

COMING SOON



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KENTUCKY'S PREMIERE 55+ ACTIVE/GATED COMMUNITY

## Design Guidelines

For

The Hills at Emerald Greens

May 25, 2023

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# 1. PURPOSE OF THE DESIGN GUIDELINES

## 1.1 INTRODUCTION

The Design Guidelines provide an overall framework to allow the community to develop and progress in an orderly, cohesive, attractive manner, implementing planning concepts and philosophies which are required by regulatory agencies and desirable to homeowners. The Design Guidelines include minimum standards for the design, size, location, style, structure, materials, color, code of architecture, and mode of landscaping and relevant criteria for the construction or addition of improvements and the change or maintenance of existing items of any nature. They also establish a process for a judicious review of proposed new modifications and maintenance of existing items in the community. The Design Guidelines pursuant to the Declaration of Covenants, Conditions, and Restrictions for The Hills at Emerald Greens by True Choice Development LLC (Declarant), which has been recorded in the Offices of Laurel County Register of Deeds. Development, maintenance and application of these Design Guidelines has been delegated by the Declarant to the Architectural Review & Enforcement Committee (AREC). The AREC members, are the appointed authorities on provisions of the Design Guidelines subject to a resident's appeal. To the extent that any government ordinance, building code, or regulation requires a more restrictive standard than that found in these Design Guidelines or the Declaration, the government standards shall prevail. To the extent that any local ordinance is less restrictive than these Design Guidelines, and any standard contained therein, or the Declaration, these Design Guidelines shall prevail.

## 1.2 ACRONYMS/DEFINITIONS USED IN THE DESIGN GUIDELINES

AREC	Architectural Review & Enforcement Committee
The Hills or Hills	The Hills at Emerald Greens
DG	Design Guidelines
FT	Fast Track
Seasonal	Pertaining to the Spring, Summer, Autumn and Winter seasons of the year
COL	City of London
Variance Policy	Policy variances from the Design Guidelines
MR	Modification Request
MAIS	Maximum Allowable impervious Surface

## 1.3 ARCHITECTURAL REVIEW ENFORCEMENT COMMITTEE PROCESS

A. AREC meetings are held on the 1st Wednesday of each month. For consideration at these meetings, homeowners must submit the Office Manager to the drop box located inside the Clubhouse by the deadline of 4:00 p.m. on the deadline which shall be the 4th Wednesday, of each month. No exception.

B. Site visits may be conducted on either Friday or Saturday (or at the latest on Monday) following the 4<sup>th</sup> Wednesday deadline if needed.

C. The AREC can take one of three actions on a homeowner's MR: (1) APPROVE (with or without conditions); (2) DENY; or (3) DEFER for additional information.

D. The AREC shall make a determination on each modification request within (7 days of the submission deadline) after receipt of a completed request and all the information it requires. Homeowners will generally receive the "official AREC decision" by email within 3 days following the AREC's decision.

E. Work may not begin until the homeowner is notified by letter or email from The Hills Management or AREC that their MR has been approved.

F. If the MR is deferred, it may be for a number of reasons: first, the community management staff have determined that the homeowner is not in good standing due to unresolved and existing violation; or second, the AREC is requesting clarification or additional information and

will make a decision on the MR at the next meeting after all of the required information is received.

H. Copies of the homeowner's application after a decision made by the AREC can be obtained from the community management staff and provided to the homeowner only. Contractors cannot pick up the application.

I. The AREC manages a follow-up (post audit) inspection process for completed projects. The AREC, in reviewing each submission, may consider factors it deems relevant, including, without limitation, drainage and aesthetic considerations. For drainage considerations, modifications may be denied/conditioned by the AREC where there is evidence that storm water run-off from the homeowner's property would

(1) cause flooding or further erosion damage to immediately adjacent properties or

(2) exacerbate a current flooding or erosion condition in the nearby drainage area. (See Sections 3.3.7 and 12 for information on resolution of drainage and run-off issues.)

Decisions by the AREC related to modification of a residence and/or associated landscaping may also be based on Design Guidelines and/or aesthetic considerations. These considerations may include: (1) impact on / obstruction of views both in general and from the houses/backyards in all directions; (2) views from all common areas; (3) harmony of external design with surrounding structures and environment; and (4) alteration of neighborhood appearance. Each homeowner acknowledges that aesthetic determinations are purely subjective and opinions may vary as to the desirability and/or attractiveness of particular improvements. The AREC shall have the sole discretion to make final, conclusive and binding determinations on matters of aesthetic judgment.

As noted on the Modification Request Form, neighbors who have concerns about any proposed modifications, especially those resulting in drainage and aesthetic considerations, are encouraged to contact the AREC prior to or during the MR meeting. Neighbors signing the MR form is an acknowledgment, not an approval of the MR.

## 1.4 BEST APPROACH TO REVIEWING DESIGN GUIDELINES

A. This document contains links to all sections. You can click (Ctrl click) on any section of the Table of Contents and it will take you to the narrative on that topic.

B. Review "No Approval Required" or "Fast Track" first. In these sections, you can click on "Details" or "Conditions", and you can read the narrative. You can also click on Form FT-# to go directly to the Fast Track form.

C. While every effort is made to make the DG comprehensive in scope, assumptions and interpretations should not be made by homeowners. If there are any questions or concerns, please contact the AREC before you proceed with any modifications.

D. Questions for members of AREC can be submitted via email to [Info@thehillssky.com](mailto:Info@thehillssky.com) This is the only method to communicate with the AREC to ensure a response. The homeowner must do a complete review of the Design Guidelines pertaining to their project before contacting AREC.

E. When there is a material change to the DG, notice will be posted on The Hills website, homeowners will be notified by a general email and will have a period of time to offer comments.

## 2 RESIDENTIAL DESIGN GUIDELINES

### 2.1 ARCHITECTURAL CHARACTER

Architectural design of all additions, alterations, modifications and renovations to the exterior of an existing home and/or landscape/lot shall strictly conform to the design of the original house in style, detailing, materials and color. Any such addition, alteration, modification or renovation shall be made in strict accordance with the DG and, where necessary, only after application and written approval by the AREC.

Modifications to residences and/or associated property, can be considered for approval provided that the modification does not violate the current Design Guidelines and that there is no negative material impact upon neighboring properties, the community or sightlines. The AREC reserves the right to limit the size and location of the modification. Modifications to residences are generally limited to those that were a builder's option for a specific model.

## 2.2 ITEMS WITH NO APPROVAL REQUIRED

### 2.2.1 Modifications to Landscaping

- A. Removal, and/or replacement of plants, or shrubs that have died.
- B. Bird feeders/bird houses. Conditions
- C. Dead or diseased shrubs must be removed and/or replaced by the end of the growing season. The landscaping of the primary front yard mulch bed must have some evergreen shrubs and or plantings, which may include some perennials. Conditions
- E. Decorative components on porches and/or patios. No indoor furniture is permitted on porches and/or patios.
- F. Flags Mounts and Flags Conditions (Flag poles are not permitted on individual residential lots)
- G. Owners may place one (1) decorative flag in a mulched area in the front yard space of the Lot and one (1) such flag in the rear yard space of the Lot. For purposes of this section, the term “decorative flag” means a flag that is no larger than 13 inches by 18 inches, and is used to celebrate the current season, a holiday, or a sports team, or a military branch. Decorative flags that constitute holiday flags are further restricted by rules related to holiday decorations.
- H. Hose mounts and hose reels in either the side yard or the backyard
- I. Irrigation drip systems in existing mulched beds
- J. Solar lights in landscaping. Conditions
- K. Pavers Conditions
- L Small portable fountains on patios, concreted or mulched areas, limited to a total height of 4’ including base, limited to one in the front yard and one in the backyard

### 2.2.2 Modifications to the Residence Structure

- A. Conversion of existing security light to a motion detection security light Conditions
- B. Backyard patio concrete coatings Conditions
- C. Deck maintenance Conditions
- D. Front door wreaths, which may include artificial vegetation
- E. Holiday and other occasion decorations Conditions

F. Portable barbecue grills (charcoal, gas, propane or wood pellets) not requiring an additional utility connection (gas line or extension of existing line), must be 4' from residence when in use  
Conditions

G. Real estate sign (1 only) Conditions

H. Other than roof replacement, residence repairs with an exact duplicate replacement; such as windows, gutters, siding, AC units in the same pad location.

I. Stain/etched glass and decorative film on front/back door, transom and/or sidelights or entry porthole window Conditions

J. Umbrellas Conditions

**No Approval Required**

## 2.3 ITEMS ON FAST TRACK APPROVAL

### 2.3.1 The Fast Track Process

The Fast Track process allows homeowners to make certain modifications without having to complete a MR and wait for the AREC decision. However, the homeowner must complete the Fast Track application certifying compliance with the DG details of the modification. Each of the following items has an associated Fast Track Form number. See Section 13 for all required forms.

### 2.3.2 Modifications to Landscaping

A. Edging (Form FT-1) Details

B. Irrigation systems (Form FT-2) Details

E. Trees (Form FT-18) Details

### 2.3.3 Modifications to the Residence Structure

A. Attic fans and metal flues (Form FT-5) Details

B. Awnings (Form FT-6) Details

C. EZ (or Eze) Breeze Windows (Form FT-7) Details

D. Garage door windows and screens (Form FT-8A or FT-8B) Details

E. Deck Replacement/Repair (Form FT-9) Details

G. Shutters (Form FT-11) Details

I. Storm doors, front and back (Form FT-13) Details

- J. Window tinting/shielding (Form FT-14) Details
- K. Roof and Shingle Replacement (Form FT- 15) Details
- L. Deck Railings (Form FT-16) Details
- M. Patio and Porch Railings (Form FT –17) Detail

## 2.4 PROHIBITED MODIFICATIONS

- A. Accessory buildings, including detached garages, storage buildings (sheds) – temporary or permanent, gazebos, greenhouses, and porta potties. Exempting golf cart garages or ports.
- B. Addition of windows in the side foundation walls of basement homes
- C. Animal pens, dog houses or dog runs
- D. Artificial vegetation (flowers, greenery) in mulched areas, in pots or planters
- E. Asphalt as a paving material
- F. Bird feeders/houses exceeding the height of the roof eaves attached to Development owned perimeter walls and fences; multiple bird dwellings, such as a coop or a purple martin house; birdfeeders hung from a street tree
- G. Black rubber or plastic edging
- H. Fences that are: chain link, utility, rail, wood, vinyl (except associated with concrete patio areas), cast iron, wire strand or electric fences
- I. Clothes lines or poles
- J. Colored or multi-colored lights, except as allowed under holiday decorations
- K. Concrete driveway expansion
- L. Coring of curbs
- M. Decks unless included in the original options
- N. Decorative items, artifacts, chimes hung from a street tree, except holiday lights
- O. “Doggie door” or any other openings, such as vents, in a front door , backdoor, or garage door
- P. Electric external (patio) heaters wall mounted to the house
- Q. Electronic insect traps, such as a ‘bug zapper.’
- R. In all swales, any obstacle that would hinder or deflect the natural water flow such as (fencing; plantings; stepping stones above the grass line; edging; etc.).



T. Front door ramps, except where supported by the Fair Housing Act or Veterans Administration requirements and approved by an MR

U. Gas lamp

V. Hose mount or reels in the front yard

W. Individual window awnings

X. Above-ground permanent swimming pools with decking.

Y. Installation of permanent generators fueled by anything other than natural gas

Z. Invisible fences in front or side yards

AA. Modifications/alterations or additions to developer-installed retaining walls, fences or swales

BB. Painting of decks with latex, acrylic or oil-based paints. (Only stains are permitted)

CC. Plastic artifacts, or statues of any material in any area around the house with the exception of year-end holiday season

DD. Railroad ties or landscape timbers for edging

EE. Rooftop HVAC or window/wall AC units

FF. Rubber mulch, solid plastic sheeting or polyethylene over ground areas

GG. Satellite dishes or roof top antennae.

HH. Security bars on the windows

II. Security bars over doors

JJ. Security lights (floodlight or spotlight) in the front of residence except what is allowed under Section 4.28

KK. Sports or children's play equipment of a permanent nature

LL. Stacked firewood

MM. Stand-alone flag poles on private property

NN. Tanks erected, placed or maintained above ground, except 10 lb propane tanks

OO. Tents or Tent Gazebos of permanent nature

QQ. Visible exterior wires, conduit, pipes on new modifications, except those in the original construction and for satellite/cable TV service installation

RR. Window shutters (exterior), movable or mechanically operated, such as for security and hurricanes

SS. Rain Chains

TT. Planting or gardening on the slopes or in the common area buffers.

UU. Composting

## 2.5 GENERAL INFORMATION ON MODIFICATIONS TO RESIDENCE'S EXTERIOR AND LANDSCAPE

### 2.5.1 Definitions Regarding Lot Areas

A. Backyard includes all portions of the private lot bounded by a line extending back between the original side foundation walls of the house to the back-property line. The backyard is expected to be a minimum of 40% grass. Exceptions to this, via substitutions for grass, might be allowed and are defined in section 3.3.1

B. Buffer Area is the developer's mulched area planted with a variety of shrubs and several species of trees that may be between and adjacent to the home sites within The Hills. Plantings therein must meet the requirements of the local ordinances, and they serve as privacy barriers for the individual homes as well as to enhance the environment of The Hills.

