

**HERITAGE
RESIDENTS
ASSOCIATION**

**ARCHITECTURAL GUIDELINES,
RULES, REGULATIONS
AND
COMMUNITY STANDARDS**



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INTRODUCTION

Design Guidelines

This document is intended to provide the Heritage Residents Association (HRA) homeowners with information to help ensure that each home in HRA is maintained to a high residential standard.

Design Review Concept

To accomplish the goal of architectural integrity and balance with the existing environment an Architectural Control Committee, hereafter referred to as "ACC", has been established by HRA to review and approve building designs, exterior building or appearance alterations, building additions, site plans, landscape plans, exterior color combinations and any and all other elements which affect the appearance of a home or home site. The ACC has established design criteria to aid homebuyers, architects, designers and builders in their design and construction of private improvements within the HRA subdivision.

The architectural objective at HRA is that buildings reflect design excellence. The desire is to encourage designs, which consider the total community with respect to architecture, materials, colors and finishes. Various housing styles and architectural designs are encouraged. The design criteria have purposely been kept to a minimum in order to encourage professional design creativity. The ACC design criteria seeks only to coordinate the many directions of the home buyers, architects, designers and home builders and to protect the mutual interests and individual investments of all HRA residents.

Architectural Control Committee Responsibilities

On behalf of the Heritage Residents Association, the ACC is empowered to perform the following services:

1. To establish architectural criteria and exterior design themes for the community.
2. To establish ACC Guideline criteria for the protection of enduring property values and to provide the best possible safeguards for continuing appreciation.
3. To review all plan submission applications for compliance with ACC Guideline criteria and with the Declaration.
4. To assure compatible architectural designs and harmonious relationships with neighboring building sites.
5. To require high standards of design and quality construction.
6. To establish fees for the review of applications as may be required.
7. To require a reasonable deposit in connection with the proposed erection of any building or structure, fence, detached building, outbuilding, swimming pool, tennis court, driveway, or other structure on any lot or parcel in order to provide that upon completion of such construction project, all debris shall be removed from the site and from adjacent areas, and that any and all damages to streets and other improvements in the subdivision shall be repaired.
7. To assure that all properties are properly maintained.
8. To monitor violations of Guideline criteria and notify the Board for appropriate action.
9. To amend Guideline criteria as required from time to time.
10. To contact Applicants whose plans and specifications have been disapproved or conditionally approved, and to provide reasonable assistance and recommendations for adjustments to bring applications into compliance with Guideline criteria.
11. To maintain copies of applications, design documents and related records.
12. To inform the Board regarding activities of the ACC and changes in criteria as they may occur.
13. In granting or rejecting Architectural Requests, the ACC may, but shall not be required, to take into consideration from time to time as it deems appropriate according to circumstances then existing, any or all of the following factors:
 - a. The size, height, living area, cost building materials, and aesthetic appearance of such building or structure.
 - b. The conformity of such building or structure to other buildings and structures in HRA.
 - c. The grade or elevation at which such building or structure is proposed to be constructed in relation to any other building or structure on the same lot or parcel or any other lot or parcel in HRA.

Commented [mc1]: Master Trust/Declarations Article IV, Section 6

- d. The proximity or relationship of such building or structure on the same lot or parcel or any other lot or parcel in HRA to any other building or structure or the proximity and relationship of such building or structure to any building line, property line, street right-of-way, easement, or common land area in HRA. In the event the Association shall fail to exercise any right or power granted it under the provisions of this paragraph and such failure is held or could be held to be an express or implied waiver or any such right or power granted hereunder, such right or power may be reinstated upon reasonable notice to the owners of lots or parcels in HRA.

Commented [mc2]: Master Trust/Declaration Article IV, Section 6(a-d)

Architectural Control Committee Policies

Applicants Responsibilities The ACC assumes no liability for Applicant's responsibilities which include, but are not limited to, the following:

1. Determination of environmental restrictions, drainage and grading requirements and all surface and subsurface soil conditions.
2. Determination of structural, mechanical, electrical and all other technical aspects of a proposed design that can only be determined by competent professionals such as Architects, Engineers, Land Planners and Contractors.
3. Compliance with the Declaration and all ACC criteria and approvals.
4. Compliance with all applicable laws, codes and ordinances of the County of St. Charles or any other governmental agency or body.
5. Accuracy of all stakeouts and surveys.
6. Performance or quality of work by any contractor or subcontractor.

