

DOSS FERRY RESIDENTIAL SUBDIVISION

AMENDED

ARCHITECTURAL PLANNING CRITERIA

*Amended, Approved and Adopted by the Doss Ferry
Architectural Review Committee (“ARC”)
April, 2008*

The Developer of the Doss Ferry Residential Subdivision is desirous of an aesthetically pleasing and functionally convenient community and for the purpose has declared and recorded an Amended Declaration of Protective Covenants for Doss Ferry, a Residential Subdivision (the "Amended Declaration"), as well as a Supplementary Declaration of Protective Covenants for Doss Ferry, Sector Two and a Supplementary Declaration of Protective Covenants for Doss Ferry, Sectors Three, Four and Five, applicable to all improvements within said Subdivision. The Amended Declaration establishes the Doss Ferry Residential Association, Inc. (the "Association") and the Doss Ferry Architectural Review Committee (the "ARC") and sets forth its jurisdiction, powers, obligations and rules and regulations under which the ARC will conduct its review of proposed improvements. All capitalized terms in this document without definition shall have the meanings set forth in the Amended Declaration.

The ARC has been established to define and interpret aesthetic standards for Doss Ferry and examine, approve, or deny all proposed improvements for all residences. ARC approval must be obtained for, but is not limited to: any dwelling, exterior changes such as paint colors, exterior finishes, fence, wall, sign, lighting system, site paving, grading, parking lot, screen enclosure, sewer drain, disposal system, statuary, signs, flags, flag poles, water fountains, yard sets, window awnings or other exterior window covering, decorative building, landscaping, any device or object, as well as any other item listed in the Amended Declaration. Reference is made to the Amended Declaration for the procedures for obtaining ARC approval.

Set forth below are the Architectural Planning Criteria ("APC") referenced in the Amended Declaration, which such APC are effective as of April 23, 2008, but may be amended or supplemented in accordance with the provisions set forth in the Declaration. Supplemental APC applicable to Sector Four (Blue Creek) and Sector Five (Hanby Pass) are also provided beginning at page 9 below, and those provisions are controlling as to those Sectors to the extent that they are in conflict with or more restrictive than other provisions of the APC.

Violation of these APC or other provisions of the Amended Declaration may result in additional management costs incurred by the Association, which may result in increased Annual Assessments (homeowners' dues) to all Owners.

As used in these APC, the terms "rear yard," "back yard," "behind the dwelling," and "behind the house" shall have the following definition: the area between the extended sidelines of the house, the rear of the house and the rear of the Lot.

As to any item that is required to be maintained in the rear yard, back yard, behind the dwelling or behind the house, if the item is still visible from any interior street, it may be subject to disapproval by the ARC or a requirement that the item be screened from view with appropriate material approved by the ARC.

1. **Temporary Structures.** No structure of a temporary character, trailer, basement, tent or shack shall be used at any time as a residence either temporarily or

permanently. There shall be no occupancy of any dwelling until the interior, exterior and landscaping of the dwelling is completed and a certificate, or other satisfactory evidence, of completion is received and approved by the ARC. This provision shall not apply to the Developers until the last Lot is sold to an Owner other than the Developers.

2. **Lighting.** Approval of the ARC must be obtained prior to the installation of exterior lighting. Lighting may be used along concrete sidewalks. Fixtures should be no taller than 16” in height, be eight feet or more apart, and be of the tiered or mushroom design with deflectors so the bulb cannot be seen and eleven watts (11 W) or less. The color of fixtures should blend with the surrounding area, i.e. black, bronze, copper or green. The color of bulbs must be white or clear and may produce only white light. All exterior lighting of Dwellings shall be in character and keeping with the general neighborhood of Doss Ferry. Also, any other lighting, such as uplighting, house or landscape lighting, must be approved by the ARC. Exterior lighting shall be such that it does not shine toward and/or disturb adjoining Property Owners or streets.

3. **Mailboxes.** Each Lot shall have a mailbox which shall be of a design proscribed by the ARC. Lettering or numbers on mailboxes shall also be consistent with the design proscribed by the ARC. Each Owner will be required to keep such mailbox in working order and repair. Mailboxes with faded or peeling paint must be re-painted once such condition manifests itself. Developer reserves the right to install a mailbox bank in lieu of individual mailboxes.

