

ARCHITECTURAL GUIDELINES

FOR

B. R. MADISON HOMEOWNERS ASSOCIATION, INC.

I. OBJECTIVES AND GENERAL INFORMATION

A. Objectives. This document is intended to guide architects, builders, homeowners, residents, and members of the Architectural Review Board (the “ARB”) in maintaining and enhancing the aesthetic integrity of the B. R. Madison Homeowners Association, Inc. (the “Association”). The guidelines set forth in this document address not only those improvements for which Owners most commonly submit applications to the ARB but also rules governing Owners’ use and occupancy of their Lots. These Guidelines are not intended to be all inclusive; rather, they are intended to serve as a general guide to what is permissible within the Association. The specific objectives of this document are:

1. To increase Owners’ awareness and understanding of the Declaration of Protective Covenants for B. R. Madison Homeowners’ Association, Inc. (the “Declaration”).
2. To set forth general guidelines and standards for all improvements made to Lots within the Association and any subsequent alterations of or additions to those improvements.
3. To describe the organizations and procedures involved with interpreting and enforcing the Declaration.
4. To illustrate design principles that will aid Owners in making improvements to their Lots that are in harmony with the other lots within the Association, the vicinity of the Village of Ashburn, and the eastern Loudoun County community as a whole.
5. To assist Owners in preparing an acceptable application to the ARB.
6. To provide uniform guidelines to be used by the ARB in reviewing applications for improvements to Lots.
7. To illustrate certain of the rules that will govern Owners’ continuing use and occupancy of their Lots.

B. Declaration. The Declaration sets forth design and use restrictions on the Lots within the Association and authorizes the Association’s Board of Directors (the “Board”) to enforce said restrictions. The Declaration is binding on every Lot within the Association. The intent of Declaration enforcement is to insure that all Lots are maintained properly maintained to a high standard. This reliance on high standards, in turn, protects property values and enhances the Association’s overall environment.

Every Owner should have received a copy of the Declaration at settlement of his or her purchase. All too frequently, however, Owners do not bother to read the Declaration. Because the Declaration “runs with the land,” it is binding on all Owners, whether or not the Owner has read it. With this in mind, the Declaration should be reviewed periodically and fully understood.

- C. **Role of the Association and the ARB.** The role of the Association - of which every Owner is automatically a member - is not only to maintain the Common Area but also to conserve and enhance the resources of the Association. The Association accomplishes these functions in a variety of ways - one of which is by ensuring all additions, alterations, or improvements to Lots comport with the aesthetic standards of the Association. Another way in which the Association accomplishes these functions is by regulating and supervising the maintenance, use, and overall condition of the Lots within the Association. Surveys of planned communities show that these activities preserve and enhance real estate values and are of prime importance to residents.

The ARB performs its task of ensuring aesthetic quality of the homes and their environs by monitoring the architectural review process. The ARB ensures that proposed additions, alterations, or improvements to Lots comply with the restrictions set forth in the Declaration and are harmonious with the existing design standards in the Association. This task involves regular review of all applications for exterior alterations submitted by Owners.

The Board ensures the proper use and maintenance of Lots by promulgating Rules and Regulations and monitoring the overall condition of the Lots and enforcing, in the manner specified in the Declaration, the mutually beneficial requirements that Owners must observe.

II. ARCHITECTURAL REVIEW PRINCIPLES

- A. **Governing Principle.** The basic principle governing all aspects of the architectural review process for Association is set forth in Article V, Section 1 of the Declaration:

Building Restrictions. No Building, fence, landscaping, wall or other structure shall be commenced, erected or maintained upon the Property, nor shall any exterior addition to or change or alteration therein be made (including change in color) until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the [ARB].

This Section explicitly states that any improvement, permanent or temporary, to the exterior appearance of an Owner’s Lot (including landscaping and changes in landscaping) must be approved by the ARB. Further, once a plan is approved, it must be followed or modification must be approved by the ARB.

B. Application of these Guidelines. It is important to understand that ARB approval is not limited to new construction or major alterations (such as adding a room or deck to a house), but includes such items as changes in color, materials, etc. Approval also is required when an existing item is to be removed.