C. Common Area is that area outside all owners' private property which is owned and maintained by the Declarant.

D. Easement is a legal interest in a property for a specific purpose, usually utilities, water, drainage, etc. which is typically 20' wide. Fences and landscaping improvements installed within the easement are subject to disturbance or damage during the City's use of the easement and may be removed if the City needs access for maintenance or utility line repair. Costs of replacement are to be borne by the declarant if on common areas or the property owner if on the property owners residential lot.

E. Front Yard includes the land between the right, left and front property lines and within the sight lines of the house on the sides. The front yard must be a minimum of 25% grass, excluding the driveway and walkway to the front door.

I. Plot Plan is the official final survey or interim permit plan of the property showing the location of the existing structure, driveway, sidewalk, and patio, easements, setbacks and property boundaries. An example of the plot plan is provided in the following full-page illustration.

J. Setback is the distance which a permanent structure is set back from the street or property line.

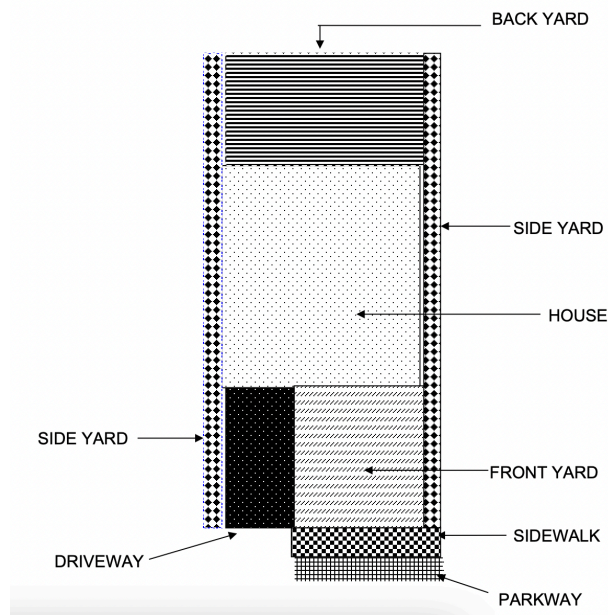
K. Side Yard includes all portions of the private lot from a line parallel to the side of the house to the side property lines extending from the front property line to the rear property line.

L. Softscape represents that area of the yard that is mulched which can include flowers, shrubs, trees, and gardening area.

M. Swale is a developer-constructed narrow trough between adjacent houses and/or properties to facilitate the drainage of water. Between residences, the swale, extending from front to back of the residence, begins at the lowest point and extends 12" on either side. In the backyard, a swale begins at the lowest point and extends a minimum of 18" on either side. See section 2.4.R. Prohibited Modifications for more detail.

N. Yard(s) refers to the front, back- and side yards of the private lot. See diagram below. 2.5.2

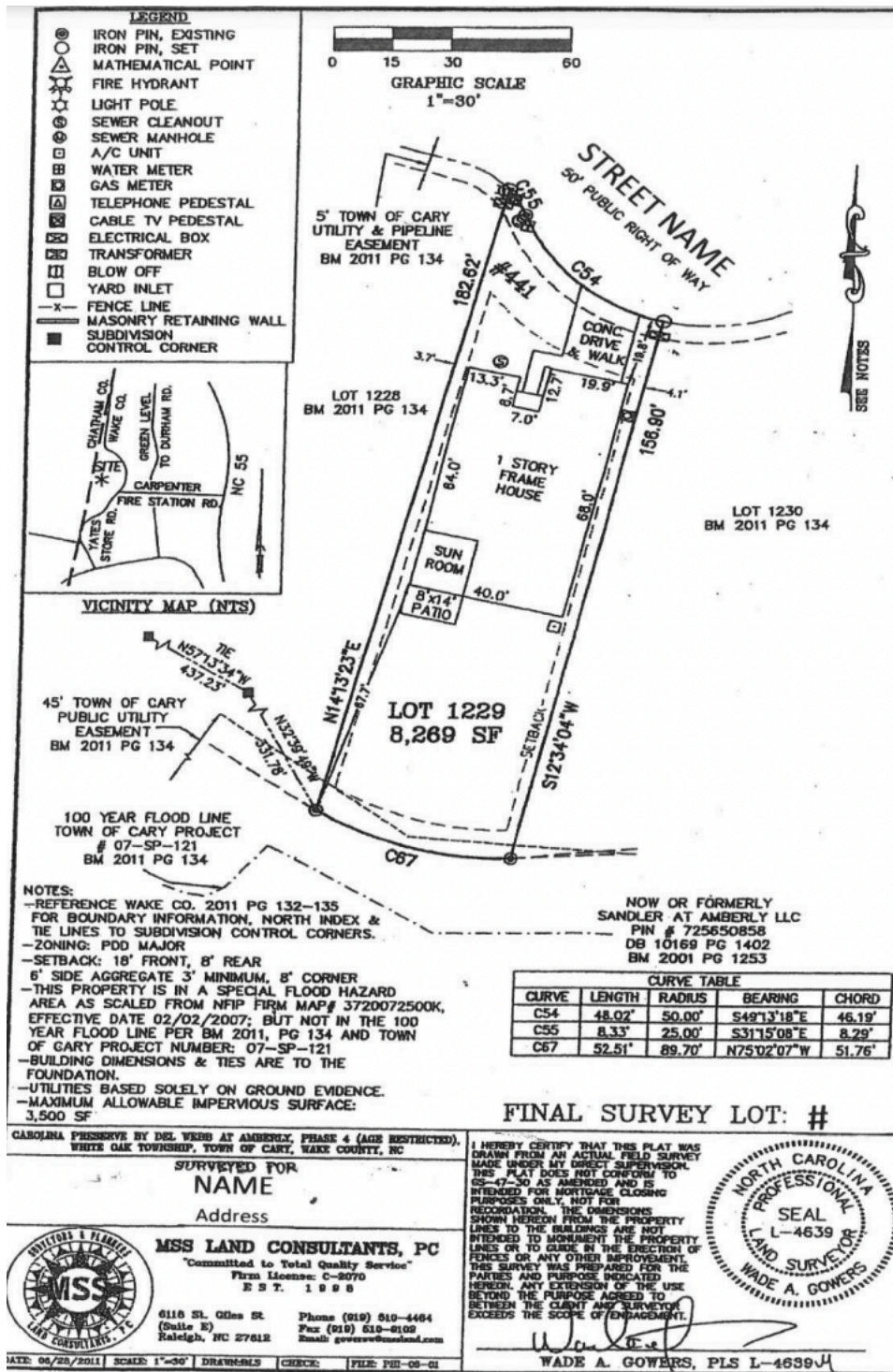
Plot Plan and Plat Plan difference The difference between a Plot Plan and a Plat Plan is as follows: Plot Plan is the official final survey or interim permit plan showing the location of the existing structure, driveway, HOUSE BACK YARD SIDE YARD SIDE YARD DRIVEWAY FRONT YARD sidewalk, patio, , setbacks and property boundaries. An example of the plot plan is provided in the following full-page illustration. A Plat Plan does not locate the structure on the lot so there are no measurements between the structure and the property boundary. Because of this a Plat Plan is of little value. A plot plan or survey may be required in some cases, where the proposed Modification Request requires better detail than a free-handed drawing to scale.



### 2.5.2 Plot Plan and Plat Plan Difference

The difference between a Plot Plan and a Plat Plan is as follows: Plot Plan is the official final survey or interim permit plan showing the location of the existing structure, driveway, HOUSE BACK YARD SIDE YARD SIDE YARD DRIVEWAY FRONT YARD SIDEWALK, sidewalk, patio, easement, setbacks and property boundaries. An example of the plot plan is provided in the following full-page illustration. A Plat Plan does not locate the structure on the lot so there are no measurements between the structure and the property boundary. Because of this a Plat Plan is of little value.

A plot plan or survey may be required in some cases, where the proposed Modification Request requires better detail than a free-handed drawing to scale.



Example Plot Plan (Survey)

### 2.5.3 The Modification Request Form and Submission

The Form MR is found in this document and on the The Hills website. Only deed owners of the residence are allowed to submit an MR. Questions about the MR should be addressed to the AREC through community email, [info@thehillsky.com/AREC](mailto:info@thehillsky.com/AREC). Emails sent to that address will be received by all AREC members and your email will be answered generally within 2 business days. In some cases, an appointment for a visit by an AREC member may clarify the request. Each homeowner must complete all the sections of the MR, including:

(1) the acknowledgement of all homeowners affected by such improvements (in most cases, these include the two side neighbors, one or more back yard neighbor(s) for back yard modifications and one or more neighbor(s) across the street for front yard modifications.) Addresses of neighbors must be included on the form. If a neighbor will not sign, state “refused to sign” and list address. By signing the form, the neighbor is only acknowledging notification and not approval of the modification.

(2) If selected, the contractor and contact information, unless self-constructed, must be identified on the form. Expedited AREC review of an MR (usually associated with a contingency on the sale of a residence) will not be considered. Depending upon the modification, one or more attachments specific to the request must accompany the MR.

Processing of the homeowners Modification and FT submissions:

- MR submissions must be deposited in the box in the Clubhouse labeled Modification Request and Fast Track Forms. As the Hills homeowner, you are responsible for ensuring the MR meets all Design Guideline documentation requirements. The Front Desk staff is not authorized to respond to any requests for information concerning Design Guidelines' interpretations or applicability.

- For FTs, they must be on the latest official FT form required for the respective request. If all of the questions have been answered YES, the FT request is automatically approved when it is deposited in the Clubhouse, labeled Modification Request and Fast Track Forms. If your replies are not all YES, a Modification Request is required. All modifications are subject to final

inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the AREC or Declarant.

#### 2.5.4 Attachments that May Be Required for the MR

- A. Manufacturers or Contractors' Brochure and/or Material List: A description of the materials and work to be performed which comprise the modification. This may include a contractor's proposal, vendor brochure and/or print out from a website.
- B. Design Plan: a visual image (drawing or illustration) of the proposed modification that shows both the existing residence/landscape as well as the proposed residence/ landscape modification. Design Plans must include all dimensions and be drawn to scale.
- C. Photos: Pictures of the exterior area of the residence or grounds which are proposed to be modified in addition to pictures of what the finished modification will look like from neighbors' similar project and/or photo gallery pictures from the contractor. (The design plans and photos can be considered together.)
- D. Plot Plan: See Section 2.5. A survey prepared by a licensed professional is permitted in place of a Plot Plan if the original Plot Plan is not available. A Plat Plan is not an acceptable substitute for a Plot Plan.
- E. Diagram to Scale: If a Plot Plan is not available, a diagram of the area relating to the MR may be allowed if it is to scale. If the modification involves easements, setbacks or property boundaries, a Plot Plan will be required.

### 3. SPECIFIC MODIFICATIONS TO LANDSCAPING

All modifications to the house exterior and grounds shall require approval unless the DG specifically states that approval is not required. The following are considerations and criteria as to what modifications may be allowed.

#### 3.1 GENERAL INFORMATION

- A. The landscape modification should enhance the overall appearance of the community. The MAIS of the lot cannot be exceeded per plot plan. The hardscape and softscape design must not

adversely affect drainage (including onto the neighbor's property) and must allow for efficient lawn maintenance. Swales may include hardscape and are allowed in side yards. Front yard area modifications must take into account existing electrical boxes, water meters and street light poles, etc. The edge of any mulched bed must be at least 18" from the property line.

B. Certain areas have been designated as open space, wetland or preserve on neighborhood plats and shall be maintained as required by regulatory authorities and as described in specific permit conditions and in the Declaration. No homeowner or resident may mow, fertilize, or apply pesticide to maintain, alter or modify any area so designated.

C. It is the responsibility of each homeowner to resow, as necessary, areas in yards

D. Plantings under windows shall be maintained at a height no greater than 18" above the window bottom. However, plantings around sunroom windows as well as, patios and porches may be grown to a height of 8' if space permits. All other foundation plantings shall take into consideration future growth, be a reasonable distance from foundation walls and be maintained a minimum of 6" inside the mulched area. Unless otherwise restricted in height, shrubs must be maintained at a reasonable height, but no higher than the roofline.

E. Replacement or new plantings used to screen air conditioning units and other utility boxes must be maintained at least as high as the utility box/AC unit, but no greater than 12" higher. Sufficient distance must be maintained between plantings and utility boxes/AC units to allow access for maintenance.

F. All plantings, must appear neat and maintained during the growing season. Debris must be removed periodically. All dead plants and plant materials must be removed during and at the end of the growing season unless the material is necessary for the survival of the plant. G. All ground surfaces on the homeowner's property shall be covered with grass, alternative ground cover or mulched materials, if not covered with hardscape, such as the house, driveways, patios, sidewalk from the front door to the driveway, pavers, etc.

