Architectural Review Board Guidelines

v5 January 23, 2025

Version history

v1**:** Original guidelines

a. Included with closing documents when home was purchased

v2: May 6, 2022

a. Revisions that included definitions of front, side and backyard, guideline adjustments for exterior lighting, fences, grills, recreation and playground equipment, storage sheds, hot tubs, and landscaping. These revisions were intended to clarify ambiguous language and provide more flexibility for homeowners to make improvements without the need for an ARB application.

v3: April 6, 2023

a. Revisions that included architectural guideline formatting, version history, landscaping/tree planting, fences, signage and the make-up and term lengths of the Architectural Review Board members. These revisions were intended to clarify when an ARB application is required, provide more flexibility for homeowners to make improvements without the need for an ARB application, and indicate when homeowners are responsible for the impact of their lot improvements.

v4: July 6, 2023

a. Revisions that included adding clarity to the guidance for maintenance and upkeep of yards. These revisions were intended to clarify ambiguous language and provide direction regarding turf and meadows, height of grass, frequency of mowing and right of way responsibilities.

v5: January 23, 2025

a. Revisions that included the addition of language regarding the new process for submitting ARB applications via the HOA website, additional clarifications on sheds and vehicles under SECTION VIII *Architectural Guidelines*, and other minor changes.

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SECTION I

PURPOSE OF THE GUIDEBOOK

The primary purpose of this Guidebook is to familiarize homeowners with the objectives, scope and application of architectural environmental and design standards and guidelines which are applicable to the lots and parcels within the subdivision (collectively called the "guidelines"), and which are intended and will be employed to maintain the aesthetic appearance and environmental quality of the subdivision.

This Guidebook enumerates specific guidelines which have been adopted by the Homeowners Association (the "Association"). It also explains the application and review process which must be adhered to by homeowners who wish to make any exterior changes (including additions, deletions, and other changes) to their homes or lots, which are subject to approval by the Association or its Architectural Review Board (the "ARB").

This Guidebook will serve as a valuable reference source and will assist homeowners in preparing applications for review by the ARB. All homeowners are encouraged to familiarize themselves with its contents and to retain this Guidebook for future use.

SECTION II

BASIS FOR AND OBJECTIVES OF RESTRICTIVE COVENANTS

All properties within the subdivision are subject to the Declaration of Covenants, Conditions and Restrictions (the "Declaration"), which are part of the deed to every property. The Declaration is binding upon all homeowners and their successors in ownership, regardless of whether they are aware of or familiar with its provisions.

The Declaration contains specific restrictions ("Restricted Covenants") on what changes may be made, and how they may be made. It requires homeowners to obtain approval from the ARB before performing most exterior changes. The promulgation and enforcement of environmental and design standard and guidelines is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the community,
- Promote harmonious architectural and environmental design qualities and features,
- Promote and protect the owners' and occupants' use and enjoyment of the lots',
- Promote and enhance the visual and aesthetic appearance of the community.

The enforcement of environmental and design standards will not only enhance the physical appearance of the community, but it will also protect and preserve property values.

Homeowners who reside in the communities which enforce environmental and design standards are protected from actions of neighbors which can detract from the physical appearance of the community and, in some cases, diminish property values. Surveys of homeowners living in such communities reveal that this can be an important consideration in the decision to purchase a home.

The guidelines will provide guidance to homeowners in preparing applications for submission to the ARB. They will also provide guidance to the ARB in exercising its discretion to approve or disapprove a particular application. However, the ARB in its discretion may approve applications which conflict with the guidelines, and may disapprove applications which conform to the guidelines, in those instances where the ARB deems such decision to be consistent with the overall intent of the guidelines and the Declaration.

If there should be a conflict between a provision of the guidelines and provisions of the Declaration, the provision of the Declaration shall control.

