

# ***ANY ITEM IN ITALICS WAS AMENDED IN 2015***

## **The MEADOW BRANCH SOUTH HOMEOWNER'S ASSOCIATION**

### **Rules and Architectural Guidelines**

*(Adopted by vote by authorized Homeowners and certified by the MBSHOA Property Management for the Secretary during the 4<sup>th</sup> Annual HOA Meeting on June 2007)*

*Effective Date:*  
**September 1, 2007**

These Rules and Guidelines are meant to  
supplement the "Declaration of Covenants,  
Conditions, and Restrictions for

***"The Declaration for The Woods at Meadow Branch"***

The following rules and architectural guidelines of Meadow Branch South Homeowner's Association apply to all residents, home and lot owners, and guests of this Single-Family Dwelling community. All property owners who rent or lease their homes must give a copy of these rules and architecture guidelines to their tenants and advise them of the importance of following these HOA rules and guidelines. Nothing in the covenants has been changed. These rules and guidelines are intended to advise and inform home and lot owners of what is expected of them and what action will result in the issuance of violation letters and assessments. It also outlines fees and charges for HOA packets, liens, return checks and other Association business.

## **Rules.**

1. **Lawful Use.** No improper, offensive or unlawful use shall be made of the property or any part thereof, and all valid laws, zoning ordinances, and regulations of all governmental agencies shall be observed.
2. **Common Area.** The Common Area is for residents use only. No business activities of any kind will be tolerated. No person shall place, cause, or permit anything to be placed on or in any of the Common Area without approval of the Board of Directors. No owner shall may any approval exclusive or

proprietary use of any of the Common Area without the prior written approval of the Board of Directors and then only on a temporary basis.

3. **Noises.** No activity, practice, or behavior that causes unreasonably loud noise or annoyance shall be permitted. Be respectful of your neighbors. Since we live in close proximity of one another; please keep the noise to a minimum (loud music, yelling, barking dogs, etc). Treat others as you would like to be treated. The Association has adopted the noise ordinance of the City of Winchester. Noise problems should be reported directly to the Winchester Police Department at telephone number 540-662-4131, after you have attempted to resolve with the neighbor.
4. **Animals and Pets.** The maintenance, keeping, boarding or raising of animals, livestock, poultry or reptiles is prohibited. Household Pets must be under control, carried or on a leash at ALL times when in Common Area. No pets shall be allowed to roam unattended or left within a fenced yard. Pet dropping shall be cleaned up by the owner of the pet. To avoid damaging lawns and shrubs, pets shall be curbed.
  - a) The reasonable number of pets is determined by Winchester City ordinance.
  - b) Pets may not be tied outside without constant supervision. The owners of the pet shall be responsible for all of the pet's actions. When walking pets, owners are responsible for clean up of pet's waste. ALL PET MUST BE LEASED AND "CURBED. Pets should not be allowed or permitted on another Home and Lot owner's property to include the Common Area.
  - c) Clothesline and/or fenced "dog runs' are not allowed.
5. **Parking.** Homeowner and residents parking should be in the garage, driveway or on street in the front of their lot only. (When possible consult with your neighbor to advise them that you may have guests or family parking on the street in front of their lot for a short period of time.) The following vehicles are strictly prohibited from being parked, stored, or allowed to remain on the streets of the subdivision or outside on any home: abandoned vehicles, disabled vehicles, stored vehicles.
  - a) Except for emergencies, no repairs to vehicles may be made outside on at any home or any other portions of the subdivision or street.
  - b) Commercial and Recreational Vehicles and Trailers:
    - 1) No tractors, vehicles having in excess of six wheels, vehicles primarily used for commercial purposes over three-quarter tons in weight, trailers, containers primarily used for commercial purposes, or vehicles with commercial writing on their exteriors shall be stored, allowed to remain, or continuously parked in the subdivision.
    - 2) No mobile home, camper, recreational vehicles (RV) or trailer shall be parked at any home nor shall any of the same be utilized as a residence on any portion of the lot at any time either temporarily or permanently without the consent of the ARB.
6. **Maintenance.**
  - a) **Upkeep of Lots.** Each owner shall keep the Lot and all improvements located on the

Lot in good order, condition, and repair and in a clean and sanitary condition, including without limitation all necessary grounds maintenance. Removal of snow from walkways should be done within 24-hours of snowfalls.

