

THE MANORS OF CLARKSTON  
HOMEOWNERS ASSOCIATION, INC.

ARCHITECTURAL CONTROL COMMITTEE  
GUIDELINES

Effective Date: February 1, 2023

## **ARTICLE 1.0: INTRODUCTION**

The Manors of Clarkston community brings together many of the best loved elements found in classic neighborhoods, an attractive and harmonious residential development with continuing appeal and plenty of beautiful trees and natural elements. The Architectural Control Committee's mission is to preserve and enhance the character and appearance of our community and to maintain the conformity and harmony of the external design with existing community standards. These Architectural Control Committee (“ACC”) Guidelines have been adopted to give direction to homeowners in preparing plans and designs that reinforce the appearance of The Manors.

These ACC Guidelines are intended to provide the framework for design and development standards, based upon which the Owner and the ACC will be able to make informed decisions related to all exterior design elements within The Manors. UNLESS OTHERWISE SPECIFICALLY STATED, DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE ARCHITECTURAL CONTROL COMMITTEE AND THE WRITTEN APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE MUST BE OBTAINED BEFORE WORK ON THE IMPROVEMENT BEGINS.

The Declarations of Protective Covenants for the six separate original subdivisions within the Manors set out in Exhibit A (the “Declarations”) govern the owners of lots within The Manors. While each of the Declarations is a separate document applicable only to its subdivision, the Declarations also make clear that there is now only one homeowners association and that all owners within The Manors may enforce all restrictions set forth in the various Declarations. For ease of administration, one Master Declaration has been placed on the association website (<https://www.themanorsofclarkston.com>), which lists all of the declarations for the whole of The Manors.

The ACC is authorized by the Declarations, and its decisions are not subject to appeal to the Association or Board of Directors. You may obtain a copy on the web site (<https://www.themanorsofclarkston.com>). The purpose of the ACC is to work with homeowners as they propose changes and improvements to their property. The intent is to encourage homeowners and builders to preserve and enhance the architectural integrity and appearance of the community. These Guidelines can serve as a framework for homeowners as they plan external modifications to their property. The Guidelines are based upon and supported by the Declarations; and may be revised by the ACC when appropriate. These Guidelines are in addition to all applicable building codes and zoning ordinances as enforced by Independence Township. In the event of any conflict between these Guidelines and the Declarations, the Declarations shall control.

An Improvement (as defined below) to any Property includes, but is not limited to, any landscaping, or any material deletions, additions or changes to original

landscaping; the construction or installation of any accessory building, patio, deck, structure of any kind, pool, or hot tub; the demolition or removal of any building or other Improvement; and any addition, deletion or change to any previously approved Improvement, excluding (except to the extent specifically set forth in another section of these Guidelines) any repainting, repaving, and/or replacement of exterior elements of the home or landscaping with the same color, materials and size. In order to assist homeowners and the ACC, the Declarations authorize the ACC to adopt rules for the performance of its duties. Accordingly, the ACC has determined to establish these guidelines with respect to Improvements to property and to exempt certain Improvements from the requirement of approval to make the process clear for all parties. Such guidelines shall be effective until such time as amended or terminated by the ACC. Throughout this document the term “Property” shall refer to a residential lot.

*Section 1.01: ACC Composition*

The ACC shall consist of not fewer than three (3) or more than five (5) members (*See* Master Declaration Section 4.21). Per the vote by the Association at the Annual Meeting on October 6, 2022, the members of the ACC were set at five (5).

*Section 1.02: ACC Contact*

The present members of the ACC are set out on the Association Website (<https://www.themanorsofclarkston.com>), and can be reached by email at [architecture@themanorsofclarkston.com](mailto:architecture@themanorsofclarkston.com).