SECTION III

NATURE OF THE ARCHITECTURE REVIEW BOARD

The ARB consists of a minimum of three members but may be more. The officers are a president, vice president and secretary. Any other remaining member is referred to as a committee member. The initial terms for the officers are as follows:

a. President – 3 year term
b. Vice President – 2 year term
c. Secretary – 1 year term

After the initial terms, each position will then be a rotating 3-year term so that one office position is up every year. Committee members have a term of 1 year. Terms run on a calendar year.

The ARB will review and approve (or disapprove) applications submitted by lot owners for exterior changes to homes or lots. As part of its responsibilities, the ARB may make recommendations to the Board of Directors with respect to modifications of the guidelines initially by the Board. ARB will also be responsible for reviewing possible violations of the guidelines.

Homeowners may recommend changes to the Architectural Guidelines by the following process:

a. Write up the change, addition, or deletion you would be requesting referencing the section and subsection of the guidelines.
b. Include reason for the change.
c. Submit to the ARB at falconaire.arb.info@gmail.com
d. The ARB will review the proposed changes and if approved will submit the change to the HOA Board of Directors for their approval.
e. If Approved by the Board of Directors, the Guidelines will be changed, and all the homeowners will be notified of the change.
f. If denied by the Board or by the ARB, the homeowner who submitted the change will be informed of the status.

SECTION IV

CHANGES REQUIRING REVIEW AND APPROVAL

Essentially, all changes, permanent or temporary, to the exterior of a building or lot are subject to review and approval by the ARB. The review process is not limited to major changes, such as adding or removing a room, deck, or patio.

There are some exceptions to this otherwise-inclusive review requirement, as follows:

1. Building exteriors may be repainted or re-stained provided that there is no color change from the existing, approved color and finish.

2. Similarly, exterior building components may be repaired or replaced so long as there is no change in the type of material, color, finish, design, dimensions, location, or appearance.

3. Minor landscape improvements, such as customary foundation planting, do not require approval by the ARB. In general, landscape improvements of a small scale, which do not materially alter the appearance of the lot or involve a change in topography or grade, will be exempt from the review process.

   If there is any doubt as to whether a proposed change is exempt from the review and approval requirements, the homeowner should seek clarification from the ARB before proceeding.

SECTION V

APPLICATION AND REVIEW PROCEDURES

The following application and review procedures will be used by the ARB:

1. Applications

   All applications for proposed changes must be submitted in writing. Submission directly through the HOA's website is the preferred and most efficient method, available at https://falconairehoa.com/ (membership registration required). The ARB may require that a specific form of application be used. An application must be completed before the ARB will commence the review process. An incomplete application will be returned to the applicant with a statement of deficiencies which must be remedied in order for the review process to commence. Applications will not be considered if an applicant and/or homeowner is more than 30 days past due on any homeowner association assessments, fees or charges, and /or is in violation of any guidelines.

2. Supporting Documentation

The application must include a complete and accurate description of the proposed change, and where appropriate, the plans and specifications, the design, dimensions, elevations, materials, shapes, heights, colors and finishes, and a site plan showing the proposed location, with grading modifications (if any). Examples include architectural drawings for plans, as applicable; landscape plans, material and/or color samples, etc.

3. Time Period for Completion of the Review

The ARB is required to approve or disapprove proposed changes within forty-five (45) days after the receipt of a complete application, including any required or requested exhibits. It is therefore advisable for a homeowner contemplating a change to first ensure that he or she is aware of all required supporting documentation, prior to submitting an application

4. Notice of Approval/Disapproval

A homeowner who has submitted a complete application will be given notice of the decision of the ARB initially by email followed by a final copy of the decision by mail, sent to the address of the subject property.

5. Appeal

Any Association member may appeal a decision of the ARB by submitting a written request to the Board of Directors within ten (10) days after notice of the decision is mailed by the ARB to the applicants. This request should include any new or additional information which might clarify the requested change or demonstrate its acceptability. The Board of Directors may, in its sole discretion, conduct an informal hearing related to the appeal. The Board of Directors will respond in writing to an appeal within forty-five (45) days from the date of its receipt of the appeal.