Design Review Approvals Changes, modifications, alterations or improvements to existing homes and/or Lots must receive final ACC approval prior to commencing any work.

Design Review Decisions Upon receipt of a properly completed application, the ACC will review Applicant's plans and specifications and render one of three types of decisions in writing:

1. Approved
2. Conditionally Approved
3. Disapproved

If an application is CONDITIONALLY APPROVED then Applicant must make all required changes prior to submitting plans and specifications for final ACC approval.

In the event an application is DISAPPROVED, Applicant must make appropriate changes and resubmit for the same step for which plans and specifications were disapproved.

Appeal The decision of the ACC may be appealed to the HRA Board of Directors.

Variances All requests to the ACC for variances from the requirements set forth in this Architectural Design Guide or any other rules or regulations shall be made in writing. Any variance granted shall be considered unique and will not set any precedent for future decisions by the ACC.

Written Approvals/Oral Statements Applications for review or approval will be returned within 30 days of receipt by the ACC with the ACC's decision, comments, and limiting conditions signed by a member of the ACC or Community Management Company along with one set of submitted design documents. In the event the Association fails to approve or disapprove within sixty (60) days after plans or other specifications for such buildings or structures have been submitted to it for approval, it shall be conclusively presumed that such approval was obtained.

The foregoing items shall be the sole source of reference regarding ACC approval and oral statements shall not be relied upon unless incorporated into written approvals or noted on design documents and signed by a member of the ACC.

Approval Expiration Applicants must complete construction within six (6) months of Final Plan approval by the ACC. Failure to do so will automatically revoke approval without prior notice from the ACC. Time extensions may be requested from the ACC which shall have the sole right to grant or reject any request for an extension of time in its sole and absolute discretion.

Additions/Remodeling/Improvements Applicants for changes, modifications, alterations and improvements to existing homes shall consult with the ACC to determine the design documents required for approval. No work shall commence

without final approval of the ACC. This includes repainting a home if another color is used other than the color originally approved by the ACC.

Construction Changes All construction must be completed in accordance with the Application and Design Documents as approved. Exterior changes to the subject Property must receive prior written approval from the ACC.

Construction Inspections Periodic inspections may be made by the ACC while construction is in progress to determine compliance with the approved design documents. The ACC is empowered to enforce its policies, as set forth in the Declaration and these guidelines, by any action, including an action in a court of law or equity to assure compliance.

Enforcement In the event of a breach or any attempted or threatened breach, of any term, covenant, condition, restriction, right or procedure set forth herein, the ACC shall notify the Board, and the Association shall be entitled, forthwith and in addition to any other applicable rights or remedies at law or in equity, to:

1. Obtain a decree for specific performance of the provisions hereof;
2. Enter upon the premises where any such violation exists or is threatened, and summarily abate, remove or otherwise eliminate, at the expense of the party that is in breach or violation hereof, any structure, condition or thing that is contrary to any provision, or the meaning or intent, hereof, permission for any such entry being granted by acceptance of a deed for any Lot subject hereto;
3. Enjoin, abate or otherwise remedy by appropriate legal or equitable proceedings the continuance of any breach, attempted breach or threat thereof, without being required to show any actual or threatened damages or to post any bond or security therefore; or
4. Commence and prosecute an action for the recovery of damages, both consequential and punitive, for the consequences of a breach, or any attempted breach or threat thereof.

All costs and expenses (including reasonable attorneys fees) of any suit or proceeding hereunder shall be fully assessed against the defaulting party and shall constitute a lien, until repaid, against the real estate or interest therein of such defaulting party. All remedies hereunder, or otherwise available at law or in equity for the enforcement of the provisions hereof, shall be cumulative, and the failure or neglect to enforce any term, covenant, condition, restriction, right or procedure herein shall in no event, and under no circumstances, be construed, deemed or held to be a waiver with respect to any subsequent breach or violation hereof.

DEFINITIONS

"Applicant":	Any individual Lot owner or Builder seeking to make, construct or change any improvement on any Lot or residence in [Name] .
"Architect":	Any person holding a valid and effective license to practice Architecture in the State of Missouri.
"Architectural Control Committee":	Ward Captain.
"Association":	As defined in the Declaration and Bylaws.
"Board" and "Board of Directors":	As defined in the Declaration and Bylaws.
"Building":	A structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.
"Building Lines":	The setback line established by the County of St. Charles Zoning Ordinance, generally parallel with and measured perpendicularly from the front Lot Line, defining the limits of a front, rear or side yards in which no building or structure may be located.
"Community Standards":	The standards of conduct, maintenance, or other activity generally prevailing throughout the Property. Such standards may be more specifically determined by the Board of Directors and by the ACC.
"Corner Lot":	Any Lot at the junction of and abutting two (2) or more intersecting Streets.
"Declarant":	As defined in Article II, Section 7 of the Bylaws of Heritage Residents Association.
"Declaration":	That certain MASTER TRUST INDENTURE FOR HERITAGE as amended from time to time.
"Development":	Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other

structures, dredging, filling, grading, paving, excavation or drilling operations and tree removal.