H. Turf must be \_\_\_\_\_

I. Mulch must be consistent with the type and color used throughout the community by the landscape maintenance company.



J. Woven geotextile matting (landscape fabric) is permitted if it allows for free flow of water, air and gases to and from the soil. It must be covered by mulch or river rock or similar materials.

K. It is the responsibility of each homeowner to correct surface drainage issues, including but not limited to: maintenance of drainage swales, dispersion of standing water, erosion, rising water, and uncontrolled water runoff onto neighboring property that are not designated as part of the community's storm water drainage system by easement or otherwise on a recorded plat of the Community at the Register of Deeds office.

### 3.2 RESPONSIBILITIES OF HOMEOWNERS DURING MODIFICATION INSTALLATION

During the installation of an MR, the homeowner is ultimately responsible for the contractor's activities. Specifically, the following must be adhered to:

A. Construction cannot start before 8:00 AM and must end by 9:00 PM.

B. No supplies (contractor's equipment, sand, soil, pavers, debris, sod, trees, shrubs, etc.) can remain or be stored on a street, or common area overnight.

C. If the modification requires access through a common area, any damage to the infrastructure, including, but not limited to, sidewalks, landscaping, grade or drainage, common walls, fences, etc., must be returned to the original condition. Repairs must be completed within 14 days from the date of the damage.

D. Any construction debris, excess dirt or other materials cannot be dumped on private or common property and must be removed by the contractor or homeowner. Any debris on the street, walking areas, golf cart areas must be removed daily.

E. If the Declarant or AREC must make the repairs and/or remove debris/dirt/materials, the homeowner is responsible for the total cost of repairs/removal and shall be billed.

### 3.3 MODIFICATIONS TO LANDSCAPING

#### 3.3.1 Mulch Beds on Private Property

A. Addition or Expansion of a Mulched Bed Creation of new planting/mulched beds is permitted in the front/side/back yards where space permits. The backyard may have extended mulch beds where existing trees and/or slopes severely impact the growth of grass. Additionally, non-invasive, low spreading ground cover such as Liriope Muscari, Pachysandra, Blue Chip Juniper,

Blue Pacific Juniper, and Russian Aborvite/Siberian Cypress may be used in lieu of grass where trees/slopes severely impact the growth of grass. The alternative solutions for the back yard and front yard could allow the % of grass to be less than the required percent. The AREC will address each MR on a case-by-case basis and will also consider additional varieties of ground cover. The homeowner accepts responsibility for maintenance and control of all alternative living ground covers.

**MR REQUIRED:** Photograph of area to be modified; dimensions of the proposed bed and lawn maintenance access points; type of plants and size at maturity, diagram showing location of the plants, identification of all alternative living ground cover and plot plan.



**Addition to Backyard Mulched Bed**



**Addition to Front Mulched Bed**

#### **B. Mulching as an Alternative Solution for Heavily Shaded Backyards**

There are some residences wherein the backyard grass will not grow due to minimal exposure to direct sunlight and/or excessive shade. Existing mulched areas can be expanded or new areas created that would result in less than the required percentage of grass or ground cover.

Extensive mulching may be allowed but is only applicable to backyards and not front or side yard areas. The expanded area must be at least 12" from the center of a swale in the side yard and 18" in the backyard. A buffer area can be modified but must be maintained as a buffer area in accordance with section 3.3.3.

Mulch alone is not permitted. A mixture of perennials and evergreens and/or ground cover is required at approximately 1 plant every 4 square yards (4 square yards = a space measured 6' x

6') in the new mulched area. Any new plants, except ground cover, must be a minimum of 3 gallons. Other decorative components are encouraged such as stepping stones. Approved edging, berms and/or walls are required to contain the mulch and minimize soil erosion. Mulch, or run off soil, cannot adversely impact a common area or drainage patterns. The homeowner will be responsible for correcting any resultant drainage problems. The initial installation of mulch and plantings is the responsibility of the homeowner. Maintenance and replenishing of all backyard mulch is the responsibility of the homeowner including buffer areas and existing mulch beds. The Declarant will not replenish mulch on an ongoing basis in these areas but will replenish mulch in the front and sides if originally installed by Declarant. The color and type of the mulch is to match the mulch used by the Declarant throughout the community.

MR REQUIRED: Photograph of the area to be modified; a diagram and dimensions of the proposed area including the location of plantings and other decorative components; plot plan showing the proposed area [Note: if no plot plan is available then a detailed to scale diagram is required showing distances to property lines].

### 3.3.2 Bird Feeders and Houses

Up to 4 bird feeders or 2 bird feeders and 1 bird house are permitted in the backyard. One bird feeder is allowed in the front yard, except in a Street Tree, and only one in the side yard where there is at least 20' between the birdfeeder location and the next residence.

Not permitted: feeders or houses exceeding the roof eaves; attachment to Common Area perimeter walls and fences; and, multiple bird dwellings, such as a coop or a purple martin house. Feeders cannot be hung from a street tree.

No Approval Required

### 3.3.3 Buffer Areas on Private Property

It is the intention of the Declarant to maintain some buffer areas so that they present a maintained privacy area, rather than the look of a formally pruned garden. This document is intended to set forth the guidelines for the maintenance of these areas.

A. The shrubs in the buffer areas shall be pruned once a year by the landscape contractor in such a manner as to maintain their natural shape. Individual homeowners who wish to perform their own pruning may do so, if they strictly adhere to the DG.

B. Once mature, the shrubs should be maintained at a maximum height of 6' to 8' by the Community's landscaping company. It is intended that all of the shrubs in adjoining buffer beds be maintained at a similar height to maintain continuity in the neighborhood.

C. As in the case of other existing mulched areas, homeowners may plant annuals or perennials to enhance their beauty. Mulched beds can be added to the buffer in the backyard to expand the bed when specifically approved by the AREC in advance.

D. In the event of the loss of any shrub in the buffer area, there are two options:

(1) replacement of a shrub must be with the same species (e.g., evergreens must be replaced with evergreens) or

(2) replacement of the entire buffer area with evergreen species providing the same level of coverage/screening. A minimum 5 gallon-size and minimum height of 3' (not including the height of the container) replacement plant is required for either option.

E. Trees in the buffer may be removed, for reasons other than dead or diseased, but must be replaced with one of an appropriate size listed and must have an initial height of at least 6 feet.

F. On a case-by-case basis, buffer trees may be removed and not replaced if they are a threat to a retaining wall or they impair natural drainage or it is determined by the AREC that replacement would not be in the best interest of the homeowner or the community. However, shrubs must be planted in lieu of any trees.

MR Required: Plot Plan; brochure and/or material list; photograph of area to be modified; diagram showing location of the plants.



**Buffer Area Accented by Flowers**

#### 3.3.4 Common Area Planting (Common Areas)

To comply with City of London and The Hills, Declaration of Covenants, planting or gardening on the slopes or in Declarant owned common area buffers is prohibited. However, if permission was previously granted by the AREC, continued maintenance by the homeowner is permissible. The Declarant assumes NO liability for a homeowner who might be injured either in the initial installation or in the ongoing maintenance in the Declarant common area.

#### 3.3.5 Decorative Components *Decorative Components defined*

– Artifacts, planters and statues that have a maximum height of 4.' Artifacts defined – Clay, masonry, metal, resin or wooden objects including birdbaths, animals, gnomes, cut out objects, planters, chairs & benches. Pots / potted plants are not considered artifacts.

#### *Decorative components allowed in the front yard:*

o On the front porch and entry walkway – Maximum of 5 items (artifacts, planters, furniture, etc. plus one wind chime). Chimes are restricted to an area underneath the roof of the front porch or entrance way.

- o In mulch beds – Maximum of 3 items. (Artifacts, planters, or statues).
- o Potted plants are not considered artifacts and are allowed on the front porch / entry walkway / top of the driveway, and mulch beds. Maximum of 5 total.
- o Seasonal wreaths on the front door and around the front garage light(s) if the house number is not obstructed.
- o One small flag, no larger than 13” x 18” is allowed in the mulch bed The flag must represent a season, holiday, sports team, military branch, or a US or state flag.
- o For Holiday and special occasion decorations, see section 4.17 Holiday and Special Occasion Decorations.

*Not allowed in the front yard:*

- o Anything permanently on the driveway except potted plants (see “allowed” above).
- o Furniture in mulched or grass areas.
- o Anything hung from a tree (Christmas seasonal decorations/lights excepted).
- o Anything made of plastic or cloth except for year-end holiday seasons and garden flags.
- o Anything sitting on utility boxes.
- o Anything to impede mowing of the grass.

*Decorative components allowed in the backyard:*

- o In mulch beds – Maximum of 6 artifacts, statues, planters, etc. spaced at least 3’ apart.
- o Items may be hung in trees.
- o One wind chime, but it is restricted to the area underneath the roof of the back porch.
- o Patio / paver area – No limit, but all furniture must be on the patio.
- o Potted plants are not considered artifacts, so no limits, but must be in a mulch bed or patio.
- o One small flag, no larger than 13” x 18” is allowed in a mulch bed. The flag must represent a season, holiday, sports team, military branch, or a US or state flag.
- o Bird feeders and bird houses are not considered Decorative Components and are addressed in Section 3.3.2 Bird Feeders and Houses.



*Not allowed in the backyard:*

- o Anything in the grass including grills.
- o Furniture in mulch beds.
- o Decorative components on berms / slopes.

*Allowed in the side yards:*

- o Maximum of 2 artifacts on each side. See Section 2.5.1 N. for the definition of “side yard”.

*Not allowed in the side yards:*

- o Furniture.
- o Anything hung from trees.
- o Wind chimes.
- o Anything to impede mowing of the grass.



Statue in Garden



Flower Pots Clustered on Sidewalk

3.3.6 Decorative Rock or Stone in Mulched Areas

Decorative rock or stone shall be permitted as ground cover subject to the following conditions:

- (1) stones cannot be used in areas where it abuts grass unless approved edging provides a barrier; and,

(2) small earth tone stones, between ¾” and 1” in diameter, can be used as accents in previously mulched areas; and,

(3) stones similar in color to the mulch can be where mulch migration might occur.

However, large rocks may be placed in mulched areas on a case-by-case basis depending upon location, property and grade.

MR Requirements: Plot Plan; brochure/Material List; photograph of area to be modified; diagram showing location of proposed modification.



**Rocks in Mulched and Landscaped Beds**

### 3.3.7 Drainage and Standing Storm Water Remediation

Any continuing occurrences of Standing Storm Water and resultant erosion must be addressed by homeowners in a timely manner. All modifications must comply with the Developers Storm Water Management Policy and Procedures (in Section 12.1 – Appendix 2A) It is recommended for drainage remediation between 2 residences that the neighbors, where applicable, work together for a mutually agreeable solution. An MR is required of each homeowner involved.

MR Requirements: Plot plan; brochure and/or material list; photograph of area to be modified; diagram showing location of the drains, including various inlet points and exit location; Professional engineering design, if applicable, and pre-review of MR if either a



Declarant owned retaining wall or Declarant maintained storm drain is involved. Completed applicable worksheet in Section 12.2. If 2 properties are involved, an MR is required from both homeowners.

### 3.3.8 Edging, Masonry Borders and Tree Rings

A. Edging material shall be earth-tone steel coated edging (brown color preferred – NO black), stone, masonry blocks, concrete pavers, solid bricks or composite material. It can be installed at ground level or upright orientation (stacked or not), not to exceed more than 6” in height on level ground.

B. Masonry borders and tree rings are permitted in the yard to prevent erosion, improve appearance or bring uneven property to grade, but cannot be installed in the swale

C. There is a height limitation of 16” on the downslope side as long as the border is at grade\* at the highest point of the slope. Any border or tree ring exceeding 16” above grade will require a MR requesting a variance.

D. Individual or stacked masonry stones/blocks that extend (width-wise) into the mulch bed more than 8” may be considered a wall and will require an MR. This will be handled by the AREC on a case-by-case basis. \*Grade is defined as ground level, but masonry blocks/bricks at the highest point are allowed to extend above grade, but no more than 6” above the turf or mulch.

**Fast Track MR Requirements: (only if the height and width limitations in C. and D. are exceeded).**

Plot plan; brochure and/or materials list: photo.