6. Duration of Approval

Approval by the ARB is good for a period of one (1) year from the date given. Should the homeowner fail to begin the work contemplated by the approval application prior to the expiration of six (6) months from the date of approval, or fail to complete the work within one (1) year from the date of approval, the ARB's approval shall automatically expire, and the homeowner shall be obligated to submit a new and complete application to the ARB, and to obtain its approval before proceeding.

SECTION VI

GOVERNMENTAL REQUIREMENTS

THE APPLICANT IS RESPONSIBLE FOR IDENTIFYING AND COMPLYING WITH ALL APPLICABLE GOVERNMENTAL REQUIREMENTS AND FOR OBTAINING ALL REQUIRED GOVERNMENTAL PERMITS. APPROVAL BY THE ARB IS CONDITIONED UPON THE HOMEOWNER OBTAINING SUCH PERMITS PRIOR TO COMMENDING ANY WORK, AND ON THE HOMEOWNER'S CONTINUED COMPLIANCE WITH SUCH REQUIREMENTS AND PERMITS. APPLICATIONS FOR PERMITS AND ALL FEES ASSOCIATED THEREWITH ARE THE SOLE RESPONSIBILITY OF THE HOMEOWNER. PERMITS SHALL BE POSED AS REQUIRED BY GOVERNMENTAL AUTHORITIES. NOTE THAT "MISS UTILITY" SHOULD BE CONTACTED FOR LOCATION OF CABLES AND/OR PIPE WORK PRIOR TO ANY DIGGING WHEN CONSTRUCTING DECKS, FENCES, ETC.

SECTION VII

ENFORCEMENT PROCEDURES

The Association, acting through the Board of Directors, has the power and authority to enforce compliance with the architectural guidelines. The following enforcement procedures may be used:

1. The violation may be observed and reported in writing to the Board of Directors by a member of the ARB, the managing agent, or a homeowner.

2. The alleged violation will be confirmed by a site visit by a member of the ARB and/or the managing agent, who shall have the right to enter upon the subject lot for this purpose. Photographs of the violation may be taken and kept in the Association's records, along with a written statement by the person making the site visit.

3. The ARB will contact the owner in violation by letter, advising him or her of the violation and indicating the actions which must be taken to remedy the violation, Notice may be sent by mail or may be hand-delivered. In the event the violation is deemed to create an emergency, or where the violation, if not remedied, will increase or worsen with the passage of time, the Board of Directors shall have the right to take immediate action to correct the violation, and the costs of correction shall be reimbursed by the owner to the Association on demand.

4. If the violation persists thirty days after notification is sent to the owner in violation (or, where cure of the violation cannot be accomplished within 30 days, if the violating owner fails to commence the cure or within such 30 day period, or fails to diligently pursue such cure to it completion), then the Board may send an additional notice to the violating owner,

by mail or hand delivery, requiring that he or she appear before the ARB at a designated place and time (at least 15 days after the date the additional notice is sent) and present a written plan and schedule of action to cure the violation. If either the plan or the schedule is not acceptable to the ARB, or if the violating owner fails to comply with the plan or with the schedule, then the Board of Directors, after 5 days written notice to the violating owner, sent by mail or hand delivered, shall have the right to take action to correct the violation, and shall have the right to enter upon the violating owner's lot in order to do so. The Board of Directors may also take other appropriate enforcement action, including pursuit of legal and equitable remedies. All costs and fees incurred by the Association in connection with the violation or the correction thereof shall be reimbursed by the violating owner to the Association on demand.

5. The above procedures do not preclude the Board from taking accelerated measures in the case of a violation which constitutes an emergency. Likewise, the Board may establish shorter notification periods for the correction of violations in those instances where a shorter notification period is necessary or would be more appropriate.

SECTION VIII

ARCHITECTURAL GUIDELINES

NOTE: THESE ITEMS ARE SUBJECT TO THE APPROVAL OF THE ARB

Definitions:

Front yard - the area of yard that starts from the house front facade to the street (front property line).

Rear yard - the area of yard that starts from the house rear facade to the rear property line.

