

VICTORIA BAY
HOMEOWNERS
ASSOCIATION INC.
RULES AND REGULATIONS

Introduction

1.1 Applicability

This guide to Exterior Modifications and Improvements ("Guide") is adopted pursuant to the *Articles of Incorporation* and the *Declaration of Covenants, Conditions and Restrictions*, ("Declaration"). The Architectural Review Committee ("ARC") serves as representatives of the Board of Directors ("Board") while enforcing the Guide. Compliance with this Guide is required; but is not the sole basis for review or approval, nor does it guaranty approval of any application. In reviewing each application, the ARC may consider any factors it deems relevant. Decisions may be based purely on aesthetic considerations. Each owner acknowledges that determinations as to such matters are purely subjective in nature and that opinions may vary as to the desirability and attractiveness of a proposed addition or modification.

This guide to Architectural Review Committee ("ARC") applies only to the Owner Lots. All common areas owned by the Association are overseen by the Landscape Committee and the Board.

1.2 Purpose

This document is not intended to replace the Declaration, but to clarify the process by which homeowners may customize and modify the exterior presentation of their homes and/or lots. The intent is to provide consistent guidance to owners regarding requirements for additions and modifications to property in the community, and matters of particular concern to the ARC when considering applications for approval of such conditions and modifications. ***Additionally, the Guide sets forth various restrictions on other matters relating to community standards and the overall appearance of property in the community.***

1.3 Application and Review Process

Unless otherwise specifically exempted by the Declaration or this Guide, **each** proposed exterior modification/addition to residential units or lots requires prior approval of the ARC. Submit one copy of the *Request for Architectural Approval* form (ARC Application), located at the community website at <http://victoriabayhoa.com/> to Victoria Bay HOA C/O Kuester Management Group, P.O. Box 3340, Fort Mill, SC 29708.

Each application must include at the minimum:

- i. a copy of the lot survey or GIS map (Polaris) showing the size and location of the proposed modification/addition
- ii. a list and description of the materials to be used
- iii. color samples that may assist the ARC in rendering its decision

The ARC may require submission of such additional information as may be reasonably necessary to consider any application. Review of the application and notification to the applicants shall be conducted as described in the Declaration. The approval process may take up to four (4) weeks from the time all requested information is received by the ARC. Homeowners may contact the HOA for updates on status. Where ***specifically permitted in these rules*** to proceed without prior approval, such permission shall only be effective so long as the Owner complies with every requirement of this Guide.

The ARC is not responsible for ensuring structural integrity or compliance with state and local building codes. Homeowners must obtain all necessary building permits and other government approval that may be required for the proposed modification or addition.

2.0 General Architectural Standards

2.1 Antennas, Satellite Dishes (DBS, MDS, DSS)

Antennas: Aerial antennas must be placed in the rear of the home and not be visible from the street. Freestanding antennas are not permitted. If installation is required in other than the following approved locations, include a statement from the installer with the ARC Application. Standard, approved placement of an antenna:

- Attached to or mounted on a deck or patio in the rear of the residence and extending no higher than the eaves of that portion of the roof of the dwelling directly in front of such antenna; or,
- Attached to or mounted on the rear wall or rear roof of the residence so as to extend no higher than the ridge line of the residence at a point directly above the position where attached or mounted to the wall.

Satellite Dish: Homeowners who wish to place a satellite dish on the exterior of the residence may do so. All installations should be in the most inconspicuous location possible. Wires and connections must be concealed and not be visible from the street. ***Freestanding dishes are not permitted.*** If free standing installation is required a request for variance must be submitted and approved by the ARC prior to installation. Owners are required to submit a statement from the installer specifying why a freestanding installation is required.

2.2 Backyard Play Equipment Basketball Goals

Metal swing sets are not permitted. Wood swing sets in the back yard are pre-approved provided they are at least six feet from any property line and are well-maintained (wood painted/stained). No play structures may be erected on the side or front of any residence. Playhouses, other than pre-assembled models, must have ARC approval.