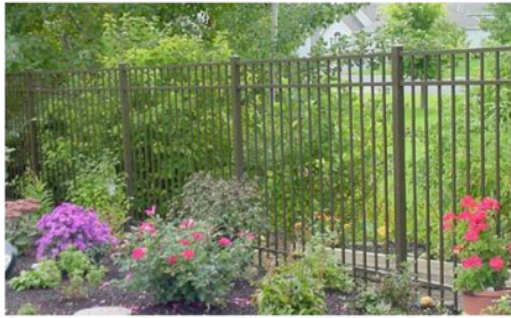


**Metal Edging**

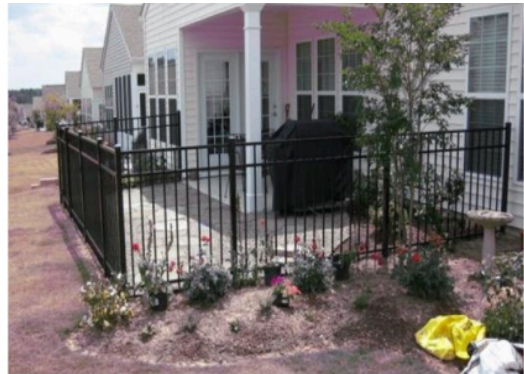
### 3.3.9 Fences

Fences are permitted only in the backyard. However, if there is an existing fence owned and maintained by the Declarant at the back of the property, the homeowner may construct a fence going up to, but not connecting with the Declarant's fence, as long as it is of the same material and appearance as the Declarant's fence. Whenever a fence is erected in the backyard by the homeowner, the homeowner is responsible for its maintenance and the cost of its removal should that become necessary. All fences must be within 36" and 60" in height. All fences shall have 90° corners (unless a variance is approved by the AREC). The sides should run parallel to the side walls of the home not going outside of the sight line. The back fence(s) should run perpendicular to the first two sides. On a sloping terrain, it is the homeowner's choice whether the top and bottom rails of all fence sections are level, and the fence segments are stepped down in equal increments, not to exceed 8" each to adjust to the changing grade, or if the fence sections shall slope with the terrain. The bottom rail or picket of any fence must be no more than 2" above the finish grade of the lot. No fence can be constructed that is in conflict with the drainage pattern as established for the lot including in or impeding a swale. Fence posts must not be located in a swale. If the fence crosses a swale, consider positioning a gate over the swale with gate posts on either side of the swale. That would also eliminate the required 12" of mulch under the fence gate thereby reducing the chance of mulch accumulating in the swale area. All yard fences must be approved black aluminum tubular design. The structural components of the fence must face the interior of the fenced in area so that the more "attractive" side of the fence faces outwards. A 12" wide mulched area (6" on each side) is required on fence perimeters where Declarant maintenance is provided and utilized. No mulch is required over a swale. Homeowners who install fences are responsible for lawn mowing, edging and other landscaping maintenance within the fenced area on the same schedule as is provided for the community. Applications for privacy fences and privacy landscaping must be submitted for approval prior to installation. Approvals will be granted by the AREC on a case-by-case basis.

MR Requirements: Plot plan with diagram to scale showing exact placement of the fencing; brochure and/or material list including dimensions of the fencing; picture of fencing style. Black Aluminum Fencing with Added Mulched Bed Black Aluminum Fencing Around Patio Area



Black Aluminum Fencing  
with Added Mulched Bed



Black Aluminum Fencing  
Around Patio Area

### 3.3.10 Fire Pits

Outdoor fire pits, either permanently installed or portable, are permitted. The only fuel allowed is natural gas, propane, or charcoal. **No wood burning fire pits are permitted.** The fire pit must be at least 10' from the main structure of the residence.

PORTABLE FIRE PIT: No Approval Required

FOR PERMANENT INSTALLATION: MR Requirements: Plot Plan, Brochure of the fire pit to be installed; photograph of area to be modified; diagram showing location of proposed fire pit.



**Natural Gas Fire Pit on Patio with Steps in Mulched Area**

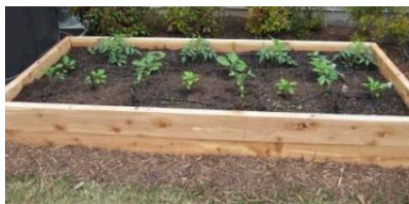
### 3.3.11 Gardens, including Raised Bed Gardens

Planting of herbs and vegetables is permitted in the backyard provided they are installed in a delineated area which does not exceed four 4'x4' sections or two 4x8 sections and, if there is less than 3' between sections, it must be mulched between those sections. The 40% grass rule for backyards applies.

**MR Requirements: Plot plan showing location of garden; brochure or photo of the garden (with dimensions) to be installed; photograph of area to be modified.**



**Raised Bed Garden with Mulching Between Two 4'x4' Beds**



**Raised Bed Garden (8'x4')**

### 3.3.12 Invisible Fences

Invisible fencing (or any other electronic system) shall only be permitted in the backyard for the restraint of pets. No alterations of the yard grade shall be permitted by the installation of such a system. No signs indicating the presence of such fencing are permitted. The Declarant shall not be responsible for repairing any system that is damaged by normal maintenance of the yard by the AREC designated yard maintenance contractor. Regardless of the method of restraint used, pet owners are responsible for assuring their pets do not run free, must maintain control of pets at all times, and must pick up all excrement on public or private property. Pet owners are liable for any damage to people or property caused by their pets. City of London pet ordinances must be adhered to at all times.

**MR Requirements: Plot plan with a diagram showing the exact placement of the invisible fence.**

### 3.3.13 Irrigation Systems

Irrigation systems are permitted as long as the pipes are buried. Synthetic rocks or suitable plantings must be used and maintained at all times to hide the regulators from view from the street or neighbors. Mulched plantings may be added around the rock.

### Fast Track 3.3.14 Lawn Leveling

Lawn levelling with sand or sand/compost mix is permitted to fill in small holes or uneven lawn areas. In no way can this process alter the drainage of the lot or negatively impact a neighbor's property. **No Approval Required**

### 3.3.16 Reserved for Future Use

### 3.3.17 Pavers, Rocks and/or Stepping Stones in Mulched Areas

A. Mulched Areas – Pavers/Stepping Stones Earth-tone pavers or stepping stones may be used to create a pathway in mulched areas. A small separation distance (1" to 2") is required. Additionally, a single row of pavers or stepping stones on either/or both sides of the driveway can be placed in sod areas provided that they are flush with the ground (so mowers can go over) and are at least 6" apart and, if adjacent to the driveway, must be at a minimum of 6" from the



driveway. Homeowners can place a mulched bed alongside the driveway to put in stepping stones. The length can be no greater than 13' from the garage door. Pavers can also be placed in sod elsewhere in the side yards or backyard for the purpose of a walking path. They must be flush with ground and at least 6" apart.

**No Approval Required**



**Flagstone Pavers in Expanded Mulched Bed**

B. Swale Areas – Use of Pavers, River Rocks and Stepping Stones in Swales In order to provide access in swales where muddy, soggy ground or turf issues exist, earth tone pavers, river rocks or stepping stones may be used to create a pathway in a swale area between two homes. Selected river rocks should be in the 1-2" range. Larger river rocks may be considered. The steepness of the swale may have an impact on the size of the river rocks, e.g., the greater the slope the larger the river rock size. Rip Rap is not to be used for this type of application. When river rocks are used, stepping stones are required for safety reasons. When a combination of river rock and stepping stones is used an underlayment of GeoTex or other weed blocking material is required. The river rocks must be contained with an approved edging that must be even with the height of the river rocks. If only stepping stones/pavers are used [no river rock], they must be flush with the ground. The length of the area should not extend past the front of the house farthest from the street or the back of the house closest to the street. The width can extend between the mulch beds of the two houses or between the foundations if there is no mulch next to the houses. If there is mulch next to the foundation, then approved, appropriate

edging must separate the river rock and stepping stones from the mulch. It should be recognized that placing pavers, river rocks or stepping stones in a swale may not resolve swale drainage issues. The homeowner is responsible for the maintenance and replacement of the pavers, river rocks and/or stepping stones in the swale. As this is a joint application both neighbors must agree to the use of the pavers, river rocks and stepping stones and sign the MR form.

MR Requirements: Plot plan; photos showing the area to be modified; a diagram to scale showing the area to be modified; color and size of river rock, brochure and/or materials list.

### 3.3.18 Permanent Water Features

Water features shall be limited in height to 4' above the natural grade of the lot. A permanent installation of a water feature shall be of natural material and design, compatible with the overall architectural theme of The Hills. Water features are permitted only in the mulched area in the front yard or backyard, with a maximum of one each in the front yard and backyard. Open ponds are not permitted. Under no circumstances is the water feature to allow standing water.

MR Requirements: Plot plan showing location of proposed water feature; brochure or photo of the water feature (with dimensions) to be installed; photograph of area to be modified.



Patio Fountain in Back Yard



Fountain in Front Yard

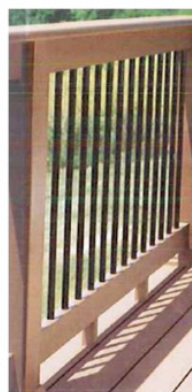
### 3.3.19 Railings

Deck railings must be constructed in such a manner as to meet local building codes. Deck rails and attached fencing cannot exceed 48" in height from deck and must be constructed to match the material and color of the decking or trim of the home. Railings for patios and/or porches must be of either approved black aluminum tubular design, white vinyl design, or black or white painted steel (where required for safety reasons) and the height consistent with the design of the area where railings are to be installed, e.g., between columns on front porch.

### FAST TRACK



Metal Railings on Back Patio



Deck Railing



Front Step Railing



### 3.3.20 Rain Barrels

Rain barrels can be installed in the backyard only and must be out of the sight line. One rain barrel can be attached to each downspout, up to a maximum of two rain barrels per property. Rain barrels are limited to a maximum of 60 gallons and must be earth-tone in color. Rain barrels must be installed on a surface such as pavers or concrete pad that is sufficiently large enough for the entire barrel to fit on and provides adequate support. Rain barrels must be a closed system, i.e., with lid, and must use a downspout diverter which diverts the water to the downspout when the barrel is full. Rain barrels must be landscaped to hide them. This may or may not require an addition to the existing mulched bed.



Rain Barrel with Downspout Diverter

**MR Requirements: Rain barrel description and dimensions; description and dimensions of support pad; type of downspout diverter; contractor; photo of location; landscaping design.**

### 3.3.21 Setback Landscaping

Minor encroachment in setbacks shall be permitted for the sole purpose of adding or extending landscaping in the back or side yard. Trees, shrubs, flowers, hedges, and other landscape features may be located within any required setback and must include a mulched bed that does not affect mowing operations and must not adversely impact drainage, including any

swale. No hardscape shall be permitted in a setback. The AREC shall determine, on a case-by-case basis, what constitutes “minor encroachment.”

**MR Requirements: Plot plan; brochure and/or materials list; detailed identification and location showing length and width; type of plants for landscaping.**

### 3.3.22 Side Yard Landscaping

Planting may be used on the sides of the residence inside a continuous mulched strip no greater than 3’ wide running adjacent to the foundation but not in the swale. Wider foundation plantings and additional landscaping are permitted on the side of a residence on a case-by-case basis. This includes residences whose side lot faces a street, a common area or is large.

**MR Requirements: Plot plan; brochure and/or materials list; detailed identification and location showing length and width; type of plants of landscaping.**



Side Yard Foundation Beds



Side Yard Landscaping on Street



Yoshino Cherry Planted in Large Side Yard

### 3.3.23 Shrubs

Dead or diseased shrubs must be removed by the end of the growing season and must be replaced if in a Buffer Area with a minimum 5-gallon comparable shrub. Other than Buffer mulch beds, only front yard mulch beds require minimum plantings. The landscaping of the primary front yard mulch bed must have some evergreen shrubs and or plantings, which may include some perennials. **No Approval Required**

### 3.3.24 Walls

A. Garden wall may be established in the backyard in either an existing mulch bed or existing grass area. A wall must not exceed 30 inches in height and 24 inches in width. The wall must be constructed of earth-tone stone material commonly available from local garden and/or construction outlets and must be secured by mortar, concrete or other construction adhesives. A minimum of 6 inches of mulch on any side of the wall adjacent to grass areas is required where Declarant maintenance is provided. The MAIS limitation and 40% grass rule for backyards apply.

B. Retaining walls may be added to prevent erosion. Construction requirements are the same as for garden walls but should include allowance for extreme grade differences.

**MR Requirements: Plot plan with sketch showing location and dimensions; brochure and/or material list; picture of wall style; specification of how wall is to be constructed; photograph of area in which wall is to be installed.**

C. Sitting wall may be added as part of a patio provided it is on top of the patio, 30 inches in height and 24 inches in width. The wall must be constructed of earth- tone stone material commonly available from local garden and/or construction outlets and must be secured by mortar, concrete or other construction adhesives.