- "Front of Lots":** The front of a Lot shall be considered to be that side of the Lot which fronts on a Street. In the case of a corner Lot, the narrowest side fronting on the Street shall be considered to be the front of the Lot. In case the corner Lot has equal frontage on two or more Streets, the Lot shall be considered to front on that Street on which the greatest number of buildings have been erected on that side of the Street within the same block.
- "Front Yard":** That portion of a Lot extending across the front of the Lot, between the side Lot Lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.
- "Height of Building":** The vertical distance from the mean elevation of the finished grade at the foundation along the side(s) of the building facing a Street to the highest point of the roof, excluding chimneys.
- "Interior Lot":** Any Lot other than a corner Lot.
- "Lot":** As defined in the Declaration and Bylaws.
- "Lot Depth":** The mean distance between front and rear Lot Lines.
- "Lot Lines":** A line bounding a Lot as shown on a survey or plat of the subdivision.
- "Lot Width":** The distance between the side Lot Lines at the front setback line measured along a straight line parallel to the front Lot Line or parallel to the chord thereof.
- "Member":** As defined in the Declaration and Bylaws.
- "Property" or "Properties":** As defined in the Declaration and Bylaws.
- "Rear Yard":** That portion of a Lot extending across the rear of the Lot, between the side Lot Lines and being the minimum horizontal distance between the rear Lot Line and the rear of the Building or structure.
- "Residence":** A structure permanently affixed to the land with one or more

floors and a roof supported by columns or walls and designed and intended for use and occupancy by a single family. Also can be referred to as a home or a house.

- "Right-of-Way":** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as a landscaped area.
- "Side Yard":** That portion of a Lot that is located between the side Lot Line and the nearest building or structure.
- "Signs":** Any structure, devise or contrivance and all parts thereof which are entered or used for advertising, directional or identification purposed or any porter, bill, bulletin, printing, lettering, painting, device or other advertising of any kind whatsoever, which is placed, posted or otherwise fastened or affixed to the ground and/or structures within the boundaries of the Property.
- "Site":** A contiguous area of land within the Property which is owned of record by the same owner, whether or not shown as one parcel of real property or whether shown as a combination of contiguous Lots or portions on any recorded subdivision or parcel map or survey map of all or any portion of the Property.
- "Street":** A public way for the purpose of vehicular travel, including the entire area within the right-of-way.
- "Utilities":** All services, including sanitary sewer, storm sewer, pressured water, natural gas, electricity, telephone, cable television, etc.
- "Variance":** A modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest, and where owing to conditions peculiar to the Property and not the result of action by the Applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- "Yard":** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded Lot upward

ARCHITECTURAL CONTROL COMMITTEE AND PLAN REQUIREMENTS

Architectural Control Committee Address and Meetings

The ACC, through the Ward Captain and/or Community Association Manager, will review plans at the preliminary design stage and at the completion of the project. The ACC can be contacted through the management company at the address shown on the Architectural Request Form.

Plans will be reviewed according to the guidelines and no construction or Site alteration shall commence on any Lot without the written approval of the ACC. No exterior alteration, or addition, including a color change, shall commence without written approval of the ACC. The basis for approvals shall be the plans as approved by the ACC and on record with the ACC and/or Community Association Manager. Proposed changes in plans following approvals must be resubmitted in writing to the ACC. The ACC shall have the authority to determine if such change is sufficiently minor as to be inconsequential to the character and quality of the development, in which case they may approve the change.

