

ARBOR HILLS

HOMEOWNERS ASSOCIATION, INC.

COMMUNITY
RULES & REGULATIONS

Revised
Jan 2019

Rules & Regulations

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1 Introduction

1.1 Applicability

This guide to Rules and Regulations (“Guide”) is adopted pursuant to the *Articles of Incorporation*, and the *Declaration of Covenants, Conditions, and Restrictions*, (“Declaration”). These documents provide for the establishment of reasonable rules and regulations concerning the use of individual lots and common areas. The Architectural Review Committee (“ARC”) serves as representatives of the Board of Directors (“Board”) while enforcing the Guide. Compliance with this Guide is required, but is not the sole basis for review or approval, nor does it guaranty approval of any application. In reviewing each application, the ARC may consider any factors it deems relevant. Decisions may be based purely on aesthetic considerations. Each owner acknowledges that determinations as to such matters are purely subjective in nature and that opinions may vary as to the desirability and attractiveness of a proposed addition or modification.

1.2 Purpose

This document is not intended to replace the Declaration, please review **ARTICLE IV: ARCHITECTURAL CONTROL** and **ARTICLE VII: RESTRICTIONS** of the Declaration prior to submittal of any application for ARC review. Should any discrepancy exist between the Community Rules and Regulations and the Declaration, the more restrictive covenant will control. The document is intended to clarify the process by which homeowners may customize and modify the exterior presentation of their homes and/or lots. The intent is to provide consistent guidance to owners regarding requirements for additions and modifications to property in the community, and matters of particular concern to the ARC when considering applications for approval of such conditions and modifications. Additionally, the Guide sets forth various restrictions on other matters relating to community standards and the overall appearance of property in the community.

1.3 Application and Review Process

Unless otherwise specifically exempted by the Declaration or this Guide, each and every proposed exterior modification/addition to residential units or lots require prior approval of the ARC. Submit three copies of the *Request for Architectural Approval* form to PO Box 11906, Charlotte NC, 28220. Each application must include a copy of the lot survey showing the size and location of the proposed modification/addition as well as a list and description of the materials to be used. Color samples may assist the ARC in rendering its decision and expedite the review process. Any application for Accessory Buildings, Gazebos or any other free standing structures must include an elevation drawing or photo representing the exact building or structure to be erected pre the application submitted. The ARC may require submission of such additional information as may be reasonably necessary to consider any application. Review of the application and notification to the applicants shall be conducted as described in the Declaration. Contact the

HOA Association Manager for status. There are items in this Guide that provide for a homeowner to not apply for approval through the ARC Committee. Any modification that does not require ARC approval is conditioned on the Owner complying with every requirement of this Guide applicable to the specific modification. If a homeowner modifies an installation that was allowed without ARC Approval and it no longer conforms to the original condition, the Board may find that the installation is not in compliance and a hearing be requested. The ARC is not responsible for ensuring structural integrity or compliance with state and local building codes. Homeowners must obtain all necessary building permits and other government approval that may be required for the proposed modification or addition. The ARC or the Board will notify the City Building department of all modifications made to your home, so make sure to get the appropriate Permits.

2 General Architectural Standards

2.1 Antennas, Satellite Dishes (DBS, MDS, DSS)

Homeowners who wish to place a satellite dish on the exterior of the residence must submit a *Request for Architectural Approval* to the ARC. Freestanding antennas/dishes are not permitted. If installation is required in other than the following approved locations, include a statement from the installer with the ARC application. Standard, approved placement of a satellite dish is:

- Attached to or mounted on a deck or patio in the rear of the residence and extending no higher than the eaves of that portion of the roof of the dwelling directly in front of such antenna; or,
- Attached to or mounted on the rear wall or rear roof of the residence so as to extend no higher than the ridgeline of the residence at a point directly above the position where attached or mounted to the wall.
- All installations of a Dish regardless of style or type shall not be visible from the street facing the front door of the residence. All installations regardless of required mounting location shall be screen from view from the street by use of appropriate screening materials to be approved by the ARC. Any freestanding dish must be mounted on a single pole secured in the ground with a concrete footing, painted black and screened by use of evergreen Leyland Cypress or similar trees surrounding the dish completely at such height to immediately upon planting shall screen the dish from view from the street facing the front of the residence.