4. **Swimming Pools.** No swimming pool shall be constructed, placed, altered or maintained upon any Lot without the prior written approval of the ARC of the type, design and location thereof. Any such swimming pool must also be constructed, equipped and maintained in accordance with the county and state authorities. All swimming pools must be surrounded by a fence for safety and properly screened for privacy from adjoining dwellings. Above ground swimming pools shall not be allowed. All pool equipment must be located inside the fence.

5. **Satellite Receiving Dish.** No satellite receiving dish or antenna system of any kind shall be located on any Lot, home or building within Doss Ferry except that a satellite receiving dish not greater than one meter in diameter may be installed in a location not visible from any street without the prior express, written permission of the ARC. No outside radio, television, ham broadcasting, or other electronic antenna or tower shall be erected or maintained upon any Lot or Dwelling except as approved in writing by the ARC in its discretion.

6. **Signs.** No sign of any kind shall be displayed to the public view on any Lot except one temporary professional sign of not more than six (6) square feet advertising the Lot or Dwelling for sale or rent, or signs used by a builder to advertise during the construction and sales period. All signs shall comply with design specifications of the ARC. No signs shall be nailed to trees. This provision shall not apply to the Developer as long as it owns any Lot within the Property. Notwithstanding the foregoing, garage sale signs may be permitted as provided in paragraph 21 below.

Also one security sign of no larger than one square foot may be permitted within close proximity of the front entrance.

7. **Fences.** The design and location of any and all fences must be approved by the ARC prior to construction. Chain link or any other wire fences shall not be used. A wooden, brick, stone, or black or brown decorative wrought iron (or aluminum designed to appear to be wrought iron) may be allowed. Fences shall not exceed 6 feet in height. No fence shall be closer to the street than the rear wall of the home without ARC approval. All fences must be finished to the outside, or have a shadowbox design. No fence, wall, hedge or shrub planting, which obstructs sight lines from any roadways, shall be placed or permitted to remain on any Lot. No fences may be placed on the landscape berm on Warrior-Kimberly Road. Any fence which is installed without approval of the ARC shall be deemed non-compliant until such time as the type, style and location of the fence is approved by the ARC.

8. **Structures in Yard.** No tree houses shall be permitted. No free-standing playhouses, doll houses, tool sheds, storage facilities or outbuildings of any kind are permitted without approval of the ARC. The ARC shall require, as a minimum standard, that all proposed outbuildings be of similar or matching quality as the dwelling (e.g., matching brick, trim colors, window colors, guttering and doors). No statues, water fountains, ponds, bird baths, flagpoles, flags, yard art, banners or furniture or other landscape device, objects or home crafts shall be placed or maintained on the front or side yard of any Lot or on any Dwelling without the approval of the ARC. All outdoor furniture for any dwelling shall be kept and maintained only behind the dwelling, except for furniture located on porches located in the front or side of a dwelling. No clothing, rugs or other items shall be hung, placed or allowed to remain on any railing, fence or wall.

9. **Window Treatments.** Appropriate window treatments shall be used on all windows and must be approved by the ARC. Sheets, bed linens, blankets and paper or plastic bags and other similar items are not appropriate window treatments. The color or window treatments visible from any interior street are subject to approval by the ARC and must blend with the color scheme of the exterior of the house.

10. **Security/Storm Screen Doors.** All storm doors should be full glass with a metal frame painted either black or to match the door color. Charcoal tinted glass is permitted provided the door is painted black. All storm doors should be satisfactorily maintained. Screen doors shall be authorized only on the rear of a dwelling. The color or window treatments visible from any interior street are subject to approval by the ARC and must blend with the color scheme of the exterior of the house.

11. **Basketball Goal Posts and Backboards.** Portable basketball goal posts and backboards shall be located so as not to be visible from any public or private street when

not in use. Basketball goal backboards should be clear plexiglass or acrylic. Goal posts must be black, rims must be orange and nets must be white. Goal posts and backboards must be kept in like new condition. No advertising of any type should be on backboards. Approval of the ARC must be obtained prior to the installation of a permanent basketball goal post and backboard.