Plan Review

Prior to commencement of any construction activity, one (1) set of complete building and site plans with a completed Architectural Request Form for the building and other permitted structures shall be submitted to the ACC for review and compliance with the design guidelines. The following list of drawings **may** be required by the ACC as part of this package at the scales requested:

1. **Site Plan** - Scale to be 1"=20' or larger. The site plan is to indicate all special assets of your Lot and all proposed improvements:
 - a. Existing environmental features (e.g. ravines, creeks, significant tree stands, and the like)
 - b. Building foot print with dimensions and Lot setback distances
 - c. Grade elevations at the major corners of the house and first and lower level floor elevations
 - d. Driveway/auto court location with dimension and type of surface materials
 - e. Retaining walls and/or fences with sufficient detailing to describe intended use and character
 - f. Location of utilities and all easements
 - g. Sidewalks

2. **Architectural Plans and Specifications** - Scale to be ¼"=1' 0" or as otherwise approved by the ACC.
 - a. Floor plan
 - b. Decks, terraces and balconies
 - c. Elevations showing all sides of the house and any other proposed

- d. structures clearly showing the design and exterior appearance
Finish materials and colors and typical detailing of windows,
eaves and transitional corners

Landscape Plan

The ACC will place a strong emphasis on landscaping during the architectural review process as quality landscaping is vital to the appearance of each individual home and thus the overall community. In reviewing the landscaping plans, the ACC will evaluate the relationships between Applicant's home and Lot, adjacent homes, views, and other amenities. Minimum requirements are one (1) set of plans at 1/8"=1'0" scale showing the locations, bounds and sizes for all plant materials, mulches, planting beds, ground covers, other miscellaneous landscape materials, sidewalks and lighting.

Action By ACC

The ACC will regularly review properly submitted plans. Within sixty (60) days after receipt of the submission, the ACC will return one (1) copy of the plans to the Applicant either with comments addressing the reason(s) why the plans have not been approved or indicating approval or conditional approval by the ACC. One copy of the final approved documents will be retained by the ACC and/or Community Association Manager. Upon receipt of final approval of plans by ACC, the Applicant must apply for and obtain all necessary approvals/permits from St. Charles County and any other agencies having jurisdiction, including payment of any required fees, prior to commencing construction. Approval by the ACC does not in any way guarantee approvals by St. Charles County or other such agencies and all said approvals are the responsibility of the Applicant.

CONFORMANCE

The Applicant and/or Lot owner shall be responsible to insure conformance with the approved plan documents and the standards set forth in the MASTER TRUST INDENTURE/DECLARATION and this ARCHITECTURAL CONTROL GUIDE.

Site Inspections, Temporary Site Approval and Final Site Approval

The ACC shall have the right to enter upon and inspect any property at any time before, during and upon the completion of work for which approval is necessary. Upon completion of construction, the Applicant or Lot owner shall notify the ACC or Community Association Manager so that it can make a final site inspection to check conformance with the final plans approved by ACC. If the ACC and/or Community Association Manager considers the improvements, including landscaping, to be complete, it will close the Architectural Request. If the improvements are considered incomplete, the ACC and/or Community Association Manager will provide the Applicant or Lot owner a list of incomplete items to be completed within thirty (30) days of issuance of the list. If in the opinion of the ACC, the incomplete items(s) cannot be reasonably completed within a thirty (30) day time period due to weather, time of year or other circumstances beyond the control of the property owner, the ACC may issue a Temporary Site Approval, which approval will establish an extension of time for completion of the incomplete item(s). If the incomplete items are not completed within the thirty (30) day time period, or the extension of time as established by the Temporary Site Approval, the ACC may allow for an additional extension of the time period or it may report the nonconformance to the Board.

Builders and homeowners are forewarned that the Declaration provides for the remedy or removal of any non-conforming improvements. The cost of the remedy or removal shall be borne by the Applicant and/or the Lot owner.

DESIGN GUIDELINES

Building Setbacks

Setback requirements help insure that HRA will be pleasing in appearance from the Street. No residence shall be located on any Lot in violation of building setback lines as shown on the recorded plat of the property or as required by the applicable zoning ordinances.

Setback requirements may not be modified without approval by ACC.

Decks, porches, terraces, wing walls and other items attached to the house are considered to be part of the house property and will not be allowed to encroach into side or rear yard setbacks, except as variations in the case of unique site characteristics, which the ACC may consider on a case-by-case basis. Patios, driveways, walks, etc., may usually encroach into setback areas.

Exterior Materials

The exterior appearance of each residence shall be consistent with the high quality of the overall community. Homes will be seen from many sides and each side is important. All sides of a home should be detailed and finished. Each elevation of the home shall be compatible in design, material and content with the other elevations. Excluding hardware, no reflective finishes or materials are permitted on the exterior of any house, unless otherwise approved by ACC.

Allowed materials include brick, stucco, stone, wood, aluminum or vinyl siding.