Pursuant to FCC Section 207 of the Telecommunications Act of 1996, the Association will not require prior approval for antennas/dishes in the attic, crawl space, garage, or other interior space of the dwelling, or another approved structure so as not to be visible from the exterior of the residence.

2.2 Backyard Play Equipment, Basketball Goals

Wood swing sets in the back yard are pre-approved provided they are at least six feet from any property line and are well maintained (natural wood or clear stained). The ARC will consider Metal swing sets, so long as an application has been made to the ARC for consideration. No play structures may be erected on the side or front of any residence. All Playhouses must have ARC approval.

Free standing basketball goals mounted in the ground must have ARC approval prior to installation. Approval will be conditioned upon the backboard being mounted perpendicular to the street, the goal post must be equidistant from the home and the sidewalk, and the goal post is at least six feet inside the homeowner's property line. All ARC approved basketball goals will have to be maintained with nylon netting in good repair, the goal post itself painted black and with no rust or paint chipping present. The Board reserves the right to require removal of any approved basketball goal if it is not maintained as contemplated herein. Portable goals are permitted, but must be stored when not in use so they are not visible from the curb.

2.3 Birdbaths, Birdfeeders, Birdhouses

Birdbaths require ARC approval. Birdfeeders and birdhouses are pre-approved provided they are no larger than one foot in width, one foot in depth, and one foot in height. Any pole on which a birdhouse or birdfeeder is located may not exceed two inches in diameter, and six feet in height (including the house or feeder). Birdbaths, feeders and houses will not be placed in the front yard, or in common areas or wetlands/marshes.

2.4 Clotheslines, Fuel Tanks, Outside Storage

Clotheslines, above ground fuel storage tanks, woodpiles, and similar items are not permitted. Storage of any materials (such as, but not limited to, lawnmowers, landscaping materials, and lumber) outside an enclosed structure is not permitted. Do not place furniture intended for indoor use on any outside area, including porches.

2.5 Decks, Patios, Screened Porches, Driveways

ARC approval is required prior to construction, modification or extension of decks, patios screened porches, and driveways. Deck footings and patios must stay within the minimum building line (MBL) of any lot. No deck or patio shall extend into the side yard beyond the side plane of the residence. Deck waterproofing, sealing and staining is pre-approved provided that natural wood color is used.

2.6 Dog Pens, Runs, Dog Houses

Dog pens and runs are not permitted.

All doghouses require ARC approval and must adhere to the following criteria:

- An approved fence must be installed enclosing the back yard where the doghouse will be located.
- The doghouse must match the color scheme of the existing structure or installed fence.
- Must be in the backyard at least six feet from any property line, and not more than four feet high.

2.7 Exterior Colors, Shutters, Doors

Any exterior color change requires ARC approval prior to the change. Exterior colors must conform to the original scheme designed by the builder. Shutters and doors will compliment the exterior color scheme, and maintain the original colors intended by the builder or a similar color as approved by the ARC. When submitting a request for a color change, color chips or siding samples should be attached to the standard ARC request form.

All Other Exterior Decorative Modifications not addressed elsewhere in the documents require ARC Approval prior to change.

2.8 Exterior Lighting, Seasonal Decorations

Ground landscaping lights are pre-approved provided they are conservative in design, use white lights, are limited to 2,000 lumens and are directed towards the house or ground.

Year-end Holiday decorative lights are pre-approved from Thanksgiving through 15th of January. Seasonal and Festival decorations are approved two weeks prior to the event and up to seven days after the event.

