feeders**

Bird feeders are allowed, provided that they attract only small birds. Niger seed or safflower seed attract small songbirds, finches, cardinals, doves, etc. Feeding of any wild animals, including squirrels and chipmunks is prohibited.

#### **4.18 Solar Panels**

Ground and roof-mounted solar panels are not permitted at this time. This and other energy saving measures may be considered by the Board in the future.

### **5. Process for an Application for Change, Review, Approval and Appeal**

When an Owner wants to replace / change any of the governed elements, a Request for Change Form (Appendix I) shall be submitted to the Board of Directors for review and approval. If an Owner is unsure whether a proposed replacement or change applies to a governed element, the Owner is requested to submit a Request for Change Form to the Board for confirmation. The Board may request further clarification information from the Owner and the Request will be considered by the Board at the next Board or Special Meeting following the receipt of all requested information. The decision will be provided to the Owner within one week from the date of the Board or Special Meeting. Should an Owner not agree with this decision, the Owner may then appeal the decision through a mediation process recognized by the ADR Institute of Ontario.



## **APPENDICES**

**I Request for Change Form**

**II Shingles Replacement - Declaration / Agreement Form**

# APPENDIX I

## WGECA Request for Change Form

All requests are to be submitted in writing and addressed to:

**The Board of Directors  
Walnut Groves Estates  
136 Ellesmeer Avenue  
Kingston, Ontario K7P 3H6.**

Please indicate the governed element that you wish to change and provide details on the proposed change.

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Name (print)	Address
Signature	Phone#

Requests will be answered by the Board in writing outlining their decision. **The Board will take action on the above only when the form is complete and signed by the person submitting the item.**

## APPENDIX II

### WGECA Shingle Replacement Declaration / Agreement Form

Please check which applies to your home. Contact the WG Board if unsure:

#1 I agree to install BP Everest 42 Driftwood Shingles for the roof and BP Yukon Driftwood (3 Tab) Shingles for the Caps when replacing existing shingles to comply with and maintain the Walnut Grove architectural requirements as required in the Policies and Procedures. Please provide this signed agreement to the Board or leave in the Community Centre Mailbox.

#2 I am using a different shingle make, same colour and style to BP Everest 42 Driftwood and Yukon Driftwood noted in #1 above and I understand that I will need to provide a sample of the shingle to the WG Board to ensure that it is fully compatible with the BP Everest and Yukon shingles in colour and style before proceeding with the installation. It is understood that Owners are not to proceed with the work until this form is signed by a Board Officer.

Please provide this signed form to the Board or leave in Community Centre Mailbox.

<b>Name (print</b>	<b>Address</b>
<b>Signature</b>	<b>Date</b>
<b>Date of Installation (or approximation)</b>	
<b>Board Agreement for #2</b>	
<b>Signature</b>	<b>Date</b>