Improvement of a Lot can be broken into several different components, each of which is subject to ARB review and approval. The various components are as follows:

1. Major design elements;
2. Minor design elements; and
3. Landscaping.

Owners about to begin improvement of their Lots must be concerned with all of these components and their various related subcomponents. The overall goal with respect to new construction is to provide improvements that are compatible with the specific Lot and the consistency of the Association. Allowable architectural styles for new improvements will be Williamsburg, Georgian, Country and farm styles. Contemporary styles might be acceptable in particular instances, but only to the extent that design, building materials, color and other elements complement the natural landscape of Association and its environs. Specifically prohibited are cabins, A-frames, and modular units. Owners about to begin improvement of their Lots will be obligated to comply with all of the application and review procedures set forth in the Declaration and these Guidelines.

1. Major Alterations. Major alterations are generally considered to be those that substantially alter an existing improvement either by subtraction or addition. Major alterations are those alterations to an existing improvement that encompass major design elements, including, but not limited to, rooms, screened porches, garages, driveways, decks and fences. Several types of alterations may be combined on one application.

The design of major alterations should be compatible in scale, materials and color with the Owner's house. New windows and doors should match the type used in the Owner's house and should be located in a manner that will relate well to the location of exterior openings in the existing house.

If an Owner contemplates making a major addition, alteration, or improvement to a home or Lot, the Owner must comply with the application and review procedures set forth in the Declaration and these Guidelines. If any major alteration might entail a change of grade or of any other site condition that might affect drainage of the Owner's Lot or any adjacent Lot, these changes must be indicated clearly on any plans or application regarding such major alteration. The ARB will not approve any major alteration that might affect adversely the drainage of any adjacent Lot.

2. **Minor Alterations.** Minor alterations are generally considered to be those that do not substantially alter an existing improvement either by subtraction or addition. Minor alterations are those alterations to an existing improvement that encompass minor design elements. Several types of alterations may be combined on one application. The design of minor alterations should be compatible in scale, materials and color with the applicant's house.

If an Owner contemplates making a minor alteration to a home or Lot, the Owner (except as may be specifically provided otherwise in these Guidelines) must file an application with the ARB, which application should include a design of, and any construction or installation specifications for, the proposed minor alteration.

3. **Landscaping.** Landscaping within the Association will generally entail two fundamental aspects – street tree planting and residential landscape treatment. Both aspects contribute not only to the overall aesthetic effect that is desired for the association but also to the screening and buffering, climate control, noise abatement and erosion control features that are essential to the ongoing success and desirability of the Association. The street tree planting aspect of landscaping serves to delineate the street edge and to soften the dominance of the improvements and structures in the Association. At the same time, the residential landscape treatment should ensure proper transition from streetscape to residential yards to allow for privacy on each Lot. Landscaping must serve to enhance the Association's image and sense as a quality residential environment.

C. **ARB Review Criteria.** The ARB will evaluate all submissions on the individual merits of the application. Besides evaluation of the particular design proposal, this process will include consideration of the characteristics of the housing type and the individual site. What may be an acceptable design in one instance might not be acceptable in another. Design decisions made by the ARB in reviewing applications are not based on any individual's personal opinion or taste. Judgments of acceptable design are based on the following criteria, which represent in more specific terms the general standards set forth in the Declaration.

1. **Validity of Concept.** The basic idea must be sound and appropriate to its surroundings.
2. **Design Compatibility.** As stated elsewhere in these Guidelines, any proposed improvement must be compatible with the architectural character of the Association. Any major or minor alteration to an existing house or improvement must be compatible to the existing house or improvement with respect to design, building materials, color and other elements. Compatibility also will take into account quality of workmanship and construction details.