**ARTICLE 2.0: SUBMISSION OF RESIDENTIAL IMPROVEMENT FORM**

1. An Architectural Committee Approval Request Form, together with drawings or plans, and true photos, if applicable, should be submitted to The Manors ACC through the form on the Association website at <https://themanorsofclarkston.com/architectural-request>, along with any other necessary details. If a hard copy is the only manner possible to submit such plans, then two (2) copies of the Architectural Committee Approval Request Form with drawings or plans, and true photos, if applicable, should be submitted to The Manors ACC at P.O. Box 1051 Clarkston, MI 48347. An email response will be sent to the homeowner after the ACC has acted, showing the ACC's decision (or in the case of hard copy, one copy will be returned to the Property owner, showing the ACC's decision), or in the event that more information is required in order for the submittal to be complete, a request for such additional information.
2. The following guidelines should be utilized in preparing drawings or plans:
  - a. The drawing or plan should be done to scale and should depict the Property lines of the lot and the outside boundary lines of the home as located on the lot. If a

copy of an improvement survey of the Property owner's lot is available, this survey should be submitted, together with the Property owner's drawing or plan.

- With respect to any plans for a dwelling, a complete working set of all plans, specifications and site plans proposed for any structure and a landscape plan for the subject Property must be submitted. Any construction plans and specifications must show the nature, kind, shape, color, height, materials, location on Property, approximate cost of such Improvement, and the grading and landscaping plans of the Property, as applicable
- b. Existing Improvements, in addition to the home, should be so shown on the drawing or plan and identified or labeled. Such existing Improvements include driveways, walks, decks, trees, bushes; etc.
  - c. The proposed Improvements should be shown on the plan and be labeled. Either on the plan or on an attachment, there should be a brief description of the proposed Improvement including the materials to be used and the colors. (Example: Redwood Deck, 10 feet by 12 feet consisting of two inch by four inch decking, natural stain). Copies of brochures showing the proposed materials and colors, or links to the manufacturer websites showing the proposed materials and colors must be provided.
3. These Guidelines contain both rules and informational direction. Where the terms "preferred" or the phrase "may permit" are used in a statement, the statement constitutes informational direction provided for the guidance and convenience of homeowners, and shall not create any duty for the ACC to approve or permit the design elements referred to in such statement, nor shall any Owner rely in any manner upon the ACC's potential approval of such design element, which approval shall remain within the ACC's sole discretion.
  4. If an owner fails to submit a request for approval prior to any work on an Improvement being performed, the ACC may attempt to contact the owner prior to completion of an Improvement. If the Improvement is already complete, or the owner fails to halt the completion of an Improvement after being notified, the matter will be referred to the Board of Directors for enforcement.

### **ARTICLE 3.0: ACCURACY OF INFORMATION**

Any person submitting plans to the ACC shall be responsible for verification and accuracy of all components of such submission, including, without limitation; all site dimensions, grades, elevations, setbacks, utility locations, neighbor acknowledgement and other pertinent features of the site plans. If the owner's submission is later found to contain false information on these or other matters, any action taken by the ACC may, at its sole

election, be determined to be void.

#### **ARTICLE 4.0: ARCHITECTURAL CONTROL COMMITTEE RESPONSIBILITIES**

##### ***Section 4.01: Summary of the Architectural Review Committee Responsibilities***

1. General. The general restrictions applicable to all properties within The Manors are outlined in Article IV of the Declarations.
2. ACC Approval. The Declarations require the express advance written approval of the ACC prior to the following (collectively, an “Improvement”):
  - a. The erection of any accessory building or structure other than the one dwelling and private garage anticipated on any Property (*See Declarations Section 4.1*);
    - i. Note: The private dwelling and garage are also subject to approval per the Declarations
    - ii. Note: The ACC takes a broad view of the term “structure” to mean anything man made
  - b. The screen wall or screen fence of any recreational structures, including swimming pools (*See Declarations Section 4.3*);
  - c. The construction of any driveways, pavement edging or markers (*See Declarations Section 4.5*);
  - d. Construction of any front entry garage (*See Declarations Section 4.12*);
  - e. The placement, erection or maintenance of any sign or billboard on a Property (*See Declarations Section 4.13*);
  - f. The installation of (i) any pool or other underground structure permitted and approved by Independence Township, as to size, shape, location, materials and type of construction, or (ii) any free-standing swimming pool or one with any portion above ground (*See Declarations Section 4.14*);
  - g. The grading, sodding and planting upon the completion of any dwelling in accordance with a landscaping plan approved at the time of approval of the plans, specifications and site plans (*See Declarations Section 4.15*);
  - h. The design, material, color and construction of all mailboxes and mailbox stands (*See Declarations Section 4.17*);
  - i. The commencement, erection or maintenance of any building, wall or other structure, any addition, change or alteration therein (except for interior alterations), and the initial choice and any change of exterior colors (*See Declarations Section 4.20A*);