2.9 Fences

An application for review is required to be submitted to the ARC for approval prior to installation. The application must include a copy of the property survey showing the location of the fence and an explanation of why the deviation from the Guide should be approved. The Guide allows some flexibility to homeowners while maintain an acceptable and consistent appearance. Approved fences must meet these additional restrictions:

- Maximum fence post height is four feet. (decorative post headpieces excluded from post height requirements, so long as they do not exceed 6 inches in height above the post).
- Chain-link, lattice, or similar fences are not permitted.

- The ARC will consider the use of alternative materials to be used in the construction of any fence, so long as an application has been made to the ARC for consideration and those materials have the color and look of real wood.
- A single fence is permitted between adjacent lots sharing a common property line.
- Fences are not permitted in the front yard and must tie into the structure at the back corners of the dwelling. Under no circumstances may a homeowner erect a fence outside of the lot property line. In the event of an obstacle, the homeowner must shift the fence inside the boundary line of the lot.
- Fences on corner lots must be installed parallel to the street. The distance from the fence to the street should match the distance from the street to the rear corner of the dwelling nearest the street (but in no case be less the 15 feet from the back curb) to allow for line-of-sight at the intersection.
- Fence finishes may be one of the following: 1) unstained, 2) stained with a transparent, clear (uncolored) stain, 3) stained with Color: Redwood, Finish: Semi-solid or Solid stain.

Please refer to attachments 3.2 and 3.3 for the two approved fence designs for the residences. The fence design in attachment 3.4 applies only to the perimeter of the subdivision and not to residences. Please remember that prior ARC approval is required before construction.

2.10 Flagpoles, Flags

Freestanding flagpoles are not permitted. Flags, which, in the Board's judgment, tend to incite or antagonize are not permitted. Flags meeting the following criteria are pre-approved:

- One flagpole, not to exceed two inches in diameter and sixty (60) inches in length, may be mounted on the front of a dwelling.
- Flags shall not exceed 4' x 8' in size. Flags must be maintained in good condition and shall not be displayed if mildewed, tattered, or faded.

2.11 Garage Sales, Garage Sale Signs, Items For Sale

Garage sales are permitted a maximum of four times/year per residence. Each garage sale may take place on weekends (Saturday and Sunday) only and operate between the hours of 8:00 am and Dusk each day. Sale items must be kept in the immediate area of the garage area. Advertising signs may be placed at the residence 48 hours in advance, and must be removed immediately following conclusion of the sale. Signs placed other than at the residence must follow the guidelines in paragraph 2.22.

Other than garage sales, items for sale such as cars, boats, lawnmowers, may not be displayed in front of the residence.

2.12 Garbage Containers, Recycle Containers, Garbage

Garbage containers and Recycle Containers may be placed at the curb no earlier than dusk the day before collection and must be retrieved and placed back in their respective screened or garage location prior to dusk the day of collection.

Garbage containers must be stored in one of the following pre-approved locations:

- Inside the garage.
- Behind the dwelling, not visible from the curb. If stored at the rear of the dwelling, further screening is required. The screen may be an approved fence design or a natural barrier. Buford Holly or Wax Myrtles are recommended as screening plants. Two 3-gallon plants in front and one beside the storage location will adequately screen the containers.
- At the side of the dwelling provided they are setback at least 10 feet from the front facade of the home. Corner lot garbage containers will be stored away from the intersection. If stored at the side of the dwelling, further screening is required. The screen may be an approved fence design or a natural barrier. Buford Holly or Wax Myrtles are recommended as screening plants. Two 3-gallon plants in front and one beside the storage location will adequately screen the containers.

2.13 Gardens, Landscaping

Gardens and additional landscaping and landscaping edging are permitted provided the standard *Request for Architectural Approval* form is submitted, and approved, *prior* to the change. Gardens must be kept weeded and well maintained, or cut to the same level as the grass. Marshes and wetlands are protected areas, and residents are not allowed to interfere in any way with these areas. Homeowners are allowed to change out or add flowering Annuals or plants within existing planted areas defined by the builder as landscape area. Any other plantings must be submitted on the standard *Request for Architectural Approval* form is submitted, and approved, *prior* to the change.