3. **Location and Impact on Neighbors.** Any proposed improvement must be compatible with the landscape, any existing improvements and the neighborhood. The primary concerns are access, view, sunlight, ventilation, and drainage.
 4. **Scale.** The size (in three dimensions) of the proposed improvement must be compatible with adjacent structures and surroundings.
 5. **Color.** Color may be used to soften or intensify visual impact of an improvement to a Lot. Colors used in any new construction must harmonize with the natural surroundings and the other finish materials. Parts of an addition to an existing house, such as roofs and trim, must be matching in color to the existing house.
 6. **Materials.** Continuity in any house design is established by use of the same or compatible materials in all exterior elements. In the case of an addition, the options might be limited somewhat by the design and materials of the original house. For instance, horizontal wood siding on original house should be reflected in an addition to that house. On the other hand, an addition with wood siding might be compatible with a brick house.
 7. **Workmanship.** The quality of work should be equal to or better than that evidenced in the surrounding area. Poor practices, besides causing an Owner problems, could be visually objectionable to other Owners and could result in lower property values throughout the Association.
 8. **Timing.** The construction authority granted by the ARB approval will be revoked automatically if the construction requested has not been completed within the dates specified by the Loudoun County Building Permit, if applicable, or as specified by the ARB certificate of approval.
- D. **Standards for Major Design Elements.** The following list identifies certain major design elements and the specific standards that apply to those elements. The list is not intended to be exhaustive. Owners should anticipate that the ARB will classify any improvement to a Lot that is similar in scope and impact to any of the items included in the following list as a major design element:
1. **Driveways**
 - a. All driveways are to be no more than twenty (20) feet in width, and Owners are encouraged to incorporate creative curves into driveway designs whenever practicable. All driveways must be designed to uphold and enhance all established character and standards in the Association.
 - b. All driveway entrances and curb cuts will be reviewed by the ARB on an individual basis. Safety and ease of traffic flow will be major criteria utilized by the ARB in reviewing driveway entrances and curb cuts.

- c. All driveways must be paved with asphalt or blacktop or concrete. All construction materials must be designed for all-weather use and must be dust-free.
- d. Owners must comply with all applicable governmental rules and regulations with respect to the design, construction and maintenance of driveways in the Association.

2. Fences

- a. All fence styles to be installed on any Lot must be reviewed and approved by the ARB. In most cases, fences may not extend beyond the rear corner of the house; exceptions may be made based upon the application.
- b. All fence materials must be composite, hardwood (cedar, redwood, etc.) or pressure treated (P/T) pine. The wood must be allowed to weather naturally. A clear preservative may be used on the wood however.
- c. Gates should be compatible with fencing in design, material and height.
- d. Wire-mesh screening may be used to increase security as part of an “open fence”. The wire mesh will be attached on the inside of the fence and will not extend above the top rail. The only approved wire mesh is 2” x 4” galvanized or dark green vinyl- coated hardware cloth.
- e. Galvanized chain-link fencing is not allowed.
- f. Fencing is to be contoured to grade (not stepped).

3. Patios and Decks. Patios or decks should be located in rear yards or as shown as options on the original floor plan. The ARB will evaluate front or side yard locations on an individual basis. When patio or deck schemes include other exterior elements, such as fencing, lights, plantings, sheds, etc., other appropriate sections of these Guidelines should be considered (and will be referenced by the ARB) during the completion of the design review process.

- a. **Ground Level Decks and Patios.** A ground level deck or patio is twenty-four inches (24”) or less in elevation. Any new ground level deck or patio requires ARB review and approval. Replacement of an existing ground level decks or patios does not require ARB review and approval so long as the replacement is like-kind.
- b. **Elevated Decks.** All elevated decks require guardrails. Guardrail height will comply with applicable County permit requirements. An application should include with respect to an elevated deck:

- i. A site plan showing the relationship of the deck to the house, the Lot and other adjacent Lots;
- j. A description and samples of the material to be used;
- k. Decks with supports more than five feet (5') in height that are visible from adjoining Lots must have landscaping around the supports to soften the impact. Landscaping will be of a permanent nature, such as bushes or trees, and the height at maturity will be such that most or all of the height of the supports will be screened;

An indication whether or not the under-deck area will be used for storage. If so, the owner must indicate whether trellis work or solid walls will be used. Trellised areas must be landscaped as is provided elsewhere in these Guidelines. Any under-deck storage area created using solid walls must be treated as a shed and must conform with the provisions of these Guidelines applicable to storage sheds. An Owner must obtain specific ARB approval for under-deck storage; and

- l. The wood must be allowed to weather naturally. A clear preservative may be used on the wood, however.