- j. The erection or maintenance of any fence, wall or solid hedge (except when required by ordinance or other governmental relationship to such a purpose as a swimming pool, and even in such cases they remain subject to ACC approval as to location, design, shape, height, size and materials) (*See Declarations Section 4.22*);
- k. The removal of any tree exceeding six (6) inches in diameter or the removal of any surface soil from any Property for any purpose other than building and landscaping (*See Declarations Section 4.3*). Note: The ACC may consider requiring replacement of any trees (including dead or damaged trees) depending on the circumstances; and
- l. The construction, placement or permitting of placement of any permanent lines or wires for distribution of electric current or power to a residence (*See Declarations Section 4.25*).

#### ***Section 4.02: Additions/Expansions or Reconstruction***

ACC approval in writing, in advance is required for additions to, expansions of or reconstruction of any home or structure.

#### ***Section 4.03: Restoration in Event of Damage or Destruction.***

1. In the event of damage to or destruction of any Improvement on privately owned sites, the homeowner shall submit to the ACC within 90 days (i) detailed plans for restoration or replacement to its original condition, or (ii) detailed plans for to cause the damaged/destroyed Improvements to be demolished and the site to be suitably landscaped, or (iii) reasonable proof that the homeowner has submitted a claim allowing for (i) or (ii) to their insurance carrier.

### **ARTICLE 5.0: RESTRICTIONS ON PARTICULAR IMPROVEMENTS**

#### ***Section 5.01 – Dishes / Antennae Generally***

Exterior television or radio antennae, or television disks or other antenna of any type, are not permitted, except as set forth in Section 5.02 below (*See Declarations Section 4.10*).

#### ***Section 5.02 Antenna-Satellite Dish/Microwave***

The ACC will not refer to the Board of Directors for enforcement any satellite dish or antenna installation for a dish that is one meter or less in diameter and is designed to receive video programming services via broadband radio service, fixed wireless signals other than via satellite, or local television broadcast signals, but only if the satellite dish / antenna is not viewable from the front of the structure;

#### ***Section 5.03: Basketball Backboards***

1. ACC may permit a permanent pole-style mounted backboard, provided it remains in good repair and condition and is aesthetically pleasing and harmonious to the neighborhood. Garage or house mounted backboards are prohibited.
2. Portable "rollout" stands are permitted and do not require approval by the ACC provided they meet the following guidelines:
  - a. They are not placed on any public street or right of way;
  - b. The location must be at least half the length of the driveway away from the street.
  - c. They remain in good repair and condition and are aesthetically pleasing and harmonious to the neighborhood.
3. Only (1) one basketball backboard of any type will be permitted.

***Section 5.04: Carports***

Are not permitted.

***Section 5.05: Clotheslines (Retractable) and Hangers***

No permanently affixed or retractable clotheslines or laundry drying equipment are permitted (*See Declarations Section 4.10*).

***Section 5.06: Construction***

Construction activities may only take place between the hours of 8:00 a.m. to 7:00 p.m. Monday thru Friday, 8:00 a.m. to 7:00 p.m. Saturday, and 10:00 a.m. to 7:00 p.m. Sunday and holidays.

***Section 5.07: Decks***

Written ACC approval in advance is required. Improvement must be made of wood or composite material. If painted or stained, color must be similar to or generally accepted as complementary to the residence. Appropriate Independence Township permits must be obtained.

***Section 5.08: Dog Runs***

Dog runs are prohibited.