Side yard - the area of yard that is between the front facade plane and the rear facade plane of the house.

1. ANTENNAS / SATELLITE DISHES

- Interior installation will be required if reasonably feasible and effective.
- Where possible, devices should be located in the rear yard and appropriately screened. If the device must be installed at the roof level, then it should be situated on the rear side of the roof ridgeline, so as to have no, or minimal visibility from the front of the home.
- Size, shape, color, finish, location and appearance must be such as to keep to a reasonable minimum (consistent with effectiveness of operation) the visual impact, from streets and otherlots.
- Screening may be required.

2. DECKS / ELEVATED REAR PORCHES / GAZEBOS

- In general, decks and elevated rear porches are restricted to rear yard area, Side yard location will be evaluated on their individual merits.

- Must be non-wood or composite type decking (or any similar product). Smooth cedar or high-quality pressure treated wood may be considered on a case-by-case basis. Railings and balusters will be of wood, composite, metal, glass, or material appropriate to the home's architectural style. Applications must include a site plan showing size, location as it relates to the applicant's house and a description of the details of railings, trellises, posts, stairs, steps, benches, etc. as required to be clearly described in the proposal. Please include the height of the deck or elevated porch off the ground.

- Must be compatible in scale and design with the home as sited on the lot, as well as of the same style and type as the builder has initiated.

- Must not be painted, but be left in a natural condition to weather, or treated with a clear sealer or approved (colored) stain. Traditional redwood and bright orange tones are discouraged. All material colors must complement the existing house colors, Material color samples must be submitted for review and approval.

- Screening may be required for the underside of an elevated deck, Underside screening can be eliminated for walkout basement conditions,

- When incorporated with a deck, the gazebo must match the colors scheme of the deck. Roof material shall be the same as the existing home. Screen material must be dark nylon, aluminum, or an appropriate material type.

3. PATIOS / TERRACES

- Should be located to the rear of the home, although side-yard locations will be considered.

- Must not adversely impact drainage.

- Must be compatible in scale, design, materials, color and finish with the home and nearby lots and structures. Patios shall be constructed of concrete pavers, brick pavers, stone pavers, stamped or exposed concrete or other appropriate materials.

- Rear yard, ground level patios need Architecture Review Board approval.

4. DECORATIVE OBJECTS AND LAWN ORNAMENTS

- Must not create an adverse visual impact, from a street or another lot.
- Must be compatible in design, scale, location, color, and finish, with the applicant's lot and neighboring lots.
- All decorative objects and lawn ornaments will be considered on a case-by-case basis.
- As detailed in Article IX Restrictive Covenants, Section 5 Signage: The only signs permitted on the Property shall be customary home and address signs and real estate sale or lease signs which have received prior approval of the ARB ("Permitted Signs"). No more than one (1) Permitted Sign shall be displayed to public view of any Lot, must be less than or equal to two (2) square feet in total surface area, and shall not be illuminated. All Permitted Signs advertising the property for sale or rent shall be removed within three (3) days from the date of the conveyance of the Lot or of the execution of the lease agreement, as applicable. All signage must be in conformance with Zoning Requirements.
- In addition to information provided in Article IX, Section 5, commercial signs, or advertisements are not allowed to be displayed on the homeowner's property or homes with the following exceptions: signs notifying the public of security system, invisible fence, etc.
- All other types of signs would need ARB approval.

5. EXTERIOR AIR CONDITIONERS AND HEAT PUMPS

- Individual window and wall units are prohibited.
- An exterior central air conditioning or heat pump unit may not be relocated, unless it is demonstrated that relocation would not create an adverse visual or sound impact, from a street or another lot.

6. EXTERIOR LIGHTING

- Must be compatible in design, scale, color, finish, and location with the home and neighboring lots.
- Shall not be focused toward a boundary of the applicant's lot.
- Color and intensity of emitted light must be appropriate to the location and surroundings.
- Must not create an adverse visual impact, from a street or another lot.
- Seasonal exterior lighting, such as Christmas or Halloween decorative lights, do not require prior approval, must be removed within a reasonable time frame after the conclusion of the holiday season, and conform to the above exterior lightning requirements.