Windows, Doors and Skylights

Areas with major fenestration should be oriented to afford privacy while taking advantage of special views. Windows should be carefully proportioned and located to enhance both the exterior appearance and interior light quality and views.

Window glass shall be plain in color, although decorative stained glass windows appropriate to the house design may be acceptable. Glass or glass with coatings or films shall not reflect over 50 percent of ambient external light. Mirror-type glass is not appropriate.

Skylights will be subject to ACC approval.

Roofs

The roof, its shape and material, must be carefully designed. The roof forms throughout the community should be compatible with one another to help achieve a pleasant, homogenous character. Flat roof elements generally will not be permitted except with ACC approval under limited circumstances.

Roof materials and colors should be compatible throughout the community and should be compatible with other exterior materials and colors. The use of wood shingles or

wood "shakes" left to weather naturally is acceptable. Roofs of slate, or tile may also be used. All roof stacks, flashing and metal chimney caps must be painted to match the approved roof colors. Stacks and vents to the extent possible should not be visible from the streets.

Chimneys

Any exposed portion of a chimney must be consistent architecturally with the house exterior.

Gas direct vent fireplaces without chimneys are acceptable, provided the vent is landscape screened.

Garages/Driveways

The ideal driveway links strongly with the front entrance, making it easy for a person to use the front door before reaching the rear. Driveways must be concrete or asphalt and special driveway paving is encouraged but not necessary (brick, combination brick and concrete, textured concrete, etc.). Driveways should be at least 1' from the property line and a 3' landscape buffer is encouraged.

Walkways and Sidewalks

The ideal entry walkway should link with the driveway. Entry walkways may be constructed of concrete, brick or concrete faced with brick, preferably edged in brick or all brick.

Mechanical Equipment

All exterior mechanical equipment including but not limited to transformers, vents, air conditioning compressors, pool pumps, meters, etc. must not be a nuisance to neighboring lots.

Exterior Lighting

All exterior additional lighting must be approved by the ACC prior to installation. Exterior lighting should be used to enhance the overall design concept of the home in an aesthetically pleasing manner. Exterior lighting must not infringe upon adjacent neighbors; therefore, glare shields may be required to eliminate bright spots and glare sources. Exterior lighting should utilize low-voltage or similar non-glare direct task type fixtures and they should be as close to grade as possible. All lighting conduit and fixtures must be as inconspicuous as possible, especially by day if lights are above grade level. Temporary decorative lighting, such as outdoor Christmas lights, is permitted as long as it is not excessive and is removed in a timely manner. No exterior lighting will be permitted which in the opinion of the ACC would create a nuisance to adjoining property owners or would otherwise be incompatible with the overall HRA development.

Pools and Tennis Courts

No above ground swimming pools are allowed. Small portable wading pools up to 12" in depth and 6' in diameter are permitted. The construction of tennis courts, hot tubs

and in ground swimming pools are permissible; however, their location, design and use of materials, including fencing and landscaping, must be approved by the ACC prior to beginning construction. The elevation of the top of any swimming pool or hot tub construction on any Lot may not be over two (2') feet above the natural grade unless integrated into a deck system or terraced construction with prior ACC approval. Unless attached to or integrated with the principal Residence on a Lot, screened pool enclosures are not permitted. Pool covers must be neutral in color.

Alternative Energy Sources (Solar Panels, Wind Mills, etc.)

The installation of any wind mill or other wind powered energy source on any property within HRA is prohibited. Many of the techniques and hardware of solar energy are still in the developmental stage. ACC approval is required for all solar energy collectors, and the ACC will reject any collector of any size, shape or color, which is insensitively designed or located. Any negative visual impact on traveled roadways or neighboring Lots will be reason for disapproval. All solar panel installations must comply with the following general criteria:

- a. Solar panels may be installed on property individually owned by the homeowner or of which the homeowner has the exclusive right of use.
- b. Any solar panel must be installed safely, to minimize the risk of personal injury and damage to Association or other residents' property.
- c. Any installation must be in compliance with the manufacturer's instructions and applicable safety codes. Solar panel owners are liable for any personal injury, property damage, and voiding of warranties that may occur as a result of the solar panel installation.
- d. From an aesthetics standpoint, no solar panels may be installed on the exposed roof surface which faces the street running in front of the home.
- e. The framing around the panels, as well as the supports that tie into the roof, must match the panel color. For example, if the panels are black, the framing and supports must also be black.
- f. Exterior wiring should be installed so as to be minimize visibility and blend into the material to which it is attached, to the extend feasible in compliance with local codes and regulations.
- g. Permits are required; contact the City of St. Charles at 636-949-7345.
- h. If solar panels are installed, owner must contact the Fire Department at 636-970-9700. The fire department keeps a list of all homes that have solar panels. There are additional precautions that they take if a home with solar panels is on fire.
- i. The Association shall have the right, without obligation, to install a solar panel or panels for the benefit of all, or a portion of HRA should any such master system or systems be utilized and require any such exterior apparatus.