12. **Doghouses.** Doghouses shall be located in the rear yard and not visible from any street. Doghouses should not exceed 4' in height, 3' in width and 4 ½ ' in length.

13. **Hoses.** Hoses should be of a subdued color and stored neatly on a hose reel or similar container. Hose reels should be stored only on the side or rear of a structure or brought inside garages or basements when not in use.

14. **Swing Sets and Play Equipment.** Swing sets and play equipment should be located in the rear back yard (the area between the extended sidelines of the house, the rear of the house and the rear of the property) and not visible from the street or enclosed by an approved fence. All swing sets and play equipment should be satisfactorily maintained in their appearance. Trampolines are permissible under the following conditions: they must be located behind a fence as to not be visible from any interior streets. Furthermore, trampolines with cages that extend above fence height must be located in the rear of the backyard which is constituted as the area between the extended sidelines of the house. Cages should be a subdued color (e.g. no hot pinks or stripes) and must be kept in good repair.

15. **Woodpiles.** Woodpiles should be located in the rear yard and not visible from any street.

16. **Planters.** Decorative flower containers of subtle and subdued colors are permitted. Flower containers should contain healthy flowers (no artificial flowers or plants are permitted) and be free of weeds or other plant material. Containers should be generally located on front porches, steps, columns or retaining walls. Planters are limited to three (3) that are visible from an interior street. The ARC may in its sole discretion limit the appearance of planters and containers permitted on a Lot.

17. **Landscaping.** Approval of the ARC should be obtained prior to making changes to landscaping.

No weeds, underbrush or other unsightly growth shall be permitted to grow or remain upon any part of a Lot and no refuse pile or unsightly objects shall be allowed to be placed or to remain upon any part of a Lot, including vacant parcels, except that this provision does not apply to Developers or home builders during construction of the preparation of a Lot for construction. The landscape berm, which is located on the rear of lots abutting Warrior-Kimberly Road, may not be altered or changed in any way, unless approved by the ARC. Removal of trees larger than two (2) inches in diameter shall require the approval of the ARC. Trees, shrubs, vines, plants and other vegetation which

die shall be promptly removed within forty-five (45) days and replaced with living plants of like kind and quality. Dead vegetation, stumps, weeds, trash, refuse, rubbish, debris, garbage and waste material shall be promptly removed from any Lot within seven (7) days and properly disposed of outside Doss Ferry. In no event shall any dead trees, shrubs, vines, plants or other vegetation, leaves, grass clippings, limbs, dirt or any rubbish, debris, trash, refuse, garbage or waste be allowed to accumulate on any Lot nor shall any Owner place, deposit or discard any of the foregoing items within any of the Common Areas or any other portion of Doss Ferry. No grass or weeds shall be allowed to grow and remain in excess of six (6) inches on any Lot in the front, side or rear of the Dwelling. This provision shall not apply to the Developers until the last Lot is sold to an Owner other than the Developers.

All Owners are responsible for properly maintaining a neat appearance of all landscaping visible to the public. Regular maintenance includes:

- a. Regular mowing of grass and removal of grass clippings.
- b. Treatment to control weeds.
- c. Pruning of trees and shrubbery.
- d. Edging grass along curb or gutter, drives, walks and natural areas.
- e. Regular removal of leaves front lawn.
- f. Regular refreshing of mulch in front natural areas.

The following criteria also apply with regard to landscaping:

A. CURB AND GUTTER

Rocks and other similar items are not permitted on, in or adjacent to the curb or gutter. Painted house numbers are not permitted on the curb or gutter.

B. EDGING (BORDER)

Edging is permitted only if properly installed and maintained. Edging should be buried deep enough not to be visible from the street. Acceptable edgings are black plastic, steel, aluminum or landscape timbers. If a non-flush edging is required, it should match the surrounding materials (i.e. if it abuts the driveway, it should match the concrete).