7. EXTERIOR PAINTING

- Approval is not required for repainting or re-staining which matches the existing, approved color or that color of the home as originally built.

- Must be compatible in color and texture with the home and the surroundings, including neighboring lots.

8. FENCES

Fencing can be used to separate property, provide security, visual privacy, or to architecturally define space. In achieving any one of these goals, a barrier is created which has both a visual and a physical impact on the boundaries of common land and the properties of adjacent homeowners.

- In general, fencing w terminate at the lot line or where allowed by county ordinance. Proposed fencing must not extend beyond the lot line. Generally, the side of the fence facing the street or exterior of the property shall be the finished side (not showing cross framing).

- No fences in the front yard will be allowed, other than those previously installed by the builder as part of the overall community landscaping. Side yard fencing is prohibited without approval from the ARB. Fencing should be compatible with the applicant's house, but it should also be appropriate for its intended purpose.

- A hedge fence will be considered, provided it is composed of only one type of plant appropriate for the purpose and is compatible in scale and appearance with its surroundings and is maintained to provide an effective and visually appealing hedge.

- A fence being installed or replaced may be required to be connected to existing fencing in similar locations on abutting properties.

- Fences must follow the line of the property. Fences shall be four feet (4') high and the posts can extend another six inches (6"). Fences six feet (6') in height will be considered on a case-by-case basis.

- Fencing materials: Pressure treated wood, composite, vinyl or metal allowed in neutral colors. Decorative fencing will be reviewed on a case-by-case basis. Chain-linked, mesh and barbed-wire fencing is prohibited.

9. FLAGPOLES

- Free standing flag poles are prohibited unless approved by ARB.

- Homeowners wishing temporary flagpoles staffs that do not exceed 6' in length and are attached at an incline to the front wall or pillar of the house or dwelling unit need not have an application.

10. GRILLS

- A grill of a permanent nature may be placed in the rear yard, as far as practicable from the property lines.
- The scale, design, materials, color and appearance must be compatible with the home and nearby lots and structures.
- Must not create an adverse visual impact, from a street or another lot.
- Screening may be required.

11. RECREATION AND PLAY EQUIPMENT

Creatively designed equipment is encouraged. The guidelines listed below are provided to reconcile the need for play equipment with the goal of minimizing its visual impact.

- In general, all exterior play equipment (e.g., sandboxes, climbing structures, swing sets, playhouses, etc.) must be placed in a rear yard location that will minimize the negative visual and physical impact to the community. The equipment must be well maintained. No peeling, rusting, crumbling or extreme fading will be permitted. Consideration must be given to lot size, equipment design and size, amount of visual screening, etc.
- Play equipment must be located within the rear yard of the house. All play equipment not within a fenced yard or extending above the height of the fence must be approved by the Architectural Review Board and may require screening.
- Basketball backboards and poles shall be located and treated in such a manner as to keep them visually, physically, and acoustically unobtrusive. Permanent backboards and poles shall be located at least thirty feet (30') from the nearest property line and at least one hundred feet (100') from adjacent properties. Permanent backboards and poles located along a driveway shall be located near, or at, the end of the driveway that is farthest from the street. Portable basketball hoops are permitted and do not require approval provided they are located along a driveway and meet all of the locational standards for permanent basketball backboards and poles.

12. STORAGE SHEDS

Storage sheds affect both an individual property and the neighborhood. As a result, all storage sheds must be compatible with both the architecture and landscape surrounding the house. Consideration must be given to lot size, shed size and the impact on views from neighboring properties.

- The shed should be designed to appear as part of the house/landscaping/fence theme and may be part of a deck. Building materials must correspond to design themes,

including color. Sheds easily visible from the street shall not exceed three hundred (300) square feet and peak height of twenty feet (20'). Sheds with larger square footage located in the rear of properties are permitted, but consideration should be given to placement so as to minimize impact to neighboring properties.