***Section 5.09: Drainage***

Written ACC approval, in advance, is required for any change affecting drainage from the Property. There must be no interference with the established drainage pattern over any property except as approved in writing by the ACC. The established drainage pattern means the drainage pattern as engineered and constructed by the developer/builder prior to (or in

some cases, immediately following) conveyance of title from the developer/builder to the individual homeowner. When installing landscaping, it is very important to insure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, and driveways. Water should flow fully over walkways or driveways into the street. The ACC may require a report from a drainage engineer as part of landscaping or Improvement plan approval. Landscaping should conform to the established drainage pattern. Drainage should not cause water flow to neighbor's foundation, yard, basement, etc.

***Section 5.10: Driveways***

Extension or expansion of driveways requires written ACC approval in advance. Any approved driveway expansion shall not be intended to promote the parking or storage of any vehicle off the existing driveway.

***Section 5.11: Expansion/Addition to Residence***

Written ACC approval, in advance, is required. See Sections above for details.

***Section 5.12: Exterior Shutters***

Written ACC approval, in advance, is required.

***Section 5.13: Heating and Cooling Equipment***

1. The installation of window air conditioning equipment or evaporative coolers is not permitted.
2. No roof-mounted heating or cooling equipment is permitted.

***Section 5.14: Fences***

No fences may be maintained or installed unless approved by the ACC.

No materials, natural or otherwise (e.g. wood piles) may be used in such a manner as to simulate a fence.

***Section 5.15: Gazebos/Pergolas***

Written ACC approval, in advance, is required.

***Section 5.16: Greenhouses***

Are not permitted.

### ***Section 5.17: Hot Tubs, Spas, Etc.***

Written ACC approval, in advance, is required for exterior hot tubs, swim spas and the like.

### ***Section 5.18: Irrigation Systems***

Irrigation systems do not require approval by the ACC.

### ***Section 5.19: Landscaping***

After installation of landscaping, the Owner shall maintain the landscaping in a neat and attractive condition, including periodic and horticulturally correct watering, fertilizing, trimming, pruning and replacement (this includes but is not limited to, replacing all dead-dying trees/plants, when necessary.)

### ***Section 5.20: Landscape Lighting***

1. ACC approval is required for all landscape lighting. This type of lighting should be included in any landscape plan submitted for approval. Lighting for walkways generally should be directed to the ground.
2. Accent lighting on trees or shrubs can be used but must not shine into neighboring property or on their home.
3. Lighting must meet code and otherwise be aesthetically pleasing and harmonious to the neighborhood.

### ***Section 5.21: Painting***

Written ACC approval in advance is required where the color scheme is being changed.

The ACC encourages that neutral color palettes be used throughout the entire community with the following limitations:

### ***Section 5.22: Paving and Flatwork***

ACC approval is not required if replacing or repairing with like material. If new paving or flatwork is requested, written ACC approval in advance is required.

### ***Section 5.23: Play Equipment***

1. Temporary. All temporary or easily moveable play equipment should be stored in the garage or out of sight when not in use. Play equipment must remain in good repair and condition and aesthetically pleasing and harmonious to the neighborhood.

## 2. Permanent

- a. Written ACC approval, in advance, is required for other play equipment, including, but not limited to, trampolines, manufactured play structures, and manufactured swing sets. Consideration will be given to lot size, equipment size, material, design, amount of visual screening, and relationship to neighboring property.
- b. Play Equipment cannot be placed on any easement or setback area located on the property in the subdivision plat or township zoning ordinance.
- c. Metal swing sets are not permitted.
- d. Tree houses are generally discouraged and must be reviewed on a case-by-case basis. Detailing should be consistent with the design, material, and colors of the house. Tree houses shall be visibly attractive.
- e. The ACC reserves the right to limit Play Equipment to one piece/structure (1) per lot.
- f. Play Equipment must remain in good repair and condition and be aesthetically pleasing and harmonious to the neighborhood.
- g. Play Equipment should not be placed in an area that may cause disturbance to your neighbor, (i.e., close to or under a neighbor's window.)
- h. Play Equipment (other than basketball backboards-see section 5.03 above) may not be placed in the front yard. For corner lots, Play Equipment may not protrude beyond the edge of the permanent residence into the front yards.