Irrigation systems are pre-approved for installation provided they are contained completely within property boundaries, the use of pop-up style sprinkler heads are used, all valve assemblies are screened from view by use of 3 gallon boxwood or similar plant material or decorative materials to camouflage the valve and timer installation. At no time shall a sprinkler head be replaced or used that is not of pop-up construction and installed in the ground so it is not visible above the grass when cut to 2".

2.14 Gazebos

Gazebos are permitted provided the standard *Request for Architectural Approval* form is submitted, and approved, *prior* to the change. Gazebos must be made of wood and have the same roof material as used on the dwelling. The color should be natural unstained wood or the use of a clear stain will be permitted. The ARC

will consider the use of alternative materials to be used in the construction of any gazebos, so long as an Application has been made to the ARC for consideration and those materials have the color and look of real wood. No Gazebo shall be permitted inside the Minimum Building Line of any lot and in no case closer than 6 feet from any property line. The walls of the Gazebo should be constructed of vertical rails, no solid walls or lattice walls will be approved.

2.15 Home-Based Businesses

Home-based businesses are permitted provided the following criteria are met:

- It is not evident that home-based business is being conducted.
- No unusual traffic, other than normal residential traffic, is permitted.
- Only removable signs are permitted on vehicles and said vehicles must be parked in the garage or the signs may be required to be removed while in the community.
- Commercial vehicles too large for a garage must be parked in the driveway. No vehicle larger than a pickup truck or standard van (not to exceed 10,000 GVW) is permitted.

2.16 Hot Tubs, Spas, Saunas

Hot tubs and spas are permitted using the standard ARC request form for approval prior to installation. These items must be located in the rear of the residence screened from view of the street and neighboring properties. Owners are required to install safety features such as locks or covers and comply with all applicable state and local codes. Saunas are not permitted.

2.17 Mailboxes

Only the original black mailbox, with black ornamental base is permitted. If replacement or repair is required, the mailbox must be restored to the original design specification. The residence address must be clearly visible on the mailbox.

2.18 Outdoor Furniture

No furniture shall be used, stored or kept on the exterior of any residence except on porches, patios, and decks. Furniture not enclosed in a room shall be limited to such types as is designed for outdoor use.

2.19 Parking Rules

- 1) No Parking blocking the sidewalk. This includes the section of sidewalk that crosses the Driveway.
- 2) No parking on the grass- this includes any portion of the car.
- 3) No parking within 30 feet of any Stop sign, Intersection or Speed Hump
- 4) Overflow parking is allowed on the street along the curb of the resident being visited only. If parking on the street:
 - 4a – The car must be parked along the curb in the direction of the traffic. -There must be at least 10 feet of distance between the edge of your car and the curb on the other side of the street
 - 4b – Parallel parking is not allowed. i.e. there cannot be another car on the other side of the street parallel to your car

Recreational vehicles, campers, boats and trailers must be kept in the garage except temporarily in preparation for use or repair, if such period does not exceed 24 hours.

Please note that for violations related to Parking Rules, homeowner will be directly called to a hearing where fines can be assessed.

2.20 Pets

Each residence is permitted a total combination of three dogs or cats, provided the owner maintains control at all times. Pets must be on a leash while off of the owners property, or restrained in the home, or restrained in the rear yard by use of the following restraint devices:

For Dogs weighing less than 20 lbs., invisible fencing or an approved fence is required.

For Dogs weighing 20 lbs. or more, an approved fence enclosing the back yard is required. Should the fence styles permitted by the HOA not be sufficient to restrain the animal from jumping the fence, the owner will use all necessary steps to restrain the animal for the safety of all residence in Arbor Hills.

Animal nuisance of any kind will not be tolerated, including noise and improper waste disposal. While outside the confines of the owner's property, animal waste will immediately be collected by the owner and disposed of in an approved waste receptacle. For the safety of homeowners, disease prevention and sanitary reasons violators will be subject to aggressive penalties, including fines, by the Board.