- The shed must be designed to respect the "visual rights" and aesthetic interests of neighboring properties and may require screening.
- Applicants must review fence and shed design criteria with respect to visibility, privacy, and materials prior to design.
- Dog houses are permitted in the rear yard and located so as not to be visually intrusive and may require screening. Dog runs, kennels, and other pet enclosures are prohibited.

13. STORM / SCREEN DOORS AND WINDOW

- Must be compatible in design and appearance with the home.
- Storm or screen doors must be painted the same color as surrounding trim.
- Storm or screen doors must be full view.
- Storm and screen window door frame color must match the trim color around the front door.
- Storm windows are not permitted.

14. SWIMMING POOLS

- Must be built in-ground and located to the rear of the home.
- Must be compatible with the home and the surroundings in design, scale and location.
- The pool and its filtration and other equipment must be screened from view, from the streets and other lots.
- Must be adequately and appropriately covered during extended periods of non-use (i.e., more than twenty-five consecutive days).

15. HOT TUBS / SPAS

- Must be located in the rear of and near the home.
- In general, it should be designed as an architectural feature of a deck or patio.
- Must be compatible with the home, and the deck or patio to which it is attached or most closely related, with respect to scale, design, materials, color and finish.

- Screening may be required.

16. TRASH/RECYCLABLE CONTAINERS

- Must be stored in an area not visible from public view.
- May be set out for trash or recyclable pickup only during the evening preceding and the day of the scheduled pickup.
- Must be designed, maintained and located so as not to attract rodents or insects.
- Must be conventional and unobtrusive in design, scale, color and finish.
- Compost bins or barrels shall be elected or constructed so as to minimize their impact on adjacent neighbors and may require screening. Generally, rear yard locations are required; however, side yard location may be permitted by the ARB. The size shall be limited to a maximum of four feet (4') in height and are of sixty-four (64) square feet. The compost bin shall be maintained so that it does not create a pest, visual or environmental nuisance.

17. CLOTHESLINES

- Clotheslines are not permitted.

18. LANDSCAPING

- Care must be exercised in the planting and maintenance of trees and shrubs on your lot to prevent obstruction of sight lines required for vehicular traffic. It is the responsibility of the homeowner to ensure that their lot is mowed and gardens maintained throughout the growing season; this includes removal of all unused stakes, trellises and dead growth.
- Consideration must also be given to the type of trees to be planted, specifically with regard to size of mature trees and how the roots will affect water lines and underground cables, etc. If such planting results in complaints by neighbors, the Architectural Review Board will consider appropriate measures to resolve the problem.
- Applications, when required, must include a description of the types and sizes of shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent properties. All plantings shall be at least ten feet (10') from any property line.
- A vegetable garden may be permitted if located to the rear of the home, if appropriate in scale.

- Meadows and fields are a significant part of the character of the County. The front and side yards as well as the rear yard to a point thirty feet (30') from the back of the home shall be turf. Rear areas beyond thirty feet (30') from the house may incorporate meadows as part of their landscape design where permitted and approved by the ARB. The meadows shall be maintained and mowed at least once per season (three times each year) or as required by the ARB.

- Lawns shall be regularly mowed during the growing season, and such turf areas shall not be allowed to grow in excess of 6 inches in height. These areas should also be treated and/or maintained to keep weeds controlled, and homeowners should re/overseed their lawns as needed to maintain a healthy turf density free from weeds and bald areas.

- Homeowners are also responsible for maintaining/mowing the "right of way" areas adjacent to the homeowner's property (generally speaking, that includes the storm water ditches and monuments or other structures on the homeowners' property unless otherwise prohibited as addressed by local law, state law or easements). Homeowners should also take reasonable steps to keep gravel areas adjacent to their properties free from vegetation and the corresponding roadways free from loose gravel and debris.

- ***If such planting results in complaints by neighbors, the Architectural Review Board will consider appropriate measures.***

An application <u>IS NOT REQUIRED FOR LANDSCAPING</u> which meets <u>all</u> of the following conditions:

- Located at the rear yard or is otherwise not visible from public view.