- b) **Manner of Repair & Replacement.** All repairs and replacements shall be prompt and substantially similar to the original construction and installation and shall be of first-class quality, but may be made within contemporary material. Home sites must be maintained as to paint, roof, windows, trim, etc.
- c) **Variation.** Any variation from the original paint colors for house, trim, doors, windows, etc. must be submitted to the ARB for approval.
- 7. **Landscaping.** Sight-lines. No tree, hedge or other landscape feature shall be planted or maintained in a location which obstructs sight-line for vehicular traffic on public streets.  
**Lawns.** All lot must be kept clean, mowed, weeded, mulched and free of debris. With the exception of natural or undisturbed areas, yards must be sod. Corner lots require sod on all road frontages. Side and rear yards must be seeded and sod.
- a) **Flowerbeds.** All beds shall be mulched and clear of dead debris. All edging is required. Foundation plantings along street facing elevations are to be a minimum 3-gallon size plants for lower growing varieties, and a minimum 7-gallon size for higher growing varieties. Artificial vegetation of any type is prohibited.

## Architectural Guidelines

The Architectural Review Board (ARB), also referred to as Covenants Committee of Meadow Branch South Homeowner's Association, shall consider the following factors upon the review of each application for an exterior change, addition or improvements:

1. Size and Dimension;
2. Color and harmony with existing structures and improvements;
3. Quality of construction materials;
4. Location;
5. Community wide standards as defined by Article 7, "Control of Property" of the Covenants;
6. Existing structures on both the applicant's property as well as surrounding properties;
7. The consequences on property value and appearance to surrounding properties and the subdivision at large;
8. The consequences of a physical change upon a property if applied universally throughout the subdivision; and
9. The long term benefit, consequence, or harm to the subdivision at large.

The following guidelines may be amended by the Covenant's Committee for a specific property at any time. All modifications and requests must be submitted. In writing and approved.

## **MODIFICATIONS & MISCELLANEOUS STRUCTURES**

All modifications & miscellaneous structures must be submitted to and approved by the **ARB** prior to commencing any work.

### **1. Decks.**

- a) Decks must be to the rear of and behind the house unless specifically approved by the Covenant's Committee.
- b) Deck materials must be pressure treated wood or composite type material.
- c) Deck supports conform to acceptable and approved building codes as set forth by city and state law.
- d) Decks must have all non-decking surfaces finished to match the house trim. Slight variations to decks may be allowed with specific approval of ARS, such as use of improved materials not readily available prior to construction of initial home in community.

### **2. Mailboxes.**

- a) Mailboxes shall conform to the neighborhood standard and when possible shall be placed on the left hand side of the driveway, but in no case closer to the property line than 6 feet.

### **3. Fences.**

- a) Fences shall be specifically submitted for approval for design and location.
- b) Fencing shall not exceed 4' in height and shall be constructed of wood, composite materials, PVC/vinyl, pre-painted steel or aluminum or stone. Any variation from these materials MAY be approved by the ARB/Board on a case by case basis. Stockade, chain link, wire or agricultural grade (high tensile) fencing is strictly prohibited. All fences MUST be approved prior to installation.***
- c) Fence locations are generally approved to be to the rear of the house and to the property lines or directly behind the house. Exceptions to this guideline may be considered to avoid meters, air conditioning equipment, trees, and severe slopes and to enclose basement doors; these exceptions may be made at the discretion of the Covenant's Committee.
- d) Corner lot fences in the street side yard shall be no closer to the street than the building line and may be required to be screened with landscaping.
- e) Custom designs must be consistent with the house design, approved by ARB and located directly behind or rear of the house.
- f) Fences are not allowed in buffers or landscape easements.
- g) All fencing, regardless of construction type, must be installed in a professional manner as to be esthetically pleasing and must also be constantly maintained in a state of good repair. Wooden surfaces should be periodically painted/stained and all surfaces should be free and clear of mold, mildew, rust or other staining/corrosion.***