Other than normal household pets, no other animals, livestock or poultry of any kind shall be raised, bred or kept on the properties. Dogs, cats or other normal household pets may be kept in homes provided that such pets are not kept, bred or maintained for any commercial purpose.

In no event shall the following breed of dogs be allowed to be maintained or restrained out the home regardless of method of restraint: **Akita, Alaskan Malamute, Chow Chow, Doberman Pinscher, German Shepherd, Pit Bull variations of Bull Terriers, Presa Canario, Rottweiler, Siberian Husky, Staffordshire Bull Terrier and Wolf Hybrid.** These dogs are considered dangerous and present a danger to children, other small animals and adults alike. Any homeowner found keeping any of these breeds restrained outside will be subject to aggressive penalties.

2.21 Roof Accessories

Modification to a rooftop requires an approved *Request for Architectural Approval* form prior to modification. Approved rooftop accessories or equipment must match the existing roof colors, compliment the residence, and be as inconspicuous as possible. The following restrictions must also be met:

- Exposed flashing, gutters and down spouts must match the existing color scheme of the residence.
- Skylights shall not exceed 3' x 5' in size and shall be mounted on the backside of the roof so as not to be seen from the street.
- Solar energy equipment will have the appearance of a skylight, have finished trim, and shall not be visible from the street.

2.22 Signs

No signs of any type or kind shall be erected, placed or permitted to remain on any residence, lot or common area except:

- A single "For Sale" or "For Rent" sign which shall not exceed 2' x 3' in size.
- A single garage sale sign as described in paragraph 2.11.
- A single security service sign.
- Invisible fence signs.
- Such permits as required by legal/government agencies.
- Official community events as approved by the Board.

Political, governmental, real estate, and other signs permitted by county and city ordinance are allowed on common areas and individual lots only after 6:00 p.m. Friday and must be removed by 6:00 p.m. Sunday. No sign can be closer than 500 feet from the nearest temporary sign except as permitted by the HOA Board.

2.23 Storage Sheds, Accessory Buildings

Storage Sheds and Accessory Buildings are defined as those which are intended to be non-movable once installed, taller than 4 feet high and have a fixed roof regardless of footing. Residents must submit a *Request for Architectural Approval* prior to adding a shed to their property in an effort to maximize a uniform look throughout the community.

- Sheds must be constructed using the same colors and materials used on the home.
- The ARC will consider the use of alternative materials in the construction of a Shed, so long as the Application has been made to the ARC for consideration and those materials have the color and look of real wood.
- Sheds must be placed behind the home and must not break the side plane of the home.
- All Storage Sheds and Accessory Buildings approved will be screened by evergreen Leyland Cypress or similar trees planted to a height of at least six (6) feet on any side or rear exposed to adjoining Homeowners. Maximum shed size is 10' x 10'.
- Metal or PVC plastic Storage sheds or Accessory Buildings are not permitted.

Exterior Storage Containers are defined as those which are intended to be moveable, shorter than 4 feet high and have lids that are intended to open. Moveable Exterior Storage Containers are permitted provided they do not exceed 4 feet in height and are screened from view of adjacent home owners by an approved fence enclosing the entire back yard.

2.24 Storm Doors

Storms doors are pre-approved provided they meet the following criteria: 1) They must be full-view glass or glass/screen and must match the existing facade color scheme. And 2) Door hardware must also match the existing hardware (brass handle for brass lights, etc.)

2.25 Tree Save Areas and Landscape Buffers

Tree Save Areas defined on the Subdivision Site Plan and on individual Lot Surveys are natural barrier and intended to maintain a certain amount of trees with the subdivision. Modifying the existing character or topography of any Tree Save Area which encroaches on the lot of any owner requires the submittal of a *Request for Architectural Approval* prior to any changes being performed. Any change in the topography of a Tree Save Area (i.e. adding soil etc.) may adversely affect the trees located within the protected zone. For submittals within a Tree Save Area, a sketch showing each tree and its diameter measured at breast height must accompany any submittal for modification of a tree save area.