- Size does not exceed 40' x 40'.

- It does not damage property through the flow of water onto adjacent property.

In addition, an application <u>IS NOT REQUIRED</u> for the following:

- Foundation Landscaping (within 8' of perimeter of the home or within a home's existing landscaping beds, whichever is greater) which is restricted to natural landscaping (e.g., mulch, flowers, shrubs and trees) and/or railroad ties, garden timbers or other materials used to construct a border or retaining wall which does not exceed 18" in height and remain within 8' of the foundation or a home's existing landscaping beds.

- Planting of trees throughout the community is encouraged. Applications are not needed for any tree if they are planted 10 feet or more from the property line, provided such plantings do not obstruct sight lines required for vehicular traffic; are sufficiently distant from any well head or septic drainage field, including on neighboring property, to prevent damage to that well or septic field; and are otherwise consistent with the guidelines.

  Note: Trees with very hydrophilic (water loving) root systems, such as maples, oaks, and willows, should ordinarily be planted at least 50 feet from any septic drainage field.

Homeowners should be aware that they retain responsibility for any damage from the planting of trees on their property to any septic drainage field. Homeowners should also consult applicable county or state regulations (e.g., if the property has a storm water management system).

- The removal of dead or diseased trees that present a safety risk, regardless of size.
- Low-voltage and/or solar pathway or driveway lighting, not to exceed 60 lumens per light, provided such lighting is not directed toward another property.
- Standard lawncare activities, including, but not limited to, reseeding or overseeding, dethatching, weed and feed applications (subject to any applicable laws or restrictions), aerating, topdressing, lawn leveling or other soil amendments (provided that a lot's grading and drainage is not affected), as well as the installation of inground sprinkler systems.

An application <u>IS REQUIRED</u> for:

a. Hedges which will grow to more than four feet (4') in height or twenty feet (20') in length, or other structural features, fences or screens and a part of other applications where required.

b. Rock gardens or rocks or collections of rocks exceeding 24" in any direction. All rocks shall be left their natural color.

c. Railroad ties or garden timbers which form a wall over 18" high or 10' long. Walls over 24" may require governmental approvals. Include a site plan with the location of ties or timber drawn in, and information on landscaping plans and any grading changes.

d. Removal of trees of a diameter of more than four (4") inches measured two (2') feet above ground level.

e. Any landscaping or gardens that are not covered in the paragraph above.

19. VEHICLES

The Restricted Covenants and local law both place restrictions on how homeowners may park and/or store vehicles on their properties and roadways. With respect to the law, the Code of Virginia generally prohibits individuals from parking on or adjacent to any roadway for longer than 24 hours. Accordingly, homeowners should only park vehicles on the street in front of their own property[1] temporarily, not to exceed 24 hours, and care should always be given to minimize to the extent possible blocking the least amount of road so as to minimize the flow of traffic, including pedestrian traffic. In addition, to incorporate the related provisions of the Restricted

[1] Homeowners should not park, or allow others to park, vehicles on or adjacent to the roadway in front of other homeowners' properties or otherwise inhibit access to another homeowner's driveway.

Covenants into this Guidebook and provide additional clarification and flexibility, where possible, the following additional restrictions apply to the parking and storage of vehicles:

a. Vehicles. No inoperable, junk, unregistered, unlicensed or uninspected vehicle shall be kept on the Property visible to the public. No portion of the Property shall be used for the repair of a vehicle. No vehicle shall be parked on any Lot except within a garage or on an improved driveway or parking area. This rule is not intended to prevent homeowners from working on or restoring, e.g., classic cars, in their garages or otherwise not visible to public or neighboring homeowners' view.

b. Commercial Vehicles. No commercial vehicle or industrial vehicle, such as but not limited to moving vans, trucks, tractors, trailers, vans, wreckers, tow trucks, hearses and buses,[2] shall be regularly or habitually parked or parked overnight on the Property, except upon written approval of the ARB. Applications are to be submitted to the ARB for permission to store commercial vehicles specifying the location, size, screening and other relevant criteria.