Free standing basketball goals mounted in the ground are permitted as long as the backboard is mounted perpendicular to the street, the goal post is at least 15 feet from the curb, and the goal post is at least four feet inside the homeowner's property line. The goal post, backboard and net must be kept in good repair at all times. Portable goals are permitted, if placed on the outside side of driveway perpendicular to the street at least 15 feet from the curb, and the goal post is at least four feet inside the homeowner's property line the goal may be left in place, provided that proper maintenance is performed on the goal and the lawn around it. Basketball goals may also be placed between the garage doors of the house. For all other locations the goal must be stored when not in use so they are not visible from the curb.

All other backyard play equipment, including but not limited to trampolines, nets etc., that are visible from the curb require ARC approval.

2.3 Birdbaths, Birdfeeders, Birdhouses, Figurines and Fountains

Birdbaths require ARC approval, birdfeeders and birdhouses are pre-approved provided they are no larger than one foot in width, one foot in depth, and one foot in height. Any pole on which a birdhouse or birdfeeder is located may not exceed two inches in diameter, and six feet in height (including the house or feeder). Birdbath, feeders and houses will not be placed in the front yard, or in common areas, or wetlands/marshes. Fountains are not specifically prohibited but are restricted to only one fountain per yard provided ARC approval is granted prior to installation. Figurines and other yard decorations may be placed in the front yard provided: Only three concrete/stone figurines per yard, specified as follows, only one "large" figurine or fountain is permitted, not to exceed three feet in dimension. The other two figurines permitted must be small - less than one foot in any dimension. Fountains and figurines must be natural concrete or stone color. Prior to the placement, an approved ARC Approval must be obtained.

2.4 Clotheslines, Fuel Tanks, Outside Storage

Clotheslines, aboveground fuel storage tanks, woodpiles, and similar items are not permitted. Storage of any materials (such as, but not limited to, lawnmowers, landscaping materials, and lumber) outside an enclosed structure

is not permitted. Furniture intended for indoor use may not be placed on any outside area, including porches. Small woodpiles, are permitted provided they are not visible from the curb and do not promote a nuisance.

2.5 Decks, Patios, Screened Porches, Driveways

ARC approval is required prior to construction, modification or extension of decks, patios screened porches, and driveways. Deck footings and patios must stay within the minimum building line (MBL) of any lot. No deck or patio shall extend into the side yard beyond the side plane of the residence. Deck waterproofing, sealing and staining is pre-approved provided that natural wood color is used.

2.6 Dog Pens, Runs, Dog Houses

Dog pens and runs are not permitted. Doghouses are permitted provided an ARC approval is received and the following criteria is met: the doghouse must match the color scheme of the home, must be in the backyard at least six feet from any property line, and not more than four feet high.

Pets must be on a leash or restrained in the backyard by use of chain, invisible fencing or an approved fence.

Pet doors are not permitted in any location that is visible from the curb.

2.7 Exterior Colors, Shutters, Doors

Exterior color change is permitted provided an ARC approval is received prior to the change. Exterior colors must conform to the original scheme designed by the builder. Shutters and doors will complement the exterior color scheme, and maintain the original colors intended by the builder. When submitting a request for a color change, color chips or siding samples should be attached to the standard ARC request form. The garage door may be painted however the color must match the color of the siding of the home in accordance with the original scheme designed by the builder.

Shutters and Doors may be painted and color changed with approval of the ARC.

2.8 Exterior Lighting, Seasonal Decorations

Ground landscaping lights are pre-approved provided they are conservative in design, use white lights, are limited to 2,000 lumens and are directed towards the house or ground.

Holiday decorative lights are pre-approved from Thanksgiving through the 15th of January. Seasonal decorations are approved two weeks prior to the event until two weeks after the event.