Landscape buffers may not be modified in any way by the homeowner.

The Lots that have a Tree Save Area or Landscape Buffer Encroachment are: 17,19,47,58,59,60,68,69,179,180,181,219,240,241,242,243,244,245,246,247,248, 249,250,251,252,253,254,255,262,290,291,292,362,363,377 and 378. If you own one of these lots please refer to your survey for assistance in determining where

the Tree Save Area or Landscape Buffers encroach on your lot prior to any submittal to the ARC.

2.26 Wetlands

Wetland areas defined on the Subdivision Site Plan and Individual Lot Surveys are protected areas and no development, landscaping or other modification will be allowing in these areas.

The Lots that have Wetland encroachment are:

52,55,56,220,221,238,239,257,258,264,265,284,286,287,362,363,377. If you own one of these lots please refer to your survey for assistance in determining where the wetlands encroach on your lot prior to any submittal to the ARC.

2.27 Window Air Conditioners

Window air conditioning units and window fans are not permitted.

2.28 Window Boxes, Planters

Window boxes and planters are pre-approved provided:

- They match the trim color of the residence exterior and shall be maintained in a neat and attractive matter.
- Dead and diseased plants and all weeds shall be promptly removed.

Statues and figurine planters are not permitted in the front or side yard of any home.

2.29 Yard Maintenance

Residents are required to mow and weed their yard as necessary to present a neat and uniform look to the neighborhood. This includes during periods of low rainfall when dry patches appear and weeds tend to overcome the lawn. Grass will not be permitted to grow over curbs, sidewalks, or driveways. Regular watering to present a lush, green lawn is recommended, but not required. Do not leave hose extended through the yard after watering.

2.30 Noise and Nuisance

It shall be unlawful for any resident to create or assist in creating any unreasonably loud and disturbing noise that is offensive to other residents. The operation of lawn mowers and other domestic tools out-of-doors between the hours of 9:00 p.m. to 7:00 a.m. will be cause of violation. Any unreasonable, unwarranted and/or unlawful use of property, interfering with another resident's quiet or peaceful use of their property is not permitted.

ARBOR HILLS HOMEOWNERS ASSOCIATION, INC.

3.1 *Request for Architectural Approval Form*

Name _____

Address _____

Block # _____ Lot # _____ Phone _____

TYPE OF MODIFICATION:

_____ FENCE EXTENSION _____ AWNING _____ SATELLITE DISH

_____ LANDSCAPING _____ OTHER

ATTACH DETAILED IMPROVEMENT DESCRIPTION, INCLUDING (if applicable):

1. Location
2. Size
3. Color
4. Material
5. Contractor
6. **Copy of Property Survey, with proposed changes/additions shown**
7. Plans/ Drawings

Note: Homeowners are responsible for obtaining all necessary permits and appropriate approvals.

ESTIMATED START DATE: _____ ESTIMATED COMPLETION DATE: _____

RECEIVED BY: _____ DATE: _____
(Signature of Committee Member) (Date received)

