

ARBOR HILLS  

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HOMEOWNERS ASSOCIATION, INC.

# COMMUNITY RULES & REGULATIONS

Revised  
February 2007

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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 VI: 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. This 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 per 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 Board will notify the City Building department of all modifications made to your home, so make sure to get the appropriate Permits.

#### **1.4 Enforceability**

The HOA Board has a responsibility to all the Homeowners in the community to protect the well being of its residents and the value of their property by enforcement of these rules and regulations. As such, the Board may impose fines for homes found to be in non-compliance. The fines can be significant and can be levied against the home in the form of a Lien. Existing modifications with an approved ARC Application on hand will be exempt from being determined Non Compliant with the new Guide. Should the homeowner make any modification to the installation as approved on the existing ARC Application, the new Guide restrictions will apply which may cause a significant change in your installation. Please be careful to assess this impact prior to requesting a Modification.

## **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 screened 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 a 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, Playhouses and Basketball Goals**

- Metal swing sets are not permitted.
- 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 alternative materials for use in the construction of Backyard Play Equipment, 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 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, side yard or in common areas or wetlands.

## **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: 1) an approved fence must be installed enclosing the back yard where the doghouse will be located; 2) the doghouse must match the color scheme of the existing structure or installed fence; 3) 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 and Other Exterior Decorative Modifications**

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 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 document require ARC Approval prior to the change.

## **2.8 Exterior Lighting, Seasonal and Festival 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 15<sup>th</sup> 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 maintaining 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 requirement, 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 than 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 or 2) stained with a transparent, clear (uncolored) stain.

Please refer to attachments 3.2 through 3.4 for the approved fence designs. The ARC will consider other styles of fence design, so long as the contemplated design maintains the harmony of design characteristics in the neighborhood. Please remember that prior written approval from the ARC 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 Irrigation systems and Decorative Landscape Edging

Gardens, additional landscaping and landscape 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. 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 and must be 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 gazebo, 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 and Pools**

Hot tubs, spas and in-ground pools 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. No above ground pools will be permitted. 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. No decorative or other Mailbox Covers allowed.

### **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, Recreational Vehicles, Campers, Boats, Trailers**

No vehicle, including recreational, camper, boat, trailer, car or truck, will be parked on the grass or sidewalk of any lot. This includes the section of Sidewalk that crosses the Driveway. Sidewalks are for use by pedestrians and blocking these with vehicle parking is not permitted. Overflow parking is allowed in the street along the curb of the resident being visited only. Recreational vehicles, campers, boats and trailers must be kept in the garage except temporarily in preparation for use (not to exceed 24 hours) or while active repairs are being performed.

### **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 residents 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 outside 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 placed on the home for sale or rent.
- 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 and Exterior Storage Containers**

Storage Sheds and Accessory Buildings are defined as those which are intended to be non moveable 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 or an Accessory Building 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 an 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 a natural barrier and intended to maintain a certain amount of trees within 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 it's 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 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, 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 allowed 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 and 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, Decorative Statues and Figurine 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 manner.
- 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.

**Arbor Hills**  
**Homeowners Association**

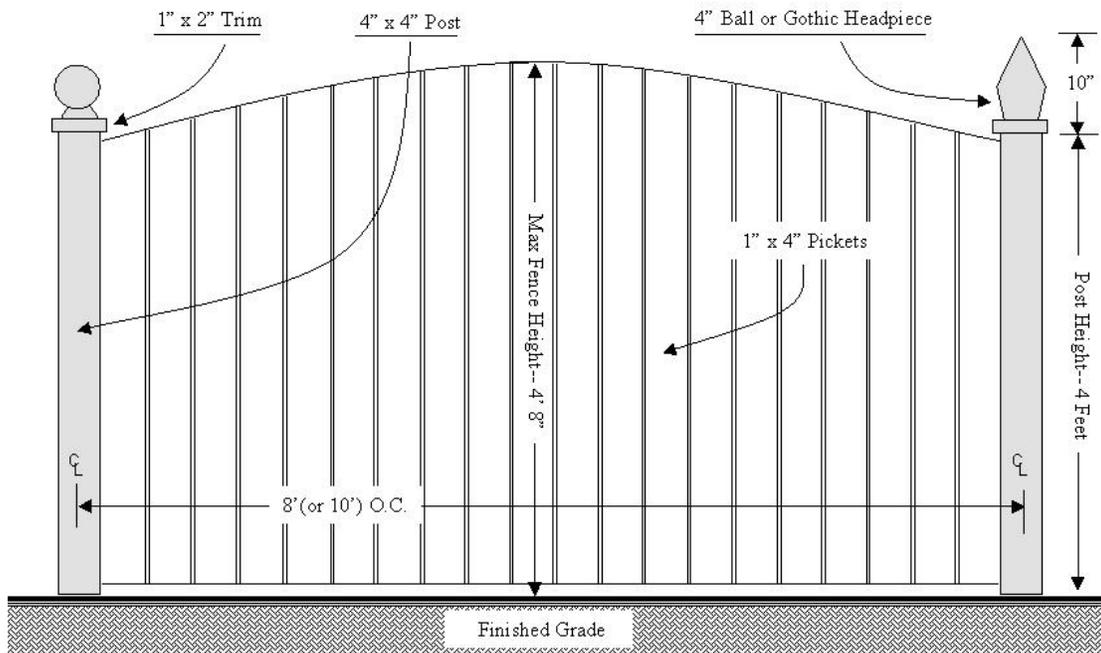
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Adopted by the Board of Directors below on January 31, 2007:

**Erica Braziel**  
**Sunil Kothapalli**  
**Richard Taylor**  
**David Tomono**  
**Scott Cheek**

**Secretary**  
**Treasurer**  
**Member at Large**  
**Vice President**  
**President**

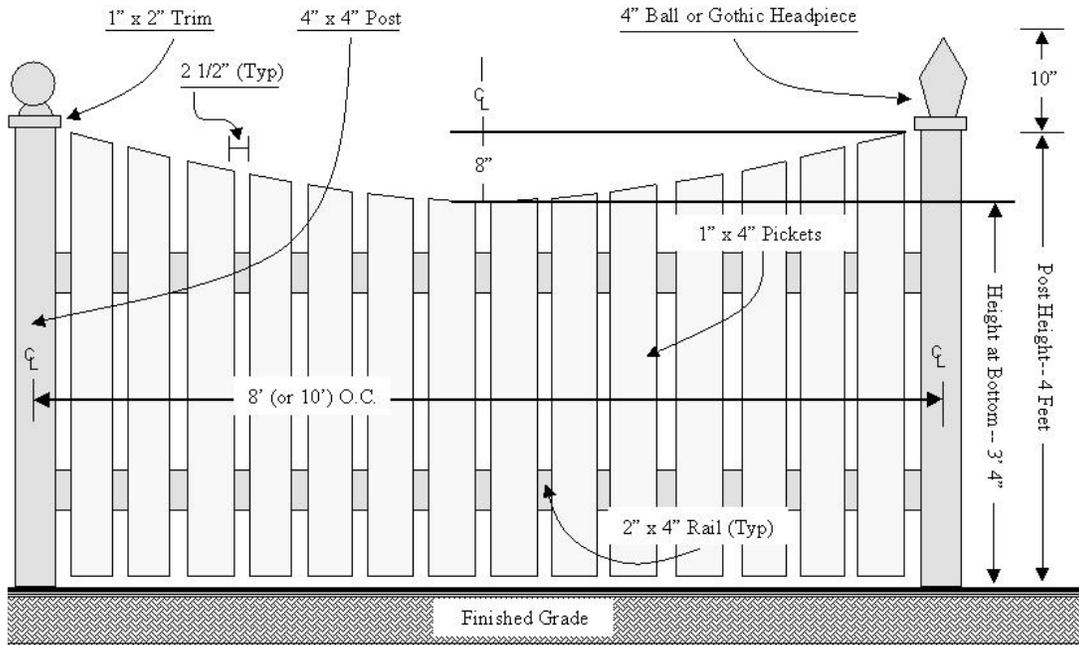
3.2 Attachment. "Picket Fence—Arch-Up"



**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-feet 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.

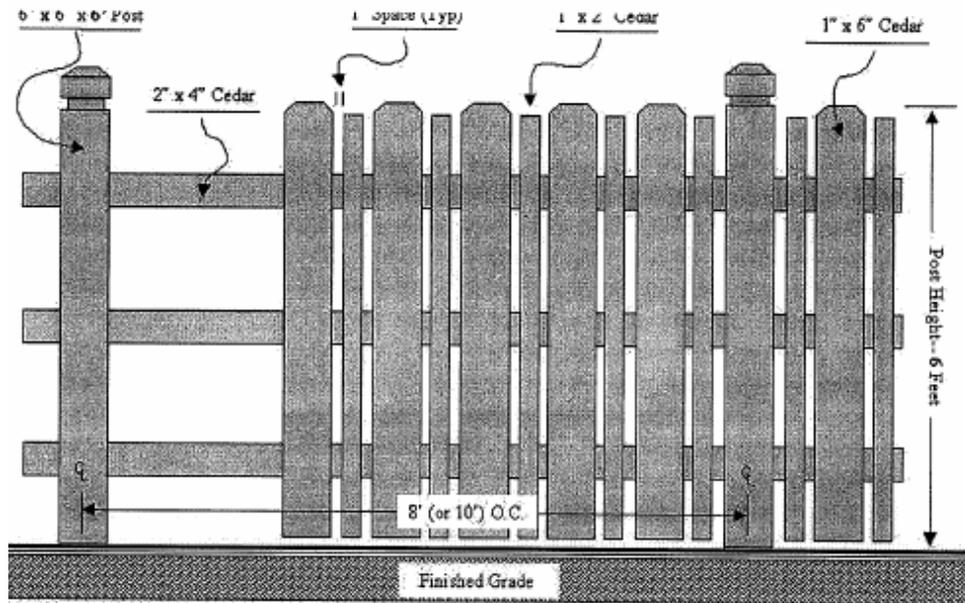
3.3 Attachment. "Picket Fence—Arch Down"



**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”*



**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.