Mailboxes

The ACC will require the installation of a private individual mailbox prior to its final site inspection. The mailbox shall be located adjacent to the curb near the private driveway to allow easy access by mail carriers. The mailbox shall conform to the

standard design and specifications as established by the ACC. The payment for the mailbox and its installation will be the responsibility of the property owner or Builder.

Wiring and Utilities

All wiring and utilities shall be underground except for temporary electrical service for homes under construction.

Antennae

Many of the techniques and hardware of satellite dishes are still in the development stage. ACC approval is required for all exterior satellite dishes, and the ACC will reject any satellite dish of any size, shape or color that is insensitively designed or located. Any negative visual impact on traveled roadways or neighboring Lots will be reason for disapproval. No other exterior antennas, aerials or other apparatus for the reception or transmission of television, radio, or other signals of any kind shall be placed, allowed, or maintained upon the exterior of any Lot, of any living unit or other structure on a Lot, or Common Area unless installed in such a manner as not to be visible from the traveled roadway or neighboring Lots and unless the prior written approval of the Architectural Control Committee is obtained. The Association shall have the right, without obligation, to erect an aerial, satellite dish, or other apparatus for a master antenna or cable system for the benefit of all or a portion of the Property, should any such master system or systems be utilized and require any such exterior apparatus. No radio station or short wave operations of any kind shall operate from any Lot or Common Areas, except for communication equipment utilized by the Association.

Sheds and Storage

Storage buildings which are an integral part of or contiguous with the architecture of the home may be permitted subject to ACC approval. Approved storage buildings must be landscaped so they are adequately shielded from, and not infringe upon the neighbor's visibility. Freestanding accessory structures such as sheds and play houses must be located in rear yards and approved by the ACC. The design and detail of the structure must be consistent with the residence, and must be otherwise acceptable to the HRA in all respects. No open storage of any kind is permitted.

Commented [mc3]: From the HRA shed guidelines

Refuse Areas

Garbage and refuse shall be placed in containers and shall be capped or contained in such a manner that they are inaccessible to animals. The containers shall be concealed so they are not readily visible from the street or adjoining home sites. They should not be placed at the curb earlier than the night before they are to be emptied and should be retrieved promptly after emptying.

Basketball Backboards

All backboards shall be placed at the rear of the driveway turnaround when possible. Transparent backboards are preferred. Location must be approved by ACC.

Driveway Entrance Gates

Driveway entrance gates normally will not be permitted. However, such gates may be approved by the ACC, on a case-by-case basis, for decorative purposes only. If a gate is so approved, it must remain in a full open position at all times and may be required to be permanently affixed in the open position. No driveway entrance gate equipped with automatic or remote actuation controls or with any power actuation mechanism (i.e., hydraulic or pneumatic cylinders, or electric drive) will be approved.

Walls and Fences

All walls and fences must be approved by the ACC as to location, size, and materials. Fences, walls, and hedges should be considered as design elements to enclose and define courtyards, to extend and relate the building forms to the landscape, as well as to assure security and privacy elements. Every effort must be made to retain the feel of open spaces. Walls, fences, copings, or boundary plantings may not be constructed or maintained in such a manner as to interfere with the vision of drivers at any intersection of streets or roads.

Recommended fencing is split rail which may be used with 4" mesh to contain children and permitted animals within a yard. Wrought iron and aluminum fencing with brick or stone piers is also recommended. Prefab wood fencing and chain link fences will not be permitted within the community. Maximum height for walls and fences is 6'. The ACC will review requests for height increases and material usage variance on a case-by-case basis.

All retaining walls built anywhere on Lots should be made from stone, brick, landscape ties, or other approved materials. Final design and materials must be approved by the ACC.

No fence or wall shall extend beyond the front setback line (or front and side setback line [street side only] on any corner lot) of each residence constructed or to be constructed. All fences, walls, and enclosures are subject to approval by the ACC.