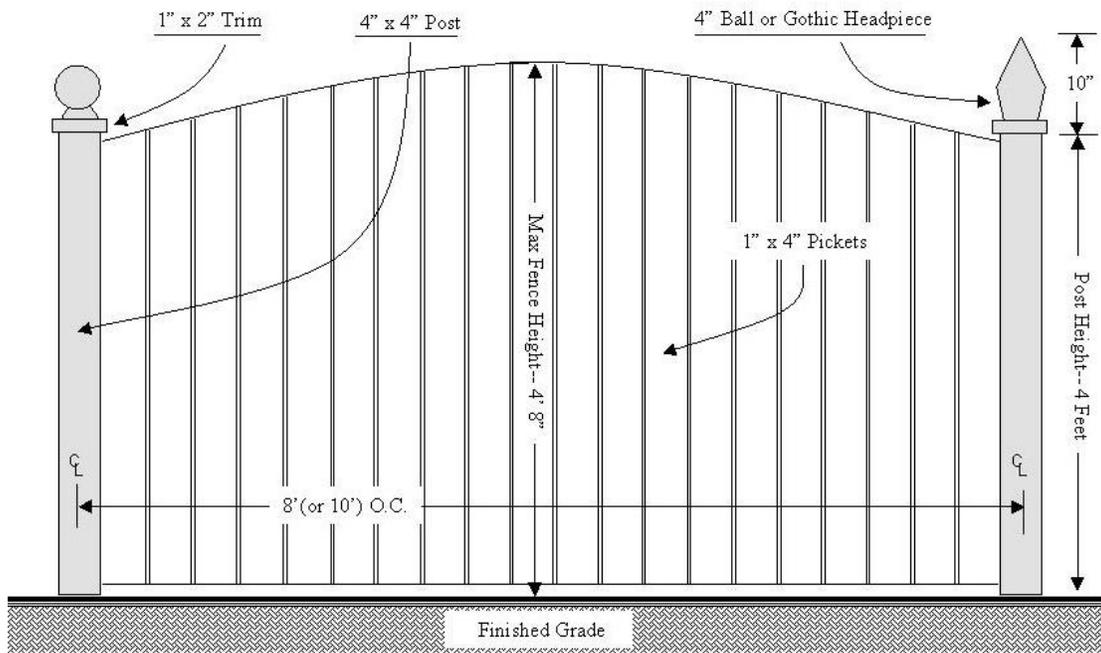
APPROVED _____ NOT APPROVED _____ INITIALS _____

Please include three (3) complete copies of request, one to be returned to you with committee response. *Requests for multiple changes must be submitted separately.*

MAIL ALL APPLICATIONS TO:

ARBOR HILLS HOMEOWNERS ASSOCIATION, INC.
P.O. BOX 11906
CHARLOTTE, NC 28220

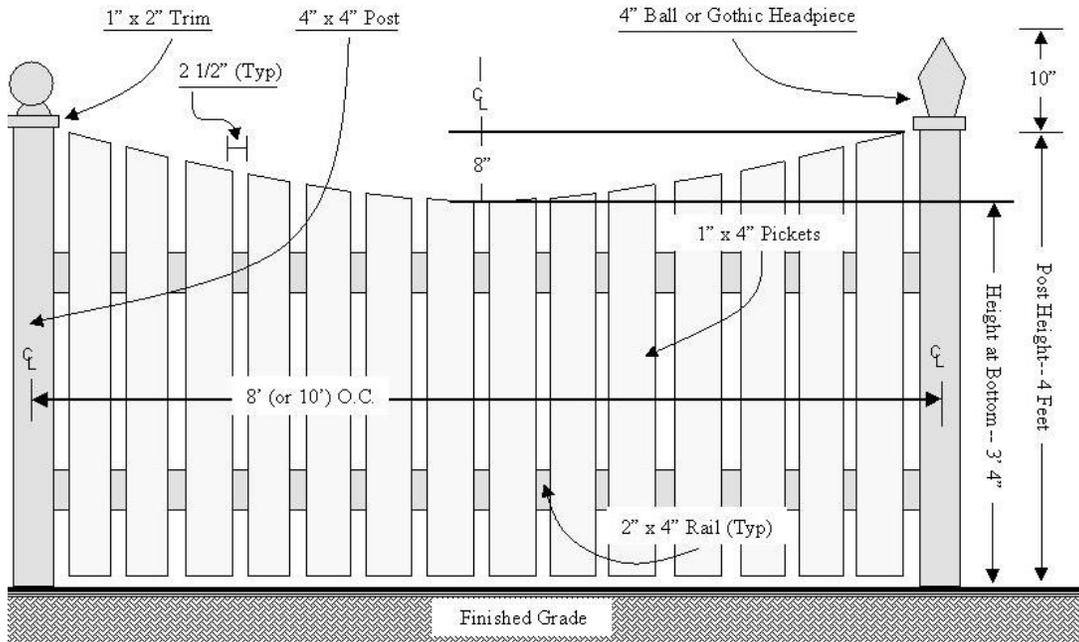
3.2 Attachment. "Picket Fence—Arch-Up" (Residential Fence Option 1)