**MR Requirements: A sketch showing location and dimensions; brochure and/or material list; picture of wall style; specification of how wall is to be constructed; photograph of area in which wall is to be installed.**



**Patio with Sitting Wall to Handle Drop-Off**



**Brick Sitting Wall Surrounding Patio**

### 3.3.25 Trees

Trees are permitted. Street trees are trees closest to the street on front side or trees on the side yard if corner house. Once you plant street trees, they must be replaced if dead or determined to be distressed or unlikely to thrive. The Declarant or their designee, in their sole judgment may determine that a street tree is either in violation of current Design Guidelines, dead, diseased, or does not meet community standards and that the tree must be replaced by the homeowner. In addition, street trees may be replaced by the homeowner if the existing tree is unappealing, too large for the yard, and/or if the root systems are endangering the utilities. The homeowner should take the following into consideration when selecting the type and size of a replacement street tree: size of the lot, size of the front yard, size of the tree at maturity, and location of utilities. All replacement street trees must have a minimum trunk caliper/diameter of two inches (2") in diameter; caliper measurements of the trunks of the trees are to be taken 6" above the ground. All replacement street trees must also be a minimum of 8' high. The street tree must be planted 10 feet from the edge of the street or it can be moved laterally a few feet

if needed to avoid utilities, but it must remain in line with the other street trees on the block (10 feet from edge of blacktop). Replacement trees must be one of those listed below:

A. Large Trees - Mature height 35'+; (a) Okame Cherry; (b) October Glory Maple; (c) Autumn Blaze Maple; (d) Red Sunset Maple; (e) Brandywine Maple; (f) Yoshino Cherry

B. Medium Trees – Mature height 25-35' (a) Flowering Dogwoods; (b) Single Trunk Muscledwood: (c) Chinese Pistache ; (d) Kousa Dogwood

C. Smaller Trees – Mature height less than 25'; (a) Single trunk Crepe Myrtle; (b) Japanese Bloodgood Maple; (c ) Coral Bark Maple; (d) Trident Maple

#### Fast Track

The AREC will conduct timely post audits on all street tree replacements to verify that the minimum initial height requirements and minimum caliper requirements indicated herein have been adhered to by the homeowner. Homeowners should notify the [info@thehillssky.com/AREC](mailto:info@thehillssky.com/AREC) immediately after the replacement of the street tree has been completed. Dead or diseased trees must be removed regardless of location. (For Street trees, see first paragraph of Section 3.3.25 and for Buffer trees see Section 3.3.3). If not a street or buffer tree, replacement is at the option of the homeowner, and if replaced, it must be a suitable variety tree for The Hills hardiness zone with an initial height of 6' to 8'. Front yards are limited to 2 trees.

Backyard deciduous and evergreen trees must have a maximum mature height and spread that does not exceed 50'. No Approval Required Additional trees are permitted in backyards or in side yards that face a street. Trees must not be planted closer than 10' to the street

(MR Requirements: Plot plan or diagram to scale showing location of the tree; tree variety to be planted; photograph of area to be modified. Pruning of trees must be in compliance with nursery standards (pruning to remove diseased, dead or broken limbs, for shape, elimination of crossing limbs, thinning for new growth and better air circulation).

No Approval Required

Tree Topping of Street Trees is prohibited see Section 2.4-PP and is considered a violation. However, if a certified arborist recommends limited tree pruning near the top of a tree for disease or to remove secondary vertical trunks to help a tree survive, such pruning will be considered by the AREC on a case-by-case basis, but will require an MR with supporting documentation from the certified arborist, including photos of the tree, assuring that vertical growth will continue to happen.

MR Requirements: Plot plan or diagram showing location of tree; tree variety; photograph of tree and surrounding area.

## 4. MODIFICATIONS TO RESIDENCE STRUCTURE

### 4.1 ADDITION TO RESIDENCE

No room additions or extensions to an existing home shall be permitted if such an addition requires adding a roof or roof extension that exceeds the initial maximum allowable footprint as specified by the model floor plans. An exception shall be granted when required by the Fair Housing Act or the Veterans Administration (VA) requirements.

MR Requirements: Plot plan showing modification; brochure and/or materials list; statement from VA or physician; TOC permit if new installation requires an additional roofline, or electrical modifications.

### 4.2 ARCHITECTURAL CHANGES AFTER DAMAGE OR DESTRUCTION

Repair or reconstruction of the residence shall conform to the DG and The Hills Governance documents. Emergency repairs do not require AREC approval, but an MR shall be required by AREC for permanent repairs. The AREC will work with the homeowner on a case-by-case basis.



MR Requirements: Plot plan with sketch of work covered under the MR; materials list, statement of work to be performed, photos of the damaged area, list of emergency work performed.

**4.4 RADON MITIGATION** Radon Mitigation materials and equipment shall be located at the rear of the house so that it cannot be seen from the street. Consideration will be given to other locations if mitigation goals cannot be reached.

MR REQUIRED: Brochure/material list. Picture of location and description of work being performed. If not located at the rear of the house, material and piping should be as inconspicuous as possible.

#### **4.5 AWNINGS AND UMBRELLAS**

Awnings over windows are not permitted. An umbrella may be used on a patio in the backyard only, either as a stand-alone or in conjunction with a table. The fabric must be earth-tone in color matching the exterior of the house. Stripes are permitted. The umbrella must be closed when not in use.

No Approval Required

#### **4.6 BARBEQUES/GAS GRILLS**

Built-in and portable barbeque or gas grill units for cooking purposes only must be located within the backyard and on a patio. Built-in barbeque units must be designed as an integral part of the landscape architecture. The height of a built-in barbeque cannot be higher than the top of the cooking area of the grill. All units, when in use, must be located a minimum of 4' from the walls of the residence. Only approved fuels for barbecue grills are natural gas, propane, charcoal, electricity or wood pellets.

A. PORTABLE BARBECUES OR GAS GRILLS: No Approval Required

B. PERMANENTLY INSTALLED BARBECUES OR GAS GRILLS Built-in barbecue units must be designed as an integral part of the landscape architecture. The height of a built-in barbecue cannot be higher than the top of the cooking area of the grill.

MR Requirements: Plot plan; brochure of the barbecue/grill to be installed; photograph of area to be modified; diagram showing location of proposed barbecue/grill; City of London Building Permit on file before construction begins if a permanent gas line is installed or additional electrical connection is required.

## 4.7 CONCRETE COATINGS

### 4.7.1 Front Entry

A predominately (at least 75%) earth-tone coating may be applied only to the concrete under the roofed entry and sidewalk to the expansion joint of the driveway. Exterior tiles, stone, or other natural materials may be used. Basement houses with front steps may be coated with like material (including on the fascia).

MR Requirements: Brochure and/or material list, photo showing area to be coated.

### 4.7.2 Driveways

Replacement of concrete driveway and/or sidewalk with exact appearance as the original construction. No Coatings permitted on driveway or public sidewalk. Repair or resurfacing of the driveway requires an MR.

MR Requirements: Brochure and/or material list; photo showing area to be replaced or repaired.

### 4.7.3 Backyard Patio

All of the materials listed above for the front entry can apply to the existing concrete patio in the backyard. **No Approval Required**

## 4.8 COVERED BACK PORCH, LANAI MODIFICATIONS AND ENCLOSURES

Modifications to an existing covered lanai will be considered providing that the modification does not exceed the original maximum structure (residence footprint and roof) as designed and offered by the developer for that model house. It is permitted to enclose an existing covered porch/lanai with either standard windows, e.g., sliding glass, or floor-to-ceiling windows, or floor-to-ceiling screens. Sliding glass/screen doors are permitted. Exposed



structural connectors are not allowed. All knee boards and window framing must be white. Exit door hardware must match the color of the other exterior hardware. Please see Section 4.36.2 New Window Installation and note that Eze Breeze Windows can be a fast track. See FT - 7 EZ or Eze Breeze Windows- Fast Track Form. Because of fire regulations, the enclosure of a covered porch/lanai that blocks direct egress to the outside of a bedroom is not permitted

**MR Requirements: Brochure/materials list; photo of area to be modified.**

#### 4.9 DECK MAINTENANCE

Decks are required to be maintained in good appearance with pressure washing and updating of stain/sealer. Stains, including clear, semi-transparent and solid color are permitted, such as Sherwin Williams Deckscapes®. Semi-transparent and solid colors must be consistent with and complementary to the color of the residence. Stains should be applied to the top of the floor decking, top and sides of the deck rail components and all sides of the deck support posts including braces. Painting of decks with latex, acrylic or oil-based paints is not permitted. **No Approval Required**

#### 4.10 NEW DECK ADDITION OR EXPANSION OF ORIGINAL DECK

A. Decks original to the residence can be modified in size and appearance provided that there will be no material impact upon neighboring properties, the community, or sightlines. The AREC reserves the right to limit the size and location of deck modification. New decks are limited to those that were a builder's option for a specific model.

**MR Requirements: If it is a new deck, a plot plan; brochure and/or materials list including color samples, detailed drawings of proposed deck including dimensions and design for area under the deck with photos of existing and proposed deck. If it is a replacement deck and the job includes structural/support components (not just the decking and railing), include details such as component size and material type.**

B. Replacement or repair of old and worn decks is permissible with either wood or composite materials like "Trex". Railings may also be replaced with a color matching the deck color or

white and if aluminum balusters are used, they must be black. If an existing deck is being replaced or repaired, a Fast Track is required.

#### FAST TRACK

### 4.11 DOORS

#### 4.11.1 Front and Back Entrance Door

Design must be a solid-color or manufacturer applied stain on a 6-panel colonial solid door, a window designed door consistent with existing design doors or a custom- designed window door. Door construction should be metal or fiberglass/composite - no solid wood doors are allowed. Door hardware must match existing hardware. Doors should match shutters in color, but exceptions will be considered. If shutters do not exist, then the doors must be according to design schedule for The Hills. If a door with glass is chosen for a replacement, then no more than 2/3 of the door may be glass. Back entrance door must be white, and consistent with the current Hills back doors. Animal entry doors are not permitted.

**MR Requirements: Brochure and/or material list including photo of door.**

#### 4.11.2 Garages, Garage Doors, Windows and Screening

All replacement garage doors must be white and consistent with existing Hills garage doors originally offered by the developer for that model home. Garage doors shall remain closed at all times except to permit reasonable entry or exit of vehicles, or while working in or near the garage for a reasonable period of time. Garages shall be used only for parking vehicles and storage and shall not be used or converted for living or recreational uses. **MP Requirements:**

**Brochure showing style/design of new door as well as trim components.**

A. Garage screens are permitted and must have white trim, and white screening. Screens must be retracted when not in use, and taut when in use. **Fast Track**

#### 4.11.3 Storm and Screen Doors

Acceptable storm and/or screen doors may be added. No etched glass is permitted in a storm door. The storm/screen door color must be white or match the color of the front entrance door. The hardware must be consistent with the hardware of the house. Retractable screen doors

may be used as long as they meet the specifications required of the storm doors above except that hardware may match the frame color. **Fast Track**



Examples of Approved Storm Doors

4.12 RESERVED FOR FUTURE USE

4.13 RESERVED FOR FUTURE USE

4.14 RESERVED FOR FUTURE USE

#### 4.15 FLAG MOUNTS AND FLAGS

Owners may use a bracket or other approved device to attach and display one (1) flag on the front of the Dwelling Unit and one (1) flag on the rear of the Dwelling Unit; provided, however, the only flags that are permitted to be attached to a Dwelling Unit are the flags of the United States of America and the State of Kentucky, which are further described below. No part of the flag can extend 4 feet beyond any eave. Brackets and other devices used for mounting must be secured to a wooden stud or anchored in masonry.

U.S. Flag: Owners may display the flag of the United States of America, as defined Chapter 1, Title 4 of the U.S. Code, that is no larger than 4-foot x 6-foot. The flag must be displayed in accordance with applicable provisions of Chapter 1, Title 4 of the U.S. Code or any rule or custom pertaining to the proper display or use of the flag of the United States as established pursuant to such chapter or any otherwise applicable provision of law. KY Flag:

Owners may display one (1) flag of Kentucky, as defined in the Kentucky General Statutes, that is no larger than 4-foot x 6-foot. The flag must be displayed in accordance with rule or custom pertaining to the proper display or use of the flag of Kentucky. **No Approval Required**

#### 4.16 GENERATORS

Permanently installed low noise (less than 70 decibels) natural gas emergency generators are permitted. They must be located in the backyard foundation mulched area of the residence and must have evergreen landscape screening. The evergreen shrubs must be at least to the height of the generator and provide a solid screen at the time of installation. **MR Requirements: Plot plan; brochure and/or material list; model and specification of generator; photo of installation area.**

#### 4.17 HOLIDAY AND SPECIAL OCCASION DECORATIONS

Holiday decorations are displays erected on a seasonal basis for religious observances, national/state observances and cultural observances and are not intended to be permanent and shall not contain advertising. "Year-end holiday" is between November 15 and January 10. Seasonal statues, artifacts, lighting and other decorative landscape items may be installed and operated within this period. All such decorative landscape items as defined above must be removed by January 10th . The following guidelines must be followed:

- A. all decorations must be placed in the homeowner's lot; no homeowner decorations are allowed in common areas;
- B. Placement must be at least 3' from the public sidewalk or 3' from the curb where no sidewalk exists;
- C. Cords shall be for outdoor use and be either, black, brown, or green and never be located over public sidewalks;
- D. Lights may be placed on lot trees;
- E. Decorative lighting may be placed on the house but cannot be higher than the gutters;
- F. Statues and artifacts, including inflatables, cannot be higher than 6';
- G. No outside audio shall be allowed;
- H. No computer controlled light shows shall be permitted except at the Clubhouse and Pool area

For holidays that are observed during the rest of the year, decorations will be limited to 14 days prior to and 3 days following these observed holidays with the following guidelines:

A. All decorations must be placed in mulched or concreted portions of the lot so as not to impede lawn maintenance activities; and,

B. Decorations cannot be higher than 6'. Special occasions are defined as personal/family events, such as birthdays and anniversaries. Decorations are allowed only in mulched areas and shall only be displayed for 3 days. **No Approval Required**

#### 4.18 HOT TUBS AND SPAS

All spa/hot tub equipment shall be screened from street view and from all neighboring properties with

(1) white vinyl screen at least 6' in height; and

(2) a 3' mulched area surrounding the screen with shrubs of adequate density, spacing and appropriate size around the screen (minimum 3 gallon).