4. **Solar Collection Devices.** Panels mounted to the rear side of roofs may be flush or elevated. If elevated, they must not extend above the roof peak to the extent that they are visible from the yards of facing houses across streets. No other mounting locations are acceptable. A completed application requires, with respect to solar collectors, a site plan indicating location and size of panels and location of roof peaks. Photographs of similarly installed units may be included in such applications as accessory information.
5. **Storage Sheds.** All storage sheds have an aesthetic impact on neighbors. An inconsiderately placed or poorly designed shed can visually and functionally detract from an otherwise desirable residential area. Consequently, any storage shed installed on a lot must be approved by the ARB and must comply with the following guidelines:
 - a. The shed must be designed to appear as part of the house, landscape or fence theme, or it may be part of a deck, as provided elsewhere in these Guidelines; and
 - b. A completed application requires, with respect to a storage shed, a site plan indicating the location and size of the proposed shed. Photographs of similarly installed units may be included as accessory information.
6. **Swimming Pools, Spas and Hot Tubs.** Spas and/or hot tubs must be located in the rear of the house and may not be located within fifteen (15) feet of any Lot boundary line. Any swimming pools must be in-ground pools and must be enclosed in

accordance with County requirements. Applications must include, with respect to a swimming pool, copies of the County permit submission.

7. **Dog Houses and Dog Runs.** Dog houses must be compatible with the Owner's house in color and material or must match an approved wood fence. They must be located where they will be visually unobtrusive, behind a house so as to be out of sight from any adjacent street or road. Dog runs are small fenced areas within a rear yard for dogs that require more security than that provided by the property-line fences. Fencing of the dog run must meet the fencing guidelines otherwise provided in these Guidelines. Galvanized chain-link fencing is not allowed. Dog-entry doors are permitted only into fenced areas where the animal is restricted. The dog entry door must match the color of the house. A completed application requires, with respect to a dog house or dog run, the following information:
 - a. A site plan showing the relation of dog house/run to the applicant's house, property line and adjacent neighbors.
 - b. A detailed drawing of the proposed dog house/run that includes all dimensions.
 - c. A description and samples of the materials to be used. Color samples showing the color of the house and dog house must be included among these samples.
 - d. A specification of the architectural style of the Owner's house and of the relation of the dog house to that architectural style.
 - e. Landscaping plans that show how landscaping will be used to complement and/or screen the dog house/run.
8. **Exterior Lighting.** Freestanding exterior lights must match or complement existing lamp styles. Ground level lights bordering long driveways must be unobtrusive in nature, with a black or dark green finish, and must be well maintained (*i.e.*, no broken, crooked or missing parts). Lighting in the front or rear yard of a Lot must be placed so that the light does not shine outside the Lot in a manner that could disturb neighboring Owners. In particular, care must be taken in arranging the angle of any spotlights used on the Lot. Sodium or mercury vapor lights/lamps are not permitted for installation.

E. Standards for Minor Design Elements. The following list identifies certain minor design elements and the specific standards that apply to those elements. The list is not intended to be exhaustive, and Owners should anticipate that the ARB will treat any improvement to a Lot that is similar in scope and impact to any of the items included in the following list as a minor design element:

1. **Recreation and Play Equipment.** Owners of residential property similar to Lots in the Association frequently express the desire for swings, basketball backboards, tot lots and similar equipment. Most equipment of this sort is commercially available,

but commercially available equipment often is less than pleasing in appearance. Creatively designed equipment is encouraged. Careful thought should be given to location and kinds of equipment to be installed. No application is required provided that any recreation or play equipment is located in the rear yards. Treehouses are not permitted.