- e) **Freestanding dog pens are prohibited.**
  - f) **Attached Structures. (Prior ARB Approval Required)** Attached structures and additions must be designed and constructed to be compatible with the existing house and approved by the ARB.
  - g) **Storage and Garden Sheds. (Prior ARB Approval Required)** Storage and Garden Sheds are discouraged, but may be considered if consistent with the house design and approved by the ARB. To be considered consistent, a shed must be built with like materials, colors and design.
  - h) **Gazebos (Prior ARB Approval Required).** Gazebos are allowed but must be specifically approved by the ARB and must be placed within the building lines.
  - i) **Detached Structures.** Detached enclosed structures are discouraged, but may be considered and may be approved by the ARB before any work begins.
  - j) **Patio Covers and Trellises (Prior ARB Approval Required)** Patio covers and trellises should be constructed of cedar, pressure treated pine or composite material and should be finished to match the trim of the house and shall be detailed to be compatible with the design of the house.
  - k) **Pools, Hot Tubs and Landscaping Ponds (Prior ARB Approval Required).**
    - 1.) *Pools, hot tubs and landscaping ponds shall be located directly behind the house and will be considered on a case by case basis. Once approved and constructed they must be properly maintained. They must not create unpleasant odors or unsightly algae growth.*
    - 2.) Above ground pools and inflatable bubbles are prohibited.
  - l) **Play Equipment (Prior ARB Approval Required)**
    - 1.) Play equipment, when possible shall be located directly behind the house. If this is not possible, the equipment must be at least 10 feet off all property lines and screened from view from the street.
    - 2.) Equipment will not be approved for the front or side yards.
    - 3.) *The ARB must approve all aspects of the playground in advance which shall include colors; colors should be esthetically pleasing and/or complementary to the home.*
12. **Basketball Goals.** Basketball goals must be mounted on a clear backboard with black trim and a black pole. Normally, locations will be approved only if behind the front corners of the house.

13. **Exterior Lighting.** Exterior lighting is generally acceptable as follows:

- Utility/security lighting will normally be approved if installed in the side and to the rear of the front corners of the house and directed away from the street and adjoining properties.
- Carriage type pole lights may be approved within the building setback lines.
- Minimal "moon-lighting" and landscape lighting may be approved by the ARB.
- Seasonal decorative lights during the usual and common season (holidays -- Thanksgiving through New Years). **ARB reserves the right to limit size and scope of displays.**
- All exterior lighting should be a low-level, non-glare type and located to cause minimum visual impact to adjacent properties and streets

14. **Satellite Dishes.** *All satellite dishes must be mounted in a manner so as to be non-obtrusive and preferably not visible from the street. No satellite dishes others than those for communication/data (TV/Internet) purposes. Any satellite requiring to be mounted to front roof slope or front of house must be approved in advance by the ARB and subject to certification that no other reasonable location exists.*

15. **Decorative Ornaments.** In some limited cases approval may be required, otherwise must meet the following requirements:

- a) The lawn ornament may not exceed 2 feet in height and colors can only be earth tone, white, gray black or green.
- b) All other lawn ornaments for side street yards and yards such as sculptures, large rocks, decorative fencing, etc., will be allowed if located in an appropriate place. Items not meeting the above criteria must be submitted for approval prior to installation.

m) **Freestanding flagpoles.** Flagpoles installed in the ground must be approved by the ARB. Flagpoles mounted to the house are allowed. American Flag can be flown. Seasonal flags are allowed during appropriate seasons. All flags must be maintained in good condition at all times.

17. **Fountains and Birdbaths.** Birdbaths are NOT allowed in the front yard, or side yard if visible from the street. All other birdbaths must be approved, by the ARB, prior to installation.

18. **Birdhouses.** Birdhouses may be permitted. However, birdhouses and/or birdfeeder shall not be placed in the front yard.

19. **Clotheslines.** Clotheslines of any type are prohibited.

20. **Garbage cans and woodpiles (solid waste).** Garbage cans and woodpiles must be screened from view from all adjacent properties and streets.

- a) Trash containers shall not be in public view except on days of trash collection.
- b) All trash and garbage shall be promptly removed and not be allowed to accumulate on property.
- c) There shall be no dumping of grass clippings, leaves or other debris; rubbish, trash or garbage; petroleum product fertilizers or other potentially hazardous or toxic substances in any drainage ditch, creek, storm sewers or stream or any portion of the lot within the properties.

21. **Signage.** Signage required by legal proceedings is permitted. Not more than one professional security sign and/or Real Estate sign of reasonable size may be permitted. (The ARB may define what is considered a reasonable size.) All other signage must be approved by the ARB.

## Enforcement of the Rules and Architectural Guidelines.

1. **Action.** The violation of these rules and guidelines will result in the following action. All homeowners are required to update the Association with a correct and up to date address, phone number and names. If a property is lease or rented, property owners are required to include in your lease agreement a copy of the rules and regulations.

2. **Any violations will involve the following:**

- a) First Offense: Written warning of the violation (Optional).
- b) Second Offense: Assessment of \$10.00 per day up to the maximum allowed by law until the situation is resolved or one time assessment of \$50.00
- c) Third Offense or Continuing Offense: Additional fines and will result legal action including Lien, Judgment, Additional fees, and Court ruling.

(Note: All legal fees, court costs, and collection costs will be the responsibility of the property owner.)