Spas/hot tubs are limited in size to a dimension of 7.5' by 7.5'. Spas/hot tubs must be constructed entirely within the backyard, placed on an existing concrete patio and be as close to the rear house wall as possible. In the case that the patio is not large enough, the AREC will consider an expansion of the patio on a case-by-case basis. All exposed plumbing and electrical components must be between the residence and spa/hot tub. Contractors must provide evidence that the thickness of the concrete patio can support the weight of the spa/hot tub when completely filled with water and occupants. The 40% grass area in the backyard is still applicable. Spas/hot tubs must drain to the city's sanitary sewer and all plumbing must be permanent. No temporary drainage system, like connecting hoses, is permitted. No spa/hot tub can be drained into the storm drain, onto open space, onto Declarant-owned property, or onto neighboring property or any other property (including private property). All spas/hot tubs shall have an approved safety cover in place and locked whenever the spa/hot tub is not in use. The installation must meet all Kentucky applicable laws and must be installed according to City of London ordinances. No other exterior lighting is permitted to be added, except as allowed in other sections of the Design Guidelines. When a spa/hot tub is installed under an existing deck, homeowners may request to create a screened-in porch for that area. If the area is a completely

screened-in porch, then landscape requirements are still required, but no white vinyl screen is required. All other requirements must be met. The AREC may require additional plant materials to be planted to screen spas/hot tubs from neighboring properties and/or streets.

MR Requirements: Plot plan with location of the spa/hot tub; picture of area to be modified; material list (including spa/hot tub with dimensions); maximum occupancy; vinyl screening; landscaping plans with list of plants; contractor's statement concerning concrete compliance of weight; plumber's plans for the drainage system; electrical and plumbing Contractor's Names.

#### 4.19 HOUSE NUMBERS

House numbers must be maintained as installed by the developer. No change in location, font, or lighting is permitted. House numbers must not be obstructed from view by landscaping or other ways. **No Approval Required**

#### 4.20 FOR FUTURE USE.

#### 4.21 NATURAL GAS LINE EXTENSION

The piping of a natural gas line for outdoor grills, generators, fire pits or other projects must be hidden by plantings up to the connection point. The homeowner must call 811 prior to digging to have underground utilities marked. **MR Requirements: Plot plan; photograph of area to be modified; diagram showing location of proposed gas line; contractor; purpose of the gas line; landscaping plan.**

#### 4.22 PATIOS

All homes at The Hills will have covered patios. Installation or expansion of patios is permitted, but must take into account setbacks, MAIS limit, drainage swales, easements, 40% backyard grass standard and common areas. Sitting walls (up to 30" in height) are permitted. (See Section. 3.3.24 C – Sitting Wall) If coating a new or existing patio, see Section 4.7.3, Backyard Patio. **MR Requirements: Plot plan showing location of patio expansion; brochure; material list; detailed diagram with dimensions; photo**

#### 4.23 PORTABLE PATIO HEATERS

Outdoor portable patio heaters, fueled by 10 lb. propane cylinders, are permitted.

**No Approval Required**

#### 4.24 OUTDOOR FURNITURE, SPORTS EQUIPMENT & TOYS

Unless otherwise allowed within this publication, when not in use, nothing must remain outside overnight in the backyard grass or mulched areas (off the patio), such as sports equipment; play sets; swings; furniture; BBQ grills, etc. This includes fenced and unfenced backyards. **No Approval Required**

#### 4.25 ROOF AND SHINGLES, REPAIR OR REPLACEMENT

Repairs (replacing individual damaged shingles but not an entire roof) may be done without an MR or Fast Track but the shingles must match the remaining roof. Replacement of the entire roof may be done with a Fast Track form under the following conditions:

- Home must be a single family house
- The shingles chosen must be one of the following:

(1) CertainTeed - Landmark - Weathered Wood (2) Owens Corning - Oakridge – Driftwood (3) GAF - Timberline HDZ - Weathered Wood.

- If other shingle type is desired, MR is required. IF

**MR REQUIRED: Manufacturer's brochure showing the replacement shingle and color, plus an actual sample shingle for AREC to see.**

#### 4.26 SATELLITE DISH AND ANTENNA

Not permitted.

#### 4.27 SCREENING AND SCREENS

Screenings and shade devices, if any, must appear as an integral part of the building elevation and must be made of materials that complement the home and the neighborhood.

#### 4.28 EXTERIOR LIGHTS, SECURITY LIGHTS AND CAMERAS

Exterior fence, building or deck-mounted light fixtures, including spotlights, floodlights, lantern lights and stair lights shall conform to the architecture of the home and are subject to approval by the AREC. Enclosures of light fixtures shall be designed to conceal the lamp bulb. No lighting shall be permitted that constitutes a nuisance or hazard to any neighboring homeowners. Post-mount light fixtures shall not exceed a height of 6' from finished grade. Exterior security lighting is defined to be either a spotlight or a floodlight attached to the outside of the home activated by switch or motion. The light fixture may be originally installed by the developer, a replacement fixture or a new fixture. Light trespass is defined as unwanted light that enters one's property from light originating from another property. It is the responsibility of the neighbors to resolve the trespass issue to their collective satisfaction.

##### 4.28.1 Types of Lighting Fixtures

Motion-activated lights allowed are battery, solar powered or internally controlled (via a light switch) and are automatically activated by motion. Motion-activated lighting must be set for a maximum amount of time upon activation, not to exceed 10 minutes, following which they must be extinguished until the next activation.

A. A fixture should be of the same color (white or black) and emit only white light. Light bulbs shall be no more than 100 watts with bulbs emitting no more than 1,600 lumens.

B. All wires must be run internally MR Requirements: Brochure and/or materials list; statement that wires will not be exposed.

##### 4.28.2 Placement of Security Lighting

A. Backyard: Only one single or dual exterior security light fixture can be located on the back wall of the house or under the eaves and must be located no higher than 10' from ground level. For homes with basements, the fixture shall be no higher than the floor of the deck.



B. Front yard: A solar powered, motion-activated light may be installed over the front entry or above the garage door. The light fixture must not create light trespass.

C. Side yard: Security lights, motion-activated or otherwise, are not permitted on the side yards, with the exception of:

1. residences on corner lots are permitted one motion-activated light on the side of the residence facing the street and must shine toward the ground; or,
2. residences having a vacant area next to the side of the residence, such as one which borders Twin Oaks or one which faces a non-Hills street may install only one motion-activated dual security light on the relevant side of the house.

MR Requirements: Brochure and/or materials list. 4.28.3 Low Voltage and Solar Lights Low voltage light fixtures, not to exceed 18" in height, may be used in the front or backyard mulched areas for low-level path lighting, up-lighting, down lighting or landscape architectural accent lighting. Path lights must be in the mulched area, must be spaced 4' to 6' apart and cannot exceed 8 in either the front yard or the backyard. Low voltage/solar lights are not permitted to be installed along driveways. Up-lighting, down lighting or landscape architectural accent lighting cannot exceed 4 in number in the front yard and cannot exceed 8 in the backyard. Tree-mounted down lights shall be shielded from both street and neighbors view such that the light source is not readily visible from the street. Fixtures shall not constitute a nuisance, hazard or light trespass to any neighboring homeowners. No colored or multi-colored lights or changing color lights are permitted except at holiday times. No Approval Required

#### 4.28.4 Cameras

Wired or wireless Security cameras are permissible with a maximum of four. Requests for greater than four will require a review by the AREC on a case-by-case basis. The camera(s) and mounting brackets must be white and must be attached to under the eaves, the white wall structure just below the eaves, or under the covered front porch. The exact location of the camera(s) around the perimeter of the house is up to the homeowner.

MR Requirements: Plot plan showing the camera location(s); brochure showing the camera(s) including size/dimensions.

#### 4.29 SHUTTERS

Non-operational shutters can be added to the front, side yard and backyard windows. They must match the design and style of those originally offered by the developer for the model house. The color must be white, black or brown or match the front door color or stain. Shutters must be vinyl or fiberglass; not wood. **Fast Track**

#### 4.31 SIGNS DEFINITIONS:

The GENERAL DEFINITION of a sign is any material item used to communicate or convey messages in a variety of means and places to any and all audiences who view the image. More specifically, where used herein, SIGN means any:

1. Surface, fabric, structure, or device bearing lettered, pictorial, or sculptured matter (specifically including but not limited to symbols, emblems, flags, and banners) designed to convey information visually and which is exposed to public view or
2. Any structure (including billboard or poster panel) designed to carry the above visual information and which is exposed to public view; and either of which directs attention to any realty, product, service, place, activity, person, institution, performance, promotion, commodity, firm, business or solicitation.

For purposes of this policy, this definition of SIGN shall not include a bumper sticker or decal that is no larger than 12 inches by 6 inches in size affixed to a motor vehicle.

“Political Sign” means any SIGN (as defined herein) which contains the name or image of an elected official, public political figure or political candidate or which contains words or acronyms by way of a slogan or known verbiage adopted by and commonly associated with an elected official, public political figure or political candidate; or is intended to influence the outcome of an election, including supporting or opposing a candidate or specific issue to be decided by registered voters on the election ballot. Unless restricted by the COL or required by law, the following shall apply: **Posting of signs of any kind, including but not limited to posters, circulars, billboards, advertising, flags, banners, for sale, political or other commercial signage CANNOT be displayed on any lot, residence (including inside or outside windows) or on a vehicle, except as otherwise specifically permitted herein.**

#### 4.31.1 Real Estate Signs

No more than one real estate sign ("For Sale" or "For Rent"), with a maximum dimension of 24"x24", shall be permitted on any individual lot and located within a mulched area of the front property not more than 10FT from the house.. A 'flyer' box can also be attached to the "For Sale" sign. The sign must be removed within 2 working days following the closing of the property, signing of the lease, or the termination of the listing agreement. Open house directional signs are not permitted on common property or other residential private property. However, an open house notice can be attached to the real estate sign only on the day of the open house. **No Approval Required**

#### 4.31.2 Security Signs

Only "official monitoring service" commercial security/alarm signs, such as ADT, CPI, are permitted and shall be limited to one placard or sign in the front yard not to exceed 18" in height and must be placed in a mulched area no more than 4' from the residence. An "official monitoring service" commercial single security sign or placard is also permitted in the backyard mulched area near the back door. Window security stickers, not greater than 4"x4", are permitted with a single sticker per room. **No Approval Required**

#### 4.31.3 FOR FUTURE USE

#### 4.31.4 Other Signs

No other signs, including those posted by contractors doing work for private owners, are permitted on any residential lot at any time. The Developer/Declarant is not bound by this rule as The Hills signs are for the purpose of selling or leasing properties or giving direction to common areas and streets within the development.

#### 4.32 RESERVED FOR FUTURE USE

#### 4.34 RESERVED FOR FUTURE USE

#### 4.35 RESERVED FOR FUTURE USE

#### 4.36 WINDOWS

##### 4.36.1 Window Tinting

Window tinting utilizing a commercial film is permitted for solar, storm or security protection. A mirrored effect is not allowed. **Fast Track**

##### 4.36.2 New Window Installation

A. Additional windows may be added to the residence on the side and back only. All new windows must match the existing windows in style and character within the community. The top of a new window must be at the same height position of adjacent existing windows. Location and type of window will be considered on a case-by-case basis. **MR Requirements: Brochure of the window(s) to be installed; photograph of area to be modified; diagram showing location of proposed window(s).** B. The replacement of an existing faulty window is a repair and approval is not required as long as the appearance is the same as the original window.

##### 4.36.3 Stained/Etched Glass and Decorative Film

The installation of a permanent stained/etched glass in the front/back door, transom and/or sidelights or entry porthole window is allowed. Decorative film exhibiting patterns or colors is permitted. **MR Requirement: Brochure of the window(s) to be installed; photograph of area to be modified; sample/picture of stain glass or decorative film**

### 5. MAINTENANCE POLICY

The Declaration Initial Use Restrictions include requirements for proper maintenance of homeowner's property. Specifically, the Declaration Initial Use Restrictions states in part: All portions of a Lot outside enclosed structures shall be kept in a clean and tidy condition at all

times. No rubbish or debris of any kind shall be placed or permitted to accumulate within, upon or adjacent to any Lot so as to render any such property or any portion thereof, or activity thereon, unsanitary, unsightly, offensive or detrimental to any other portion of the Community. Proper maintenance includes, but is not limited to, removal of mold/fungus/dirt/pollen from structures and driveways/sidewalks, correcting discoloration/fading/dulling, fixing or replacement of damaged or degraded items, resurfacing, and cleaning.