2. **Air Conditioners – Exterior Unit.** Air conditioning units extending from windows are prohibited in all instances. Exterior units may be added or relocated only when they do not interfere with views or vistas from neighboring Lots or the street.
3. **Antennas & Satellite Dishes.** Satellite dishes which are larger than one (1) meter in diameter are prohibited. Satellite dishes which are one (1) meter in diameter or less, television antennas and MMDS (multichannel, multipoint distribution) antennas are permitted, subject to the following restrictions:
 - a. **Location.** Devices should not be installed in the front of the lot or on the front façade of a residence so long as another location exists on the lot or residence from which an acceptable quality signal can be received. They are to be located so as to be as visually unobtrusive as possible, without unreasonably increasing the cost of installation, maintenance and use and without precluding the reception of an acceptable quality signal. Whenever possible, the devices should be located in the rear yard, which can include placement on a deck. If they must be installed at roof level, then they should be situated on the rear side of the roof ridge line, so as to have no, or minimal, visibility from the front of the home.
 - b. **Screening.** To the extent possible, dishes and antennas should be screened so that they are not visible either from the street or to other Owners.
 - c. **Color.** In order to minimize any adverse visual impact, a device which is affixed to a residence should be painted to match the color of the portion of the house to which it is attached, so long as painting the device will not interfere with reception, impose unreasonable costs or void the manufacturer's warranty.
4. **Attic Ventilators, Metal Flues and Roof Flashing.** Attic ventilators and turbines are permitted. They are to be painted to match the siding or trim color on the house if mounted on a gable end, or they are to be painted to match the roof if placed on a roof. Any such attic ventilators or turbines located on a roof shall be placed on the least visible side of the roof peak. Large metal flues and any vents extending through a roof, and all roof flashing, are to be painted to match the roof color.
5. **Miscellaneous Flues, Vents, and Similar Elements.** All flues, vents, electrical transformers, electric water and/or gas meters and other elements that extend through any surface of a house must be painted to match that surface.
6. **Chimneys.** Chimneys may be masonry or enclosed. Chimney caps must be painted to match the roof color. All masonry elevations require masonry chimneys.

Enclosed chimneys must be made of the same materials and same color as the house siding.

7. **Clotheslines.** No clotheslines or other clothes-drying apparatus will be permitted on any Lot without the Board's prior written approval.
 8. **Exterior Decorative Objects.** All exterior decorative objects, including natural and man-made bird baths, wagon wheels, sculptures, fountains, pools, stumps, driftwood piles, boulders, free standing poles of all types and items attached to approved structures must be approved in advance by the ARB. Brightly colored exterior carpets may have an adverse visual impact on the Association and any application to install such carpeting will be reviewed by the ARB on an individual basis.
 9. **Exterior Painting.** Color changes apply not only to the house siding but also to the doors, shutters, trim, roofing and other appurtenant structures. An application for repainting or staining a specific object to match its original color need not be submitted.
 10. **Storm Doors and Storm Windows.** All storm doors and storm windows must match in color the door or window they protect or the trim to which they are adjacent. No mill finishes will be allowed on any storm door or storm window.
 11. **Glass.** Only clear or lightly tinted glass is to be installed in any house or structure. No reflective glass or any type will be permitted in the Association.
 12. **Flagpoles.** Permanent flagpoles must be of a height, color and location appropriate for the size of the Lot and its environs. Permanent free standing flagpoles must be installed and maintained in a vertical position. Applications are not required for Owners wishing temporary flagpoles that do not exceed six feet in length and that are attached at an incline to the front wall or pillar of a house.
 13. **Mailboxes.** All mailboxes will be uniform in design as per the design sketch attached to these Guidelines. Mailboxes shall be black. The wood posts and lap joint should be allowed to weather naturally however, may be treated with a clear preservative. . Mailbox dimensions are 9" x 9" x 6 1/2" and the post will be 4" x 4" with a height of 42" and may not overhang the sidewalk. Location must be two (2) feet from the driveway apron on side of the driveway closest to the Lot line. Mailboxes that have begun to lean or tip should be straightened.
 14. **Gutter and Downspouts.** All gutters and downspouts must be matching in color and design and must not adversely affect drainage on adjacent Lots.
 15. **Skylights.** Skylights must be located on the least visible side of the roof peak.
- F. **Standards for Landscaping.** The list set forth below is merely a statement of minimum rules that apply to landscaping in the Association. Owners are encouraged and expected

to create a residential landscape treatment that complements the finish and environment of the house and Lot to which the landscaping is appurtenant.