2.9 Fences

All fences both pre-approved and variance requires an ARC approval *before* construction begins. The application must include a copy of the property survey showing the location of the fence and if appropriate an explanation of why a deviation from the Guide should be approved. The Guide allows some flexibility to homeowners while maintaining an acceptable and consistent appearance. Approved fences must meet these additional restrictions:

- Fence material may be wood, vinyl, and or metal, however in all cases they must conform to a picket fence style with a minimum of two and one half inches between slats. Common colors for fences are black and white all other colors must receive variance approval.
- Chain-link, lattice, split rail, or similar fences are not permitted
- Maximum fence height is four feet.
- A single fence is permitted between adjacent lots sharing a common, property line, provided both owners agree to the joint fencing and the fence styles match.

- Fences are not permitted in the front yard and must tie into the structure at the back corners of the dwelling, unless an obstacle prevents tie in. In cases where an obstacle prevents tie in at the back of the dwelling the fence must tie in just past the obstacle however in no cases shall the fence extend more than ten feet past the back corner of the dwelling. Under no circumstance; may a homeowner erect a fence outside of the lot property line. In the event of an obstacle, the homeowner must shift the fence inside the boundary line of the lot.
- Fences on corner lots must be installed parallel to the street. The distance from the fence to the street should match the distance from the street to the rear corner of the dwelling nearest the street (but in no case be less the fifteen feet from the back curb) to allow for line-of-sight at the intersection.

2.10 Flagpoles, Flags

Freestanding flagpoles are not permitted. Flags which, in the Board's judgment, tend to incite or antagonize are not permitted. Flags meeting the following criteria are pre-approved:

- One flagpole, not to exceed two inches in diameter and sixty (60) inches in length, may be mounted on the front of a dwelling. Flags shall not exceed 4' x 8" in size. Flags must be maintained in good condition and shall not be displayed if mildewed, tattered, or faded.

2.11 Garage Sales, Garage Sale Signs, Items for Sale

Garage sales are permitted a maximum of four (4) times per year per residence, each garage sale may last a maximum of 48 hours. Sale items must be kept in the immediate area of the garage area. Advertising signs may be placed at the residence fourth eight (48) hours in advance, and must be removed within 12 hours after the conclusion of the sale. Signs placed other than at the residence must follow the guidelines in paragraph 2.21.

Other than garage sales, items for sale such as cars, boats, lawnmowers, may not be displayed in front of the residence.

2.12 Garbage Containers, Recycle Containers, Garbage

Garbage containers must be stored in one of the following pre-approved locations;

- Inside the garage.
- Behind the dwelling, not visible from the curb.
- At the side of the dwelling provided they are setback at least 10 feet from the front facade of the home. Corner lot garbage containers will be stored away from the intersection. If stored at the side of the dwelling, further screening is required. The screen may be an approved fence design or a natural barrier. Burford Holly or Wax Myrtles are recommended as screening plants. Two 3-gallon plants in front and one beside the storage location will adequately screen the containers.

2.13 Gardens, Landscaping

Gardens and additional landscaping are permitted provided the standard *Request for Architectural Approval* form is submitted, and approved, *prior* to the change. Gardens must be kept weeded and well maintained, or cut to the same level as the grass. Marshes and wetlands are protected areas, and residents are not allowed to interfere in any way with these areas.

2.14 Home-Based Businesses

Home based businesses are permitted provided the following criteria are met:

- It is not evident that home based business is being conducted.

- No unusual traffic, other than normal residential traffic, is permitted.
- Commercial vehicles too large for a garage must be parked in the driveway. No vehicle larger than a pickup truck or standard van (not to exceed 10,000 GVW) is permitted.

2.15 Hot Tubs, Spas, Saunas

Hot tubs and spas are permitted using the standard ARC request form for approval prior to installation. These items must be located in the rear of the residence screened from view of the street and neighboring properties. Owners are required to install safety features such as locks or covers and comply with all applicable state and local codes. Saunas are not permitted.

2.16 Mailboxes

Only the original black mailboxes, with black ornamental base are permitted. Mailboxes are to be maintained to keep a uniform appearance. If replacement or repair is required, the mailbox must be restored to the original design and color specification. The residence address must be clearly visible on the mailbox using the same gold color labeling as designated by the builder.