   For purposes of clarification, any such enumerated vehicle is subject to this rule, not just those used for commercial purposes – e.g., a trailer is a trailer, no matter whether it is used in connection with a homeowner's business. That said, such vehicles are not prohibited from being parked or stored on a homeowner's property, provided written approval of the ARB is obtained – as further clarified below – and such vehicles are not habitually parked in public view, such as on a homeowner's driveway.

   The parking or storage of any such vehicle is pre-approved if it is parked out of sight from public or neighboring homeowners' view, such as in an approved storage shed or in a sufficiently screened area in the rear of a homeowner's property. If, however, there is a legitimate question whether such vehicles are sufficiently screened from neighboring homeowners' view, or upon a complaint of a neighboring homeowner, the applicable homeowner should seek approval from the ARB.

   To reiterate, such vehicles should not be habitually parked or stored in public view, such as on a homeowner's driveway, provided, however, that temporary and non-recurring parking on a driveway for a few days or less is permitted without ARB approval, e.g., if a homeowner is working on a project that requires access to a trailer for a short period of time, such a situation does not need to be cleared with the ARB.

c. Recreational Vehicles. No recreational vehicle or equipment, such as but not limited to boats, boating equipment, ATVs, travel trailers, horse trailers, camping vehicles or camping equipment shall be parked on the Property without prior, written approval of the ARB, as to location, size, screening and other relevant criteria. The Association shall not be required to provide a storage area for these vehicles.

   For purposes of clarification, the same standards and exceptions to prior ARB written approval applicable to the parking and storage of Commercial Vehicles will apply to Recreational Vehicles, e.g., if an RV is stored in a garage long term out of public view, or

[2] This rule does not apply to pickup trucks and minivans primarily used for personal transportation use.

is parked for a few days or less in a driveway to prepare for a trip, no separate ARB approval is required.

d. Towing. The Board shall have the right to tow any vehicle parked or kept in violation of the covenants contained within this Article, upon twenty-four (24) hours' written notice and at the vehicle owner's sole expense.

SECTION IX

GENERAL MAINTENANCE GUIDELINES

Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety. Property ownership includes the responsibility for maintenance of all structures and grounds that are a part of the property. This includes, but is not limited to, items such as mowing grass, removal of trash, and structural maintenance.

EXTERIOR APPEARANCE

Homeowners are responsible for maintaining the exterior of their homes and any other structures on their property, such as decks, fences, sheds and play equipment.

MOWING & LANDSCAPE MAINTENANCE

Turf areas need to be mowed at regular intervals, maintaining a maximum height of 6" and a minimum height of 2". Changes to this requirement may be made according to specified plans.

Planted beds must be kept in a neat and orderly manner. Dead plants, shrubs, or trees shall be removed immediately. Any street tree or foundation planting that is removed must be immediately replaced with a similar or like kind material.

LAWN & GARDEN FERTILIZATION

All soil should be tested before fertilizer is added — especially in areas where drainage will flow into ponds. Special care should be taken not to over-fertilize lawns and gardens where there is the chance of runoff into storm water management areas.

TRASH REMOVAL

Each homeowner is responsible for picking up litter on this property as well as preventing windblown debris from originating on their land.

Association Open Space should not be used as a dumping ground for debris. All debris must be disposed of in appropriate methods.

Each homeowner is responsible for ensuring that their lot area is protected from erosion and that storm drain structures are not blocked to create additional erosion problems.

SECTION X

PET CONTROL

Household pets such as dogs and cats may be kept, provided that they are not bred or maintained for commercial purposes and do not create a nuisance or annoyance to surrounding lots or the neighborhood. Pets must be in compliance with applicable County ordinances.

Specific Rules and Regulation governing pets have been adopted by the Architectural Review Board. They are as follows:

The Architectural Review Board has extended permission to the County Animal Warden to enforce all applicable portions of the County Ordinance in regard to all animals and pets within the common areas.