The following list of landscaping guidelines is not intended to be exhaustive, and Owners should expect that the ARB will review all landscape plans in detail to determine how well that plan satisfies the rules and advances the overall landscaping goals:

1. Simple plantings with a limited variety of plant materials are to be used to create a well-integrated landscape.
2. Shrubs are to be used to complement architectural features and not to obstruct views from windows.

III. ARCHITECTURAL REVIEW PROCESS

- A. Pre-Improvement Application.** Before any Owner undertakes any additions, alterations, or improvements to his or her Lot, the Owner must file an application with the ARB. The application form/checklist provides information that may be useful to the ARB in determining the scope and detail of the proposal. All information requested on the application as specified in these Guidelines must be completed; otherwise, the application will be considered incomplete and will be returned.

Each application is reviewed on an individual basis. There are no “automatic” approvals, unless specifically provided for in these Guidelines. An Owner who wishes to make an improvement that is identical to one already approved by the ARB still is required to submit an application. An improvement that is appropriate for one Lot might not be appropriate for any other Lot.

- B. Comprehensive Review Process** The ARB’s review process will contain four stages as follows:

1. **Predesign Meeting.** In the event that an Owner intends to construct or otherwise alter or modify any improvements on a Lot, except as otherwise specifically permitted in the Declaration, to cut trees or otherwise alter or remove any portion of a Lot from its natural, unimproved state, then the Owner, or his or her representative, must meet with the ARB before beginning the design process. At this predesign meeting, the ARB will review with the Owner the requirements of the Declaration and these Guidelines, the design procedures and design criteria and any applicable Rules and Regulations. If the Owner is proposing to construct any improvements, then such improvements are to be solely situated on the Owner’s Lot.
2. **Preliminary Design Review.** The Owner must submit a site plan, floor plan (if applicable), elevations, color scheme, material samples and landscaping plan, in accordance with any procedures or protocols adopted by the ARB, for the ARB’s preliminary review. The ARB will make specific comments and recommendations

and may request modifications to such plans. If the Owner satisfies the requested modifications, the ARB will give preliminary approval to the Owner's plans.

3. **Application Submission.** All applications will be filed with an ARB member or mailed to the Property Management Company (Spectrum Property Management, PO Box 222, Sterling, VA 20167). Each application will be checked for complete information by the ARB. If information that is pertinent for the review of the application is missing, the incomplete application will be returned. If the ARB determines that the application is complete, the review process begins. The decisions of the ARB will be sent by letter to the address on the application whether or not the Owner attends the meetings at which the ARB's decisions are made.
4. **Final Plans.** The Owner must submit final plans, in accordance with any procedures or protocols adopted by the ARB, prior to constructing or effecting the proposed improvements or other alterations. In addition to any other requirements adopted by the ARB, the final plans must contain the following:
 - a. Elevations (1/8" or 1/4" = 1'0").
 - b. Floor Plans (1/4" = 1'0") showing the interior square footage, porches, decks and garages.
 - c. Material and finish schedules.
 - d. Site Plan (1" = 20'0") indicating the location of buildings, driveways, walkways, and patios. The site plan also is to indicate all contour lines and/or well sites and applicable setbacks from Lot lines.
 - e. Landscaping Plan (1" = 20'0") indicating all contour lines and the location of plantings, plant materials, sidewalks, driveways, patios, walls and areas in their natural unimproved state.
 - f. Exterior materials – color samples for all painted surfaces, material samples, including brick, stone, stucco, siding and stain.
5. **Final Review.** After review of final plans, and a review of the building location staked in the field, if applicable, the ARB will inform the Owner of its approval or disapproval of the application. The ARB will have thirty (30) days within which to approve or disapprove the Owner's final plans after submission. If the ARB fails to approve or disapprove the Owner's final plans within thirty (30) days after submission, the final plans will be deemed to have been approved; provided, however, that no Owner may erect, modify, or alter, under any circumstances, any building, structure or other improvement that violates any of the provisions of the Declaration or these Guidelines.

Upon the ARB's approval of any Owner's final plans, the Owner will have a right to obtain from the ARB a certificate in recordable form evidencing and attesting to ARB approval of the Owner's plans, specifications and Lot plans. Thereafter, the Owner must obtain all required governmental permits before proceeding with construction.