Signs

No signs of any kind including, but not limited to commercial, subcontractor, realtor, lender and similar signs, whether permanent or temporary shall be erected or maintained on any Lot, except signs required as a matter of law and signs approved by the ACC. The ACC will provide a source for standard [Name] Real Estate "For Sale" signs to be used by realtors and property owners.

Recreational Structures & Equipment

No outdoor swings, swing sets, playground equipment, trampoline or other similar structures may be constructed or installed in the front or side yards. The swings, swing sets, playground equipment, trampolines, and similar structures may be placed in rear yards with approval of the ACC.

Awnings and Shutters

Awnings and canopies shall not be permitted or affixed to the exterior of any residence without prior approval of the ACC. Areas beneath decks and elevated terraces are not to be used for storage unless the areas are permanently shielded from public view.

GENERAL COMMUNITY STANDARDS

Remodeling and Additions

It is required that all plans for remodeling including re-painting, re-staining and re-roofing or additions that alter the exterior appearance of any permanent structure or home site be approved by the ACC. All of the requirements and guidelines set forth in this document apply to these types of improvements.

It should be understood that colors and construction materials of houses that have been approved in the past, might in the future be found to be inappropriate.

Exterior Maintenance

All maintenance shall be performed in a manner consistent with the Community Standards and all applicable covenants. If any property owner fails properly to perform his or her maintenance responsibility, the Association shall have the right, but not the obligation to maintain such property and assess all costs incurred by the Association against the property owner as provided in the Declaration.

Construction Site Requirements

1. All sites must be kept free of any loose debris and other non-indigenous materials. During the construction process, the builder will be required to maintain a trash receptacle sufficient in size to contain all debris from the project. This receptacle must be emptied at a frequency that avoids the receptacle from becoming overloaded to the point that the debris projects above the top rim of the receptacle. During the construction process it is critical that all loose debris be contained on a daily basis and that no debris is allowed to blow into adjacent home sites.
2. No signage is permitted at any job site unless required by law or approved by the ACC.
3. Construction hours: 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 4:30 p.m. Saturday. The ACC may approve exceptions to these times based on allowable circumstances.
4. No alcoholic beverages are permitted on job site.
5. The playing of any audio equipment in a loud manner that may be annoying to residents is prohibited.
6. Any agents, subcontractors, employees or builders who violate construction site requirements or any other ACC criteria may be removed and prohibited from entering [Name] by the ACC.

Landscaping

Every property owner is responsible for preventing the development of any unclean, unsightly or unkempt conditions of buildings or yards, which shall reduce the beauty of the neighborhood as a whole or the specific area. In formal landscaped areas, bed and lawn areas must be maintained. In natural areas, weed growth must be

controlled. Any proposed additions or changes in landscaping such as fences, fountains, lighting, driveways, walks, retaining walls, berms or other significant landscaping items must be approved by the ACC.

Temporary Improvements

No temporary building or structure shall be permitted except for those trailers, barricades, trash receptacles or portable toilets that may be required during the construction of a permanent improvement and will be approved or required on a case by case basis by the ACC.

Design Duplication

Applicants should select building sites and home plans, which will not result in the construction of repetitious designs within close proximity of each other. Similar designs or design duplications are discouraged and subject to disapproval without sufficient variations in exterior colors, materials, finishes, trim and detailing. Elevations that are similar in appearance are prohibited on any four adjacent home sites or any three home sites immediately across the Street. The approval of plans for a specific site does not automatically imply approval by the ACC of identical or similar plans for another building Site.

Pets

At all times residents shall be considerate and show respect for the property of other homeowners and the overall [Name] area. It is in the best interest of every property owner to help maintain [Name] as a safe, healthy, and desirable place to live. Pets shall be kept on a leash when not on their own property, and they shall be kept under control so as not to be a nuisance to others. Pet owners, are expected to fully comply with the City of Charlotte Code Chapter 3, "Animals", Section 3-24, titled "Nuisance", and especially ordinance # 1419, which amended the code by adding article 3-24 (a)(9) requiring an owner, harbinger, or possessor of an animal to remove any feces deposited by a dog on any public street, sidewalk, gutter, park, or other publicly owned property or private property. Failure to do so is a violation of the law and a \$25.00 fine.

Home Businesses

No lot or parcel of land shall be used except for residential purposes.

Utility/Drainage Easements

Easements for the installation and maintenance of utilities and drainage facilities may be reserved as shown on the various recorded plats of HRA. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which might change the direction of flow or drainage channels in the easements. The easement area of each lot or parcel and all improvement on it shall be maintained continuously by the owner of the lot or parcel, except for those improvements for which a public authority or utility company or other legal entity possessing such right of easements is responsible.