## 6. DESIGN GUIDELINES VARIANCES

The term ‘variance’ is defined as a one-time permission to a homeowner to be exempt from a specific provision of the DG. See Appendix 1 for the Policy for Variances and the Variance Request form.

## 7. ARCHITECTURAL REVIEW COMMITTEE APPEAL PROCESS

### 7.1 MODIFICATION REQUEST DENIED

If a homeowner's MR is denied, the AREC shall provide a written reason for denial.

### 7.2 APPEAL OF AREC DECISION

The homeowner may appeal the AREC’s decision within 10 calendar days from the date of the AREC’s decision. An appeal letter must be submitted via email or hard copy to the Office Manager in the Clubhouse and include the homeowner’s rationale concerning why the proposed MR does not violate the DG. The Office Manager will prepare an appeal packet for the Declarant containing the following: (1) the homeowner’s appeal letter; and (2) the MR package that had been submitted to and voted upon by the AREC. Failure to file an appeal within the required 10 calendar day timeframe will result in the Declarant’s automatic sustaining of the AREC decision.

### 7.3 DECLARANT'S DECISIONS

The appeal packet shall be presented to the DECLARANT for review and decision (upholds the AREC decision or reverses the AREC Decision or modifies the AREC decision with/without conditions). AREC member(s) shall appear before the DECLARANT to answer questions on the denial. The DECLARANT shall invite the homeowner to the meeting. The DECLARANT may consult with other subject matter experts as part of their decision-making.

### 7.4 HOMEOWNER NOTIFICATION

The Office Manager shall advise the homeowner of the Declarant's decision by email (or USPS if no email address is provided) within 5 business days of the Declarant's decision. The AREC shall also be notified at the same time by email.

## 8. CHANGES AND AMENDMENTS TO THE DESIGN GUIDELINES

The DG may be amended as follows:

- A. Changes to this DG may be proposed by the Declarant, AREC, any other chartered committee or any resident. Any suggestions for changes should be sent to the AREC email address.
- B. Any AREC recommendation to amend the DG shall be approved by a majority vote of AREC and be forwarded to the Declarant for consideration.
- C. If the Declarant approves the proposed amendment or changes/addition to it, it shall become an official revision to the DG and posted on the AREC website.
- D. All amendments shall become effective 30 days after adoption by the AREC. Such amendments shall not be retroactive to completed work or approved work in progress.
- E. Revisions can occur frequently and, once approved by the Declarant, will be posted with a new version number and effective date. Revisions shall not be implemented until they have been posted to the community for 30 days.
- F. In no way shall any revision to The Hills DG change, alter or modify any provision of the Declaration or any other Hills governing document. However, as provided in Article 3.4(e) of the Declaration, in the event of a conflict between the DG and the Declaration Exhibit C Initial Use Restrictions, the DG shall control.

## 9. NON-LIABILITY FOR APPROVAL OF PLANS

Article IV, Section 4.6 of the Declaration contains a disclaimer by the Declarant and the AREC of liability or responsibility for the approval of plans and specifications contained in any request by a homeowner. Prior to submitting plans or information for review, the applicant should read and understand this disclaimer. If you do not understand it, please ask the Office Manager.

## 10. ENFORCEMENT OF INSTRUMENTS

The Declaration describes the scope of authority of the Declarant , including the review and determination of alleged violations by homeowners, execution of certain remedies, and recommendations to the AREC for further action.

### 10.1 NON-COMPLIANCE BY HOMEOWNER

Non-compliance with this DG shall result in such enforcement procedures as are allowed Declaration. Specifically, with respect to DG violations, Section 7.5 Enforcement of Design Guidelines states in part:

- (a) Any construction, alteration, or other work performed in violation of the Design Guidelines shall be deemed to be nonconforming. Upon written request from the AREC and Declarant, Owners shall, at their own cost and expense and within such reasonable time frame as set forth in such written notice, cure the nonconformance to the satisfaction of the requester or restore the Lot and/or Dwelling Unit to substantially the same condition as existed prior to the nonconforming work. Should an Owner fail to remove and restore as required, the AREC and the Declarant, or their designees shall have the right to enter the Lot, remove the violation, and restore the Lot to substantially the same condition as previously existed. All costs, together with interest at a rate established by the AREC (not to exceed the maximum rate then allowed by law), may be assessed against the benefited Lot and collected as a Benefited Assessment unless otherwise prohibited in this Declaration or in the

Act. With respect to correction of non-conforming modifications, after notice of the violation and opportunity for a hearing, the homeowner shall have 30 days to complete the AREC directed remedy. If the remedy cannot be accomplished within the 30-day period, the AREC may at its discretion establish a longer time period. If the homeowner does not accomplish the remedy within the AREC specified time period, then the AREC will proceed with the remedial action described in the above extract from Declaration Section 7.5 and may also impose sanctions as authorized by Declaration Section 7.4.

## 11. APPENDIX 1 POLICY FOR VARIANCES

1. The AREC, as the delegated authority, may authorize variances from compliance with any of the guidelines and procedures set forth in the Covenants or in the Design Guidelines when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations require or when legally required for compliance, but only in accordance with rules and regulations established by the Declarant.

2. Variance Rules and Regulations include the following:

a. Any request for a variance may be considered for AREC approval only if it is in keeping with the overall general appearance of the Community and preserves attractive open spaces and corridors. The fact that a variance is being requested, as well as reasons and justifications for that request, should be identified as part of a formal Modification Request (MR). No application for variance from compliance with any of the guidelines and procedures set forth in the Covenants or in the Design Guidelines shall be considered for approval unless the Owner submitting or authorizing the submission of such application submits written acknowledgements with such application signed by all adjacent or impacted homeowners, as determined by the AREC, including those to the left, to the right, in the rear, and across the street, if applicable. In particular, each Owner of a Lot abutting the applying Owner's Lot must acknowledge receipt, in writing, of a copy of the application. No variance shall

(a) be effective unless in writing;

(b) be contrary to the Declaration; or



(c) stop the AREC from denying a variance in other circumstances.

For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not by itself be considered a hardship warranting a variance.

b. In addition to the specific criteria for variances noted in Section 1 of this Policy, the following may be considered in approving a variance:

i. Unusually large lots

ii. Corner lots

iii. Irregularly shaped lots

iv. Back yards or Side yards adjacent to Hills Common Areas

v. Disability modifications

vi. Growth habit of landscape; i.e., removal of trees (except street trees) without replacement, moving trees, replacing trees with more appropriate shrubs or trees.

vii. Existing federal or Kentucky legislative statutes which create perspectives that may not be fully complementary to aesthetic values of the community, e.g., wheelchair ramps, satellite dishes/antennas, solar panels, and similar artifacts of modern necessity.

viii. Other factors deemed relevant in unforeseen circumstances

c. Each Owner acknowledges that the people reviewing applications under this Article will change from time to time and that opinions on aesthetic matters, as well as interpretation and application of the Design Guidelines, may vary accordingly. In addition, each Owner acknowledges that it may not always be possible to identify objectionable features until work is completed, in which case it may be unreasonable to require changes to the Improvements involved. Accordingly, the AREC may refuse to approve similar proposals in the future. Approval of applications or plans, or in connection with any other matter requiring approval, shall not constitute a waiver of the right to withhold approval as to any similar applications, plans, or other matters subsequently or additionally submitted for approval.

d. The rationale for all variance decisions must be adequately documented in AREC meeting minutes.

e. Recurring variances of similar nature should be considered for recommendations to change the Design Guidelines and submitted for review and action by the Declarant.

f. Any proposed variance that does not conform to the above Rules and Regulations must be submitted to the Declarant for action.

g. It is duly noted that private owner's may also have to go before the London City Board of Adjustment when seeking a variance regarding certain recorded plat documentation.

## 11.1 APPENDIX 2 VARIANCE APPLICATION

Receipt of Variance Application The owner of the lot identified immediately below is requesting the indicated variance: HOMEOWNER'S NAME: \_\_\_\_\_

\_\_\_\_\_ STREET ADDRESS: \_\_\_\_\_

\_\_\_\_\_ PHONE: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

REQUESTED VARIANCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

As the owner of a lot abutting the lot indicated above, and/or impacted by the variance, I acknowledge receipt of a copy of the indicated variance application:

SIGNATURES AND ADDRESSES OF ABUTTING AND/OR IMPACTED OWNERS WHO  
ACKNOWLEDGE PHYSICAL RECEIPT OF A COPY OF VARIANCE APPLICATION

Address \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Signature \_\_\_\_\_

## 12. APPENDIX 3: FORMS

### 13.2 MODIFICATION REQUEST

#### MODIFICATION REQUEST FORM FOR DESIGN GUIDELINES (FORM MR)

HOMEOWNER'S NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_ HOME

MODEL: \_\_\_\_\_

Does your home have a basement? (Circle one) Yes No

Is this a Resubmission? (Circle one) Yes No

REQUESTED MODIFICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ESTIMATED START DATE \_\_\_\_\_ ESTIMATED COMPLETION DATE \_\_\_\_\_

SELF INSTALLED? Yes No

HAS A CONTRACTOR BEEN SELECTED? Yes No

CONTRACTOR'S NAME \_\_\_\_\_

CONTRACTOR'S PHONE \_\_\_\_\_

CONTRACTOR'S EMAIL \_\_\_\_\_

Please attach details of request with any information applicable. ALL ITEMS IDENTIFIED IN RED TYPE AT THE END OF A RELEVANT SECTION OF THE DESIGN GUIDELINES MUST BE INCLUDED. If the necessary items are not included, or the reviewing entity cannot clearly understand the modification, the application will be returned to you for written clarification and therefore delayed. If you have any questions about the requirements, please refer to the Design Guidelines binder at the reception desk at managers office in the Clubhouse or [www.thehillsky.com/AREC](http://www.thehillsky.com/AREC).

.....

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Received Date \_\_\_\_\_ By \_\_\_\_\_ Request # \_\_\_\_\_

HAVE YOU ATTACHED THE FOLLOWING ITEMS? (Answer all questions and circle Yes or No, as appropriate – If No, give explanation)

Plot Plan with location/design of modification Yes No \_\_\_\_\_

Diagram or Design/Engineering plans showing location/dimensions Yes No \_\_\_\_\_

Description/brochure/samples/pictures of materials and/or plants Yes No \_\_\_\_\_

Neighbor Signatures\* Yes No \_\_\_\_\_

REQUIRED SIGNATURES AND ADDRESSES OF NEIGHBORS ACKNOWLEDGING MODIFICATION REQUEST \*

Address \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ Signature \_\_\_\_\_

\*Per the AREC and the Design Guidelines, all adjacent or impacted neighbors, including those to the left, to the right, in the rear, and across the street, if applicable, must be asked to sign acknowledgement, not approval, of this application. It must be noted on this application if a neighbor refuses to sign. Not signing does not mean the application is denied. Neighbors who have concerns should contact the AREC and/or attend the meeting. I acknowledge that by submitting this application, members of the Architectural Committee may visit my property for review and post audit purposes. Approval will be granted contingent upon the “Terms and Conditions” in this document. Applicants’ signature below indicates agreement with the Terms and Conditions cited above See section 13.1.

HOMEOWNER SIGNATURE: \_\_\_\_\_

SUBMISSION DATE: \_\_\_\_\_

This box for office use only Approval Granted with the following Conditions (if any) (in addition to “Terms & Conditions”):

Approved By: \_\_\_\_\_ Approval Date: \_\_\_\_\_

### 13.3 FT- 1 EDGING – FAST TRACK FORM

(See Section 3.3.8 Edging, Masonry Borders and Tree Rings of the Hills Design Guidelines)

Is the edging material you will use either made of earth-tone steel coated edging, stone or concrete pavers, solid bricks or composite material? (Circle one). Yes      NO

2. Are you installing the edging at ground level or upright orientation (stacked or not), not to exceed more than 6" in height on level ground, or 16" to bring it to grade? Yes    No

3. If you are using rocks next to a grassy area are you using an approved edging to contain the rocks? Yes    No

4. Do you understand the Hills DG, including Terms and Conditions, Section 13.1 as they relate to the installation of landscape edging? Have you noted, in particular Item #10, concerning notification to [info@thehillsky.com/AREC](mailto:info@thehillsky.com/AREC) when the work on the FT has been completed?

Yes. No

5. Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies fully with the Hills DG? Yes    No

My check mark indicates that I am answering YES to all the above questions. \_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_

By checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being YES, the Fast Track request is automatically approved when it is accepted by a member of the community management staff at the office in the Clubhouse. If your replies are not all YES, a Modification Request is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant).