Picket Fence Arch Up

A 4-foot high fence with 1" x 4" pickets and either 4" or 6" posts. Pickets swoop up toward the center (center height is 4' 8") for the fence section. Each fence section is either 8- or 10-foot long. Pickets are intended to be flush with spacing up to 2 1/2". A 4" ball or Virginia Gothic headpiece for each post is required. Deviations should be addressed using the standard ARC request form. The fence must have stain color as described under 2.9 Fences.

3.3 Attachment. "Picket Fence—Arch Down" (Residential Fence Option 2)

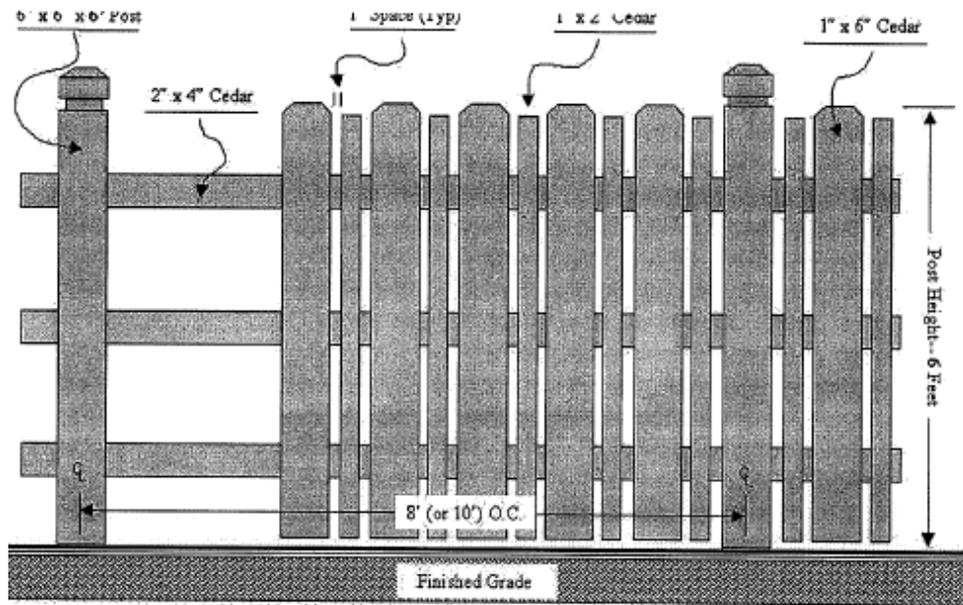


Picket Fence Arch Down

A 4-foot high fence with 1" x 4" pickets and either 4" or 6" posts. Pickets swoop down toward the center (center height is 3' 4") for the fence section. Pickets are intended to be spaced at 2 1/2" apart. A 4" ball or Virginia Gothic headpiece for each post is required. Deviations should be addressed using the standard ARC request form. The fence must have stain color as described under 2.9 Fences.

3.4 Attachment. "The Manors Shadow Box"

This fence design is applicable only to the perimeter of subdivision and isn't an option for residences.



Manors Shadow Box

A 4-foot high fence with 1" x 6" or 6" x 6" pickets in a shadow box appearance; 6" posts. Each fence section is either 8 or 10 feet long. Deviations should be addressed using the standard ARC request form. The fence must have stain color as described under 2.9 Fences.

Adopted by the Board of Directors below on March 15, 2018

Sameer Arora
Sanjay Khurana
Jasleen Kohli

President
Vice President
Treasurer