Commented [mc4]: Master Trust/Declaration Article VI, Section 2

Commented [mc5]: Mater Trust/Declaration Article VI, Section 3

Fences/Obstructions

No fence or other obstruction shall be placed across any bridle trail nor shall any holes, ditches, or other depressions be formed on any part of the bridle trail, nor shall any other action be taken which would in any way obstruct or interfere with the free use of such bridle trails for the intended purpose. In no event shall any bridle trail be used by a motorized vehicle of any type, except for the maintenance and repair thereof by the Association.

Commented [mc6]: Master Trust/Declaration Article VI, Section 4

Nuisances

No nuisances or noxious or offensive activities shall be carried on upon any lot or parcel, nor shall anything be done thereon which may be or may become an annoyance or nuisance to adjoining land owners or residents. No building or premises shall be used for purposes prohibited by law or ordinance, and nothing shall be done which may be or hereafter become a nuisance to the owners or residents of lots or parcels.

Commented [mc7]: Mater Trust/Declaration Article VI, Section 5

Animals, Livestock, Poultry

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot or parcel, except dogs, cats or other household pets and horses housed in stables which may be kept, provided they are not kept, bred or maintained for any commercial purpose.

Commented [mc8]: Master Trust/Declaration Article VI, Section 6

Boats, Trailers, RVs, Unlicensed Vehicles

Boat trailers, camping trailers, travel trailers, truck mounted campers, motor homes, boats, panel trucks, pick-up trucks, other types of trucks, automobiles which are not currently licensed or which are not in operating condition, and other types of personal property similar to those specifically described in this paragraph shall be parked, placed or stored only in an enclosed garage or, if not stored in an enclosed garage then on a concrete or asphalt surface situated not closer to the street than the rear line of the building contiguous to such storage area. If such building ins located at the intersection of two streets, then such storage area shall not be closer to either street than that part of the such building most distant from each street.

Commented [mc9]: Master Trust/Declaration Article VI, Section 7

Trash, Rubbish

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

Commented [mc10]: Master Trust/Declaration Article VI, Section 9

Temporary Structures

No structure of a temporary character, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence temporarily or permanently.

Commented [mc11]: Master Trust/Declaration Article VI, Section 10

Motorcycles, Motor Scooters, Golf Carts, etc.

No motorized bicycle, motorbike, motor scooter, motorcycle, golf cart of similar motorized vehicle may be used or operated upon any part of HRA; except for normal use on public streets.

Commented [mc12]: Master Trust/Declaration Article VI, Section 11

Commercial Vehicles

Commercial vehicles are prohibited from parking on any street in the single-family homes section of the development overnight or for a period in excess of twelve (12) hours. Commercial vehicles are defined as any vehicle that has any of the following:

- a. Commercial license plates
- b. Signage on the sides, rear or rear window of any vehicle advertising a business. Bumper stickers are acceptable.
- c. A cab and chassis truck with any commercial type bed; tow truck, flat bed, powers bed, tilt bed, roll back, etc.
- d. A one (1) ton or heavier rated truck with ladder racks or other similar racks mounted to the bed or body.
- e. Any vehicle designed to carry eight (8) or more passengers except van pool vans and shuttle buses.

All commercial vehicles must be parked either in a garage or on a concrete or blacktop pad behind the rear building line from the street. On a corner lot this would be the rear line farthest from either street.

Commented [mc13]: Master Trust/Declaration Article VI, Section 1

No decorative objects such as statues, birdbaths, fountains, ornaments, swings and the like shall be placed or installed in the front or side yards of any Lot and must not be an eyesore or nuisance.

No motorcycles, boats, utility trailers, or recreational vehicles shall be permitted on any Lot except in an enclosed garage. When items are too big to fit in garages the owner should make other arrangements for them outside of [Name] .

No outdoor clotheslines will be allowed.

A permanent flagpole for display of the American Flag will be permitted subject to ACC approval of the size, placement, color, finish and design. Temporary flagpoles for the American Flag will be permitted to recognize nationally celebrated holidays such as Independence Day, Memorial Day, Veterans Day, etc. Other temporary flags may be flown as long as they are not deemed offensive to the recognized community standards.

Conflict

In the case of any conflict between the "ACC Guidelines and Community Standards" and the "Declaration", the "Declaration" shall control.