6. **Final Site Inspection.** Upon substantial completion of the improvements or alterations, the ARB will make a field inspection and inform the Owner of any nonconformity with the approved final plans. The Owner must rectify any nonconformity that the ARB might note within the timeframe specified by the ARB.
7. **Appeal Procedure.** If an application is denied by the ARB, the applicant will be provided with a written notice setting forth the reasons for the denial. In the event that an application is denied, the applicant may:
 - a. Submit a new application that addresses the issues noted by the ARB in the denial notice;
 - b. Submit a request for reconsideration with new or additional information that clarifies the original application and demonstrates its acceptability. The ARB may, in its sole discretion, request a meeting with an applicant to discuss the application; or
 - c. Appeal, in writing, the denial to the Board within thirty (30) days of the date of the denial notice sent by the ARB. This request should include any new or additional information which might clarify the requested change or demonstrate its acceptability. The Board may, at its discretion, conduct an informal hearing related to the appeal. The Board will respond in writing to an appeal within forty-five (45) days from the date of receipt of an appeal.

IV. GUIDELINES FOR ON-GOING USE OF LOTS

A. **Maintenance Requirements.** Owners are responsible for the maintenance of all structures and grounds on their Lots. This maintenance includes, but is not limited to, such items as landscape and grass trimming, removal of trash, structural maintenance and retaining high-quality overall appearance. Violations of maintenance standards are considered violations of the Declaration and may be enforced as such. Dumping of debris or lawn clippings on the Common Area or any community easement or right-of-way is prohibited.

1. **Dwellings and Structures.** Owners are responsible for maintaining the exterior of their dwellings and any other structures on their Lots, such as decks, fences, sheds and recreation or play equipment. While it is difficult to provide precise criteria for what the Association will deem to be unacceptable, the following cases represent some of the conditions that would be considered a violation of the Declaration:
 - a. Peeling paint on exterior trim.

- b. Dented mailboxes, or mailboxes in need of repainting.
- c. Recreation or play equipment that is either broken or in need of repainting.
- d. Fences with either broken or missing parts.
- e. Sheds with broken doors or doors in need of painting or other repair.
- f. Decks with missing or broken parts or parts.
- g. Foundations in need of repainting.
- h. Dented, loose or missing siding, shutters or other exterior components.
- i. Faded, discolored or mismatched shutters.

Most Owners will not allow any of the conditions noted above to exist. These Owners seek to preserve and protect their investment in their Lots and homes and to limit their personal liability by keeping all improvements on their Lots in good condition. The Association expects that Owners will do all maintenance necessary to prevent any of these conditions from occurring on their Lots.

2. **Mowing.** Turf areas need to be mowed at regular intervals to maintain a maximum height of five inches and a minimum height of two inches. Planted shrub and/or flower beds must be kept in a neat and orderly manner.
3. **Lawn and Garden Fertilization.** Special care should be taken not to over-fertilize lawns and gardens using toxic substances that might run off onto other Lots. Pesticides and herbicides may be applied according to label instructions for remedying only the indicated problem. Owners should make all reasonable efforts to use organic or biodegradable materials to ensure the least harm to the natural environment in the Association and the surrounding area. Care in application of any pesticide or fertilizer is extremely important.
4. **Flower Beds and Tree Rings.** Flower beds, tree rings and other non-grass areas, should be kept free of weeds. A fresh layer of mulch should be installed each spring around flower beds and tree rings. Wood mulch is the only material permitted.
5. **Trees and Shrubs.** Trees and shrubs should be trimmed to maintain a neat appearance. Bushes should not be allowed to grow over sidewalks. Trees should be maintained to a height that they do not impede foot traffic on the sidewalks and/or vehicular traffic and sightlines on the streets. Bushes and trees that are diseased and cannot be brought back to health, must be removed and whenever possible, replaced. Owners must seek ARB approval prior to removal of trees. See Article VI, Section 16

of the Declaration. Owners who remove trees without permission will be required to replant.