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### 13.4 FT- 2 IRRIGATION SYSTEMS – FAST TRACK FORM

(See Section 3.3.13 Irrigation Systems of the Hills Design Guidelines)

1. Will the pipes be buried?

2 Will evergreen plants or a synthetic rock be used to screen the water regulator?

3 Do you understand the Hills DG, including Terms and Conditions, Section 13.1 as they relate to the installation of an irrigation system?

Have you noted, in particular Item #10, concerning notification to [info@thehillsky.com](mailto:info@thehillsky.com)/AREC when the work on the FT has been completed?

4 Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies fully with the Hills DG?

My check mark (✓) indicates that I am answering YES to all the above questions.

Signature\_\_\_\_\_

Printed Name \_\_\_\_\_

Address\_\_\_\_\_

Email\_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_

By checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills DG. With your reply to the questions being YES, the Fast Track request is automatically approved when it is accepted by a member of the community management staff at the office in the Clubhouse. If your replies are not all YES, a Modification Request is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

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### 13.7 FT – Replacing Sod– FAST TRACK FORM

1 Is the sod being replaced with a sod as originally installed

2 Do you understand that only sod is to be used? Grass seed is not allowed.

3 Do you understand that you are responsible for roping off new sod when installed?

4 Do you understand the Hills DG, including Terms and Conditions, Section 13.1 as they relate to the installation of grass? Have you noted, in particular Item #10, concerning notification to [info@thehillsky.com](mailto:info@thehillsky.com)/AREC when the work on the FT has been completed?

5 Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies fully with the Hills DG?

My check mark indicates that I am answering YES to all the above questions. \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_ By \_\_\_\_\_

checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being YES, the Fast Track request is automatically approved when it is accepted by a member of the community management staff at the Office in the Clubhouse. If your replies are not all YES, a Modification Request is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

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Received Date \_\_\_\_\_ By \_\_\_\_\_ Request # \_\_\_\_\_

### 13.10 FT- 7 EZ OR EZE BREEZE WINDOWS – FAST TRACK

FORM (See Section 4.8 Covered Back Porch, Lanai Modifications and Enclosures and 4.36.2 New Window Installation of the Hills Design Guidelines)

1 Are the windows sold by the brand name “EZ Breeze” or “Eze Breeze”?

2 Are the aluminum window frames white?

3 Is the style of the window compatible with the style of the windows throughout the rest of the house?

4 Do you understand the Hills DG, including Terms and Conditions, Section 13.1 as they relate to windows? Have you noted, in particular Item #10, concerning notification to [info@thehillsky.com](mailto:info@thehillsky.com)/AREC when the work on the FT has been completed?

5 Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies fully with the Hills DG?

My check mark indicates that I am answering YES to all the above questions. \_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_ By \_\_\_\_\_

checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being YES, the Fast Track request is automatically approved when it is accepted by a member of the community management staff at the office in the Clubhouse. If your replies are not all YES, a Modification Request is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

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Received Date \_\_\_\_\_ By \_\_\_\_\_ Request # \_\_\_\_\_

### 13.12FT- 8B RETRACTABLE GARAGE SCREENS – FAST TRACK FORM

(See Section 4.11.2 Garages, Garage Doors, Windows and Screening of the Hills Design Guidelines)

1 Will the garage screens be retractable?

2 Will the garage screens have white trim and white screening?

3 Will the screens be retracted when not in use, and taut when in use?

4 Do you understand the Hills DG, including Terms and Conditions, Section 13.1 as they relate to garage door? Have you noted, in particular Item #10, concerning notification to [info@thehillsky.com/AREC](mailto:info@thehillsky.com/AREC) when the work on the FT has been completed?

5 Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies fully with the Hills DG? My check mark indicates that I am answering YES to all the above questions. \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_ By \_\_\_\_\_

checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being YES, the Fast Track request is automatically approved when it is accepted by a member of the community management staff at the office in the Clubhouse. If your replies are not all YES, a Modification Request is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

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Received Date \_\_\_\_\_ By \_\_\_\_\_ Request # \_\_\_\_\_

### 13.13FT- 9 DECK REPLACEMENT /REPAIR- FAST TRACK FORM

(See Section 4.10 New Deck Addition or Expansion of Original deck of the Hills Design Guidelines)

1 Replacement of old and worn decks is permissible with either wood or composite materials like "Trex"

2 Railings may also be replaced with a color matching the deck color or white and if aluminum balusters are used, they must be black.

3 A new deck needs an MR, plot plan, brochures and or material list including color samples.

4 Please Note: Do you understand the Hills DG, including Terms and Conditions, Section 13.1 as they relate to the deck replacement/repair? Have you noted, in particular Item #10, concerning notification to [info@thehillsky.com](mailto:info@thehillsky.com)/AREC when the work on the FT has been completed?

My check mark indicates that I am answering YES to all the above questions. \_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_ By \_\_\_\_\_

checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being YES, the Fast Track request is automatically approved when it is accepted by a member of the community management staff at the office in the Clubhouse. If your replies are not all YES, a Modification Request is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant

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### 13.15 FT- 11 SHUTTERS – FAST TRACK FORM

(See Section 4.29 Shutters of the Hills Design Guidelines)

1 Will the shutters match the design and style of those originally offered by the developer for the model house?

2 Will the color match the front door color or stain?

3 Will the shutters be vinyl or fiberglass; not wood?

4 Will only non-operational shutters be installed?

5 Do you understand the Hills DG, including Terms and Conditions, Section 13.1 as they relate to the installation of window shutters? Have you noted, in particular Item #10, concerning notification to [info@thehillssky.com](mailto:info@thehillssky.com)/AREC when the work on the FT has been completed?

6 Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies fully with the Hills DG?

My check mark indicates that I am answering YES to all the above questions. \_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_ By \_\_\_\_\_

checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being YES, the Fast Track request is automatically approved when it is accepted by a member of the community management staff at the office in the Clubhouse. If your replies are not all YES, a Modification Request is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

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Received Date \_\_\_\_\_ By \_\_\_\_\_ Request # \_\_\_\_\_

### 13.17 FT- 13 STORM DOOR – FAST TRACK FORM

(See Section 4.11.3 Storm and Screen Doors of the Hills Design Guidelines)

- 1 Is the color of the storm door white or does it match the color of the door it is in front of?
- 2 Is the hardware on the storm door consistent with the hardware of the residence?
- 3 Is the storm door glass clear with no etching or design on the glass?
- 4 Do you understand the HILLS DG, including Terms and Conditions, Section 13.1 as they relate to the addition of a storm door? Have you noted, in particular Item #10, concerning notification to [info@thehillsky.com](mailto:info@thehillsky.com)/AREC when the work on the FT has been completed?
- 5 Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies fully with the Hills DG?

My check mark indicates that I am answering YES to all the above questions. \_\_\_\_

Signature\_\_\_\_\_

Printed Name \_\_\_\_\_

Address\_\_\_\_\_

Email\_\_\_\_\_Phone \_\_\_\_\_

Home Model \_\_\_\_\_

By checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being YES, the Fast Track request is automatically approved when it is accepted by a member of the community management staff at the office in the Clubhouse. If your replies are not all YES, a Modification Request is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

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Received Date\_\_\_\_\_ By\_\_\_\_\_Request #\_\_\_\_\_

### 13.18 FT- 14 WINDOW TINTING/SHIELDING- FAST TRACK

(See Section 4.36.1 Window Tinting of the Hills Design Guidelines)

1 Does Tinting/Shielding NOT have a pattern?

2 Does Tinting/Shielding NOT create color change?

3 Does Tinting/Shielding NOT have a significant mirrored effect that can be seen from the outside of the house?

4 Do you understand the Hills DG, including Terms and Conditions, Section 13.1 as they relate to the installation of window tinting/shielding? Have you noted, in particular Item #10, concerning notification to [info@thehillsky.com](mailto:info@thehillsky.com)/AREC when the work on the FT has been completed? 5 Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies fully with the Hills DG?

My check mark indicates that I am answering YES to all the above questions.\_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_ By \_\_\_\_\_

checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being YES, the Fast Track request is automatically approved when it is accepted by a member of the community management staff at the Office in the Clubhouse. If your replies are not all YES, a Modification Request is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

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Received Date \_\_\_\_\_ By \_\_\_\_\_ Request # \_\_\_\_\_



### 13.19 FT- 15 FAST TRACK – ROOF AND SHINGLE REPLACEMENT

See Section 4.25 Roof and Shingles, Repair or Replacement of The Hills Design Guidelines

1. Is this a single-family dwelling
2. Do you understand that roofing must be replaced with the same material and color?
3. Do you understand the Hills Design Guidelines, as it relates to the installation of Roof and Shingle, Repair and Replacement? Have you noted, in particular item # 10 in Section 13.1 notification to [info@thehillsky.com](mailto:info@thehillsky.com)/AREC when the work on the Fast Track has been completed?
4. Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies with the Hills Design Guidelines?

My check mark indicates that I am answering YES to all the above questions. \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_

By checking “YES” and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being “YES”, the fast Track is automatically approved when it is accepted by a member of the community management at the front desk of Bradford Hall. If your replies are not all “YES”, a modification Request form is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

For Office Use Only

Received Date \_\_\_\_\_ By \_\_\_\_\_ Request # \_\_\_\_\_

### 13.20 FT- 16 FAST TRACK – DECK RAILINGS

See Section 3.3.19 Railings of the Hills Design Guidelines.

1 Will the deck railings be constructed in such a manner as to meet local building codes?

2 Will the deck railings not exceed 48” in height and be constructed to match the material and color of the decking or trim of the house?

3 Do you understand the Hills Design Guidelines, as it relates to the installation of Deck Railings?

Have you noted, in particular item # 10 in Section 13.1, notification to the

[Info@thehillsky.com/AREC](mailto:Info@thehillsky.com/AREC) when the work on the Fast Track has been completed?

4 Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies with the Hills Design Guidelines?

My check mark indicates that I am answering YES to all the above questions. \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_

By checking “YES” and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being “YES”, the fast Track is automatically approved when it is accepted by a member of the community management at the office in the Clubhouse. If your replies are not all “YES”, a modification Request form is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

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Received Date \_\_\_\_\_ By \_\_\_\_\_ Request # \_\_\_\_\_

### 13.21 FT- 17 PATIO OR PORCH RAILINGS

See Section 3.3.19 Railings of the Hills Design Guidelines

1 Will the patio or porch railings comply with the materials approved in the Design Guidelines?

[Black aluminum tubular, white vinyl, white composite, black or white painted steel].

2 Will the patio or porch railing be installed at the height consistent with the design of the area where railings are to be installed?

3 Do you understand the Hills Design Guidelines, as it relates to the installation of Patio or Porch Railings? Have you noted, in particular item #10 in Section 13.1, notification to [info@thehillsky.com/AREC](mailto:info@thehillsky.com/AREC) when work on the Fast Track has been completed?

4 Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies with the Hills Design Guidelines?

My check mark indicates that I am answering YES to all of the above questions. \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Home Model \_\_\_\_\_

By checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being "YES", the fast Track is automatically approved when it is accepted by a member of the community management at the office in the Clubhouse. If your replies are not all "YES", a modification Request form is required. All modifications are subject to final inspection. If completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.

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Received Date \_\_\_\_\_ By \_\_\_\_\_ Request # \_\_\_\_\_

### 13.22 FT- 18 STREET TREE FAST TRACK FORM

See Section 3.3.25 Trees of The Hills at Emerald Greens Design Guidelines.

1. Is the Planting/replacement of a street tree a minimum trunk caliper/diameter at least two inches (2") in diameter measured 6" above the ground?
2. Is the street tree replacement a minimum 8' high?
3. Is the street tree planting/replacement being planted in the same spot as the original tree or moved laterally a few feet if needed to avoid utilities or if new is it being planted 10 Ft from the edge of the asphalt street? Note: It must remain in line with the other street trees on the block and remain the same exact distance from the sidewalk or curb.
4. Is the replacement/new street tree from the approved list in Section 3.3.25? Please specify the tree to be planted: \_\_\_\_\_
5. Do you understand the Hills Design Guidelines, including Terms and Conditions of Section 13.1 as they relate to the installation of the street tree? Have you noted in particular, item #10, concerning notification to [info@thehillssky.com](mailto:info@thehillssky.com) when the work on the street tree has been completed?
6. Do you understand that it is your responsibility to ensure that your contractor, should you choose to hire one, complies fully with the Hills Design Guidelines?

My check mark indicates that I am answering YES to all the above questions and I have noted that the street tree to be planted is from the approved list. \_\_\_\_\_

If your replies are not all YES, a Modification Request is required.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

By checking "YES" and signing this form, you are agreeing to perform the work in compliance with the questions above and the Hills Design Guidelines. With your reply to the questions being "YES", the fast Track is automatically approved when it is accepted by a member of the community management at the office in the Clubhouse. If your replies are not all "YES", a modification Request form is required. All modifications are subject to final inspection. If

completed modifications are not in keeping with the Hills Design Guidelines, a violation notification may be issued by the Declarant.