### ***Section 5.24: Roll-Off Dumpsters***

Roll-off or other dumpsters/bagsters require written ACC approval, in advance, prior to being placed in The Manors for a period in excess of fourteen days.

### ***Section 5.25: Roofs***

Written approval in advance is required for all replacement roofs that are not of the same color and quality. A minimum 30-year composite, architectural shingle is required. Requirements for color choices will be earth tone blend that best matches or compliments the color of the home. Flat roofs are not permitted. Metal roofs will be considered if the design and color compliment the home.

### ***Section 5.26: Security Lights and Other Exterior Lighting***

Exterior lighting should be compatible in design and color with the residence and pointed in the general direction of the house. Lighting must otherwise be aesthetically pleasing and harmonious to the neighborhood.

***Section 5.27: Retaining Walls***

Retaining walls require ACC approval as part of a landscaping plan, and should be unobtrusive as possible and built to the minimum height needed to serve their function. Materials may be brick, natural stone or square corner timbers, depending on location and contextual relationship. Concrete is not acceptable.

***Section 5.27: Solar Panels.***

ACC approval is required prior to the installation of solar energy equipment. Panels and equipment shall be designed and constructed to appear as part of the residence and should not be visible from the street. Solar equipment should be located on the rear or side facing roofs whenever possible. Additional landscape buffering may be required to reduce the visual impact of the solar panels.

**ARTICLE 6.0: ACTION BY ARCHITECTURAL CONTROL COMMITTEE**

1. The ACC will review all plans submitted for approval.
2. ACC may require submission of additional information or materials and may postpone any decision until all required material has been submitted. The ACC will contact the homeowner if the ACC requires additional materials or information or has suggestions for changes to the submittal prior to the time it renders a decision.
3. The ACC must render a decision within 30 days after receipt of all materials and information required to be submitted, unless the time is extended by mutual agreement.
4. If the ACC fails to render a decision within 30 days after receiving a completed submission, the request is deemed approved. If a complete submission of all materials required by the Declarations has not been submitted, and the ACC fails to render a decision within 30 days, the request shall not be deemed approved. If the ACC requests additional information or suggests changes within 30 days after receiving a completed submission, the request shall be deemed rejected until such time as the additional information or responses are provided, at which time another 30 day period shall commence.
5. The ACC will use reasonable efforts to provide a written notice of decision.

***Section 6.01: Appeal of Disapproval of Residential Improvement***

If the ACC has appointed a representative or subcommittee to act on its behalf and that representative or subcommittee denies or imposes conditions on the approval of a request for approval, the owner may appeal the decision by giving a written Notice of Appeal to the full ACC within thirty (30) days of the date of the Notice of Decision.

***Section 6.02: Records***

Homeowners should retain copies of Improvement approvals and these records should be transferred to the new owners when property is sold.

**ARTICLE 7.0; NO LIABILITY**

1. There shall be no liability imposed on any authorized committee representatives of the ACC, any member of the ACC, or any member of the Board of Directors for any loss, damage or injury arising out of or in any way connected with the performance of the duties of the ACC or Board.
2. Neither the ACC nor the Board is responsible for determining the safety, whether structural or otherwise, or conformance with building codes or other governmental laws and regulations, nor shall any such Committee's approval of Improvement of property be deemed approval of such matters.

**CERTIFICATION:**

The undersigned, being the members of the Architectural Control Committee of The Manors Homeowners Association, Inc., a Michigan nonprofit corporation, certify that these Architectural Guidelines were adopted by Resolution approved by the Architectural Control Committee, at a duly called and held meeting of the Architectural Control Committee of the Association on February 1, 2023, and in witness thereof, the undersigned have subscribed his/her name.

*David Boersma*

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David Boersma

*William Klages*

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William Klages

*Michael Metz*

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*David Taylor*

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*Ralf Woods*

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