6. **Trash Removal.** Owners are responsible for picking up litter on their Lots as well as for removing any debris on the open space that originated from their Lots. The removal of trash costs the Association and, thus, all Owners; however, voluntary neighborhood cleanup, in addition to controlling litter at the source, saves all Owners money.
7. **Erosion Control and Drainage Management.** Owners are responsible for seeing that their Lots are protected from erosion and that storm drain structures are not blocked so as to cause additional erosion problems. Owners are responsible for maintaining proper drainage through their Lots and for not blocking or hindering natural drainage from adjoining Lots.

B. Rules and Regulations for Use of Lots. The Board may promulgate from time to time Rules and Regulations for the use of the Lots. These Rules and Regulations will set forth any activities not permitted within the Association and any conditions that might apply with respect to permitted activities. Some (but not all) of the matters that the Rules and Regulations are to address are as follows:

1. **Storage of Construction Materials.** Any construction materials must be removed immediately after completion of construction. No debris may be allowed to accumulate during construction.
2. **Storage of Boats, Trailers, Campers, Mobile Homes, Recreational or Commercial Vehicles.** No commercial, industrial, or recreational vehicle may be parked or stored in open view on Lots, private streets, or community easements and rights-of-way. All recreational vehicles are to be stored in approved garages or other screened areas or locations approved in advance by the ARB.
3. **Storage of Firewood.** Firewood is to be kept neatly stacked and located to the rear of an Owner's house, within the Owner's Lot lines. Firewood piles must contain firewood only, not debris. The location of any firewood piles must be in such manner as to minimize visual impact.
4. **Compost Piles.** Compost piles must be visually unobtrusive. Compost piles must not exceed four feet (4') in height and must be located in the rear of the property at least ten feet (10') from a common Lot line (defined as a Lot line shared by two or more Owners).
5. **Trash.** Trash and recycle receptacles must be stored out of sight from the street. Garbage and recycling should be deposited in a proper receptacle. The receptacle should be placed at curbside no earlier than the evening before collection and should be returned to storage out of sight of the street the same day as trash is collected. The

storage, collection, or accumulation of trash, junk or other items any exterior portion of the lot is prohibited.

6. **In-Home Businesses.** The Lots shall be used for residential purposes only. Nevertheless, Owners may utilize home-offices, provided, however, that such use does not involve customers coming to the Lot.
7. **Real Estate Sales/Rent Signs.** No sign or billboard of any kind shall be displayed to the public view on any Lot, except for one (1) sign of not more than eighteen inches (18") by twenty-four inches (24") advertising the Lot for sale or rent.

C. **Enforcement of These Guidelines.** Articles V, VI, and VII of the Declaration compel Owners to comply with the restrictions and standards set forth in the Declaration and these Guidelines. Articles II, VI, VII, IX of the Declaration authorize the Association to enforce the restrictions and standards set forth in the Declaration and these Guidelines. To this end, the Board will enforce any violation of these Guidelines in accordance with the enforcement provisions set forth in the Declaration as well as the Association's due process procedures.

D. **Estoppel Certificate of Compliance.** Upon request, and for a reasonable charge, the Association will provide a Certificate of Compliance to an Owner. This certificate provides information on the current status of assessment payments and on the existence of any architectural, use, or maintenance violations existing on a Lot. This certificate helps to protect future Owners or mortgagees against unknown problems with prior Owner's outstanding violations of the Declaration, the Rules and Regulations and/or these Guidelines. To obtain a Certificate of Compliance, an Owner selling, transferring or mortgaging his or her Lot should call the Association, or its management representative, as soon as he or she knows the settlement or loan closing date.

Any exterior alteration that has been made since the completion of approved initial construction must have an ARB certificate of approval in the file for that Lot. Lack of all appropriate ARB certificates of approval constitutes a violation of the Declaration and these Guidelines.

E. **Amendments to these Guidelines.** These Guidelines may be amended to provide clarification or to reflect changed conditions or technology. The ARB or the Board may conduct a periodic evaluation of these Guidelines to determine if amendments are required. Owners may submit to the Association written requests for changes to these Guidelines. Upon review, the Board will review such requested and, in its sole discretion, determine whether any amendment to these Guidelines is warranted.

Amended May 12, 2016