2.17 Outdoor Furniture

No furniture shall be used, stored or kept on the exterior of any residence except on porches, patios, and decks. Furniture not enclosed in a room shall be limited to such types as is designed for outdoor use.

2.18 Parking, Recreational Vehicles, Campers, Boats, Trailers

No vehicle, including recreational, camper, boat, trailer, car or truck, will be parked on the grass or sidewalk of any lot. Except for occasional overflow parking, curbside parking is not permitted. Recreational vehicles, campers, boats and trailers must be kept in the garage except temporarily in preparation for use or repair, if such period does not exceed 48 hours.

2.19 Pets

Each residence is permitted a total combination of three dogs or cats, provided the owner maintains control at all times. Pets must be on a leash, or restrained in the rear yard by use of chain, invisible fencing or an approved fence.

Animal nuisance of any kind will not be tolerated, including noise and improper waste disposal. While outside the confines of the owners' property, animal waste will immediately be collected by the owner and disposed of. For disease prevention and sanitary reasons violators will be subject to aggressive penalties, including fines, by the Board.

Other than normal household pets, no other animals, livestock or poultry of any kind shall be raised, bred or kept on the properties. Dog's cats or other normal household pets may be kept in homes provided that such pets are not kept, bred or maintained for any commercial purpose.

2.20 Roofs and Accessories

Roofs: Modification to a rooftop requires an approved *Request for Architectural Approval* form prior to modification.

Roof Top Accessories: Approved rooftop accessories or equipment must match the existing roof colors, compliment the residence, and be as inconspicuous as possible. The following restrictions must also be met:

- Exposed flashing, gutters and down spouts must match the existing color scheme of the residence.

- Skylights shall not exceed 3' x 5" in size and shall be mounted on the backside of the roof so as not to be seen from the street.
- Solar energy equipment will have the appearance of a skylight, have finished trim, and shall not be visible from the street.

2.21 Signs

No signs of any type or kind shall be erected, placed or permitted to remain on any residence, lot or common area except:

- A single "For Sale" or "For Rent" sign which shall not exceed 2' x 3' in size.
- A single garage sale sign as described in paragraph 2.11.
- A single security service sign.
- Invisible fence signs.
- Such permits as required by legal/government agencies.
- Official community events approved by the Board,

Political, governmental and other signs permitted by county and city ordinance(s) are allowed on common areas and individual lots thirty days in advance of an election, and shall be removed no later than five days after an election. No more than one sign per candidate or issues shall be erected on any individual lot. Owners wishing to place signs on the common areas must first request and receive approval in writing from the Board. Political signs on Community Property shall be restricted to one (1) per candidate or issue per two hundred (200) feet of common area road frontage. In instances where common area exists on both sides of the road, only one sign per side may be placed within 200 feet of another sign on either side of the road.

2.22 Storage Sheds. Accessory Buildings

Residents must submit a Request for Architectural Approval prior to adding a shed to their property. The request should include a detailed drawing of the proposed structure, a list of materials to be used, and a depiction of the location of the structure.

2.23 Storm Doors

Storms doors are permitted using, the standard Request for Architectural Approval form. They must be full-view glass or glass/screen and must match the existing facade color scheme. Door hardware must also match the existing outdoor lighting and main door hardware (brass handle for brass lights, etc.).

2.24 Window Air Conditioners

Window air conditioning units and window fans are not permitted.

2.25 Window Boxes, Planters

Window boxes and planters are pre-approved provided:

- They are of a color and material complimentary to the residence exterior and are maintained in a neat and attractive manner,
- Dead and diseased plants and all weeds shall be promptly removed.

2.26 Yard Maintenance

Residents are required to mow and weed their yard as necessary to present a neat and uniform look to the neighborhood. This includes during periods of low rainfall when dry patches appear and weeds tend to overcome the lawn. Grass will not be permitted to grow over curbs, sidewalks or driveways. Regular watering to present a lush, green lawn is recommended, but not required. Garden hoses may not be left extended through the yard after watering and should be stored neatly on the side or rear of the dwelling.

ARC Exhibits