C. FOUNDATION PLANTING

All homes should have shrubs planted along the front foundation. The size, type, spacing and quantity of shrubs required will be evaluated based on the height of the foundation wall (from the ground up to the first floor).

D. GARDENS

All gardens designed for the production of vegetables and flowers for cutting should be located in the rear yard. Approval of the ARC should be obtained if the garden will be visible from any street. These gardens are not permissible in front yards.

E. NATURAL AREAS

A fresh layer of naturally colored bark or pine straw should be maintained weed free in areas not covered with sod or another approved ground cover in the front and side yards of all homes. White rock, lava rock and other light colored materials are not permitted. A distinction should be maintained between sod and ground cover and natural area by regularly edging along the boundary.

F. SOD STRIP

A minimum four-foot strip of sod should be maintained along the street behind the gutter for consistency and maintenance purposes. Small natural areas around mailboxes and public utility pedestals are permitted. If the area where sod is required is too shady for sod, a low growing ground cover such as mondo or pachysandra is acceptable. The ARC may grant variances for larger areas to be treated with mulch.

G. TREES

Each tree that is granted a variance for removal by the ARC should be replaced with a tree of a minimum of two inches caliper and of a type approved by the ARC. The ARC in its sole discretion may allow the thinning of trees in heavily wooded yards without requiring replacement trees to be planted.

18. Storage of Boats, Trailers and Other Vehicles.

No vehicles, automobiles, motor homes, boat, trailers, wrecked cars or unmaintained cars of any type may be parked on the streets or roadways within the Property at any time. Only operating automobiles, pick-up trucks or vans may be parked on driveways upon Lots within the Property and such automobiles shall not be parked anywhere else upon a Lot except inside an enclosed garage. Vehicles with non-uniform paint schemes (e.g., camouflage) shall not be parked on driveways or anywhere else upon a Lot.

Any vehicle which is inoperable shall be immediately removed from the Property. No Owner shall repair or restore any vehicle, machinery or equipment of any kind upon or within any Lot or Dwelling or within any portion of the common areas, except (i) within enclosed garages or workshops or (ii) for emergency repairs and then, only to the extent necessary to enable the immediate movement thereof to a proper repair facility located outside the Property.

Boats, utility trailers, recreational vehicles and travel trailers must either be parked or stored in the basement or garage of a dwelling or within a completely enclosed structure on a Lot, which structure must be approved by the ARC. No tractor trailer trucks, panel vans or other commercial trucks, commercial automobiles or other commercial vehicles (which shall include any vehicle with business or other signs displayed on or visible from the outside of the vehicle – other than standard-size license tag signs) shall be parked or stored on any Lot or roadway or area within the Property, except during initial construction of a dwelling on a Lot.

The term “recreational vehicles” shall include, without limitation, motor homes, mobile homes, boats, trailers, other towed vehicles, motorcycles, minibikes, dune buggies, scooters, go-carts, golf carts, campers, buses, commercial trucks, vans, ATV’s, 4-wheelers and similar vehicles. Any recreational vehicle parked or stored in violation of this provision in excess of 48 hours shall be considered a nuisance and may be removed from the Property by the Association.

The provisions of this Section 18 shall not apply to Developers, nor shall it apply to contractors or subcontractors involved in the construction of a Dwelling or preparation of a Lot for construction.

19. **Garbage and Recycling Receptacles.**

No trash, garbage or other refuse shall be dumped, stored or accumulated on any Lot. Trash, garbage or other waste shall not be kept on any Lot except in sanitary containers or garbage compactor units. Garbage containers, if any, must be uniform and of the type and size supplied by the entity that has the responsibility of collecting garbage as appointed by the Town of Kimberly, shall be kept in a clean and sanitary condition, and shall be so placed or screened by shrubbery or other appropriate material approved in writing by the ARC as not to be visible from any road within sight distance of the Lot at any time except during refuse collection. No trash, garbage or other waste shall be placed for collection unless it is fully contained within an approved garbage container as described above. No outside burning of wood, leaves, trash, garbage or household refuse shall be permitted, except during the construction period. There shall be no dumping of grass clippings, leaves or other debris; rubbish, trash or garbage; petroleum products, fertilizers or other potentially hazardous or toxic substances anywhere on the Property.

20. **Business Use of Home.**

Prohibited uses include, but are not limited to the conducting of trade or home business, including all types of home industry. The ARC, in its discretion, may upon request and upon consideration of the circumstances of each case, and particularly the effect on surrounding property, permit the conduct of a profession or home business on a Lot or within a Dwelling.

- A. Approval of the ARC should be obtained prior to obtaining a business license from the Town of Kimberly for a home office/business. All requests should include type of business, hours of operation and other pertinent details. All home offices/businesses should comply with the Town of Kimberly Zoning Ordinances.
- B. Home occupations should be incidental to the residential use of dwelling.
- C. All business operations should be conducted indoor at all times.
- D. Business traffic should be limited to one car on premises at a time. No routine parking of vehicles related to business operations.

- E. Hours of operations are restricted to 8:00 a.m. - 7:00 p.m.
- F. No signs may be erected on any parcel.
- G. Supplies related to the business should be stored indoors.

21. **Garage and Yard Sales.** Garage sales are permitted provided that all items are displayed inside the garage or dwelling. No items may be displayed in any yard, driveway or elsewhere outside the dwelling. Garage sales are limited to a one day sale twice per any twelve (12) month period for one Owner. Garage or yard sale signs are not permitted at intersections, on signs or any other location within Doss Ferry except upon the Lot of the Owner conducting the sale, and then only on the day of the sale.

22. **Seasonal or Holiday Decorations.**

Seasonal or holiday decorations (such as but not limited to Christmas trees and lights, pumpkins, Thanksgiving decorations) shall be promptly removed from any Dwelling or Lot, or the exterior of any dwelling, within fifteen (15) days following such holiday, and shall not be installed or put up more than thirty (30) days in advance of the holiday.

23. **Pets.**

Prohibited uses include, but are not limited to: the raising, breeding, or keeping of any animals, birds, or fowl; provided that an Owner shall be permitted to keep not more than two dogs, two cats or one dog and one cat as domestic pets on a single Lot and provided further that the Association, in its sole discretion, may approve more animals to be kept as domestic pets on a Lot; all dogs and cats shall be kept on a leash when not on the Owner's Lot.

24. **Garages.**

Garage openings may be permitted on the front of all dwellings as approved by the ARC and garage doors should be kept closed except when in use. Non-operable vehicles shall not be stored in any garages if the same would result in any vehicles being parked outside and not in the garage.

25. **HVAC Equipment.**

- (a) Outside air conditioning units may not be located in the front yard.
- (b) No plumbing or heating vent shall be placed on the front side of the roof.
- (c) All vents protruding from roofs shall be painted the same color as the roof covering.

SUPPLEMENTAL ARCHITECTURAL PLANNING CRITERIA

APPLICABLE TO SECTOR FOUR (BLUE CREEK) AND

SECTOR 5 (HANBY PASS) OF DOSS FERRY

The following additional and supplemental APC are applicable to Sector Four (Blue Creek) and Sector Five (Hanby Pass) of Doss Ferry. To the extent that any of the following provisions are in conflict with or more restrictive than the APC set forth above as applicable to Doss Ferry, the following provisions are applicable and controlling.

1. **Swimming Pools.** Notwithstanding any other provision of these APC, no swimming pool of any type shall be constructed, placed, or maintained upon any Lot.

2. **Basketball Goals.** Notwithstanding any other provision of these APC, no basketball goal, goal post or backboard, whether temporary or permanent, shall be constructed, placed, or maintained upon any Lot or Dwelling.

3. **Fences.** Notwithstanding any other provision of these APC, only one uniform design shall be allowed for all fences. All fences shall be wooden, six (6) feet in height and shall conform to a shadowbox design. A cross-sectional of the approved design by Holcomb Norton & Partners, Inc. is attached hereto as Exhibit A. No fence shall be closer to the street than the rear wall of the home. All fences must extend to the side property line on each side of the house. Any fence which is not in accordance with the approved design shall be deemed non-compliant and the ARC may require that it be removed at the sole expense of the Owner.