

VICTORIA BAY  
HOMEOWNERS  
ASSOCIATION, INC.

## **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.

### **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 and every** proposed exterior modification/addition to residential units or lots require prior approval of the ARC. Submit three copies of the *Request for Architectural Approval* form to PO Box 11906, Charlotte NC, 28220. Each application must include a copy of the lot survey showing the size and location of the proposed modification/addition as well as a list and description of the materials to be used. Color samples may assist the ARC in rendering its decision and expedite the review process. 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. Contact the ARC chairman for status if there is no response within three weeks. Where specifically permitted 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)**

Homeowners who wish to place a satellite dish on the exterior of the residence must submit a *Request for Architectural Approval* to the ARC. Freestanding antennas/dishes 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 a satellite dish is:

- 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.

Pursuant to FCC Section 207 of the Telecommunications Act of 1996, the Association will not require prior approval for antennas/dishes in the attic, crawl space, garage, or other interior space of the dwelling, or another approved structure so as not to be visible from the exterior of the residence.

### **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 six feet inside the homeowners property line. The goal post, backboard and net must be kept in good repair at all times. Portable goals are permitted, but must be stored when not in use so they are not visible from the curb.

### **2.3 Birdbaths, Birdfeeders, Birdhouses**

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). Birdbaths, feeders and houses will not be placed in the front yard, or in common areas or wetlands/marshes.

## **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. Do not place furniture intended for indoor use on any outside area, including porches.

## **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 form is submitted, and the following criteria is met: the doghouse must match the color scheme of the existing structure, 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.

## **2.7 Exterior Colors, Shutters, Doors**

Exterior color change is permitted provided an ARC approval form is submitted, and approved, prior to the change. Exterior colors must conform to the original scheme designed by the builder. Shutters and doors will compliment 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.

## **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 15<sup>th</sup> of January. Seasonal decorations are approved two weeks prior to the event until two weeks after the event.

## 2.9 Fences

An application for review is desired to eliminate any misunderstanding. Any deviation from the attached fencing Options **absolutely** requires an *Application for Architectural Review* form and approval by the ARC **before** construction. The application must include a copy of the property survey showing the location of the fence and an explanation of why the 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:

- Maximum fence height is four feet.
- Chain-link, lattice, split rail, or similar fences are not permitted.
- A single fence is permitted between adjacent lots sharing a common property line.
- Fences are not permitted in the front yard and must tie into the structure at the back corners of the dwelling. Under no circumstances 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 than 15 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 times/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 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.
- Only removable signs are permitted on vehicles and said vehicles must be parked in the garage or the signs may be required to be removed while in the community.
- 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 mailbox, with black ornamental base is permitted. If replacement or

repair is required, the mailbox must be restored to the original design specification. The residence address must be clearly visible on the mailbox.

### **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 owner's property, animal waste will immediately be collected by the owner and disposed of in an approved waste receptacle. 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. Dogs, 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 Roof Accessories**

Modification to a rooftop requires an approved *Request for Architectural Approval* form prior to modification. 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 as approved by the Board.

Political, governmental, real estate, and other signs permitted by county and city ordinance are allowed on common areas and individual lots only after 6:00 p.m. Friday and must be removed by 6:00 p.m. Sunday.

## **2.22 Storage Sheds, Accessory Buildings**

Residents must submit a *Request for Architectural Approval* prior to adding a shed to their property. In an effort to maximize a uniform look throughout the community.

## **2.23 Storm Doors**

Storm 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 hardware (brass handle for brass lights, etc.) Examples of pre-approved doors are:

- Lowe’s Larson Model #550-27/48/50
- Home Depot’s Larson Model #HD-3000 Brass, 259-GB Classic View Groove Border, or Forever Model #HD-2000 Self-storing.

## **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 shall be maintained in a neat and attractive manner.
- Statues and figurine planters are not permitted in the front yard.
- 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. Do not leave hose extended through the yard after watering.

3.1 Attachment: *Request for Architectural Approval Form*

VICTORIA BAY HOMEOWNERS ASSOCIATION, INC.

REQUEST FOR ARCHITECTURAL APPROVAL

Name \_\_\_\_\_

Address \_\_\_\_\_

Block # \_\_\_\_\_ Lot # \_\_\_\_\_ Phone \_\_\_\_\_

TYPE OF MODIFICATION:

\_\_\_\_ FENCE                      \_\_\_\_\_ PORCH                      \_\_\_\_\_ DECK/PATIO  
\_\_\_\_ UTILITY BUILDING                      \_\_\_\_\_ POOL                      \_\_\_\_\_ GARAGE  
\_\_\_\_ EXTERIOR PAINTING                      \_\_\_\_\_ ADDITION                      \_\_\_\_\_ CARPORT  
\_\_\_\_ OTHER

ATTACH A DETAILED DESCRIPTION OF THE IMPROVEMENTS INCLUDING, IF APPLICABLE:

1. Location
2. Size
3. Color
4. Material
5. Contractor
6. **Copy of Property Survey, with proposed changes/ additions shown.**
7. Plans/ Drawings

WHAT IS YOUR ESTIMATED START DATE: \_\_\_\_\_

WHAT IS YOUR ESITMATED COMPLETION DATE: \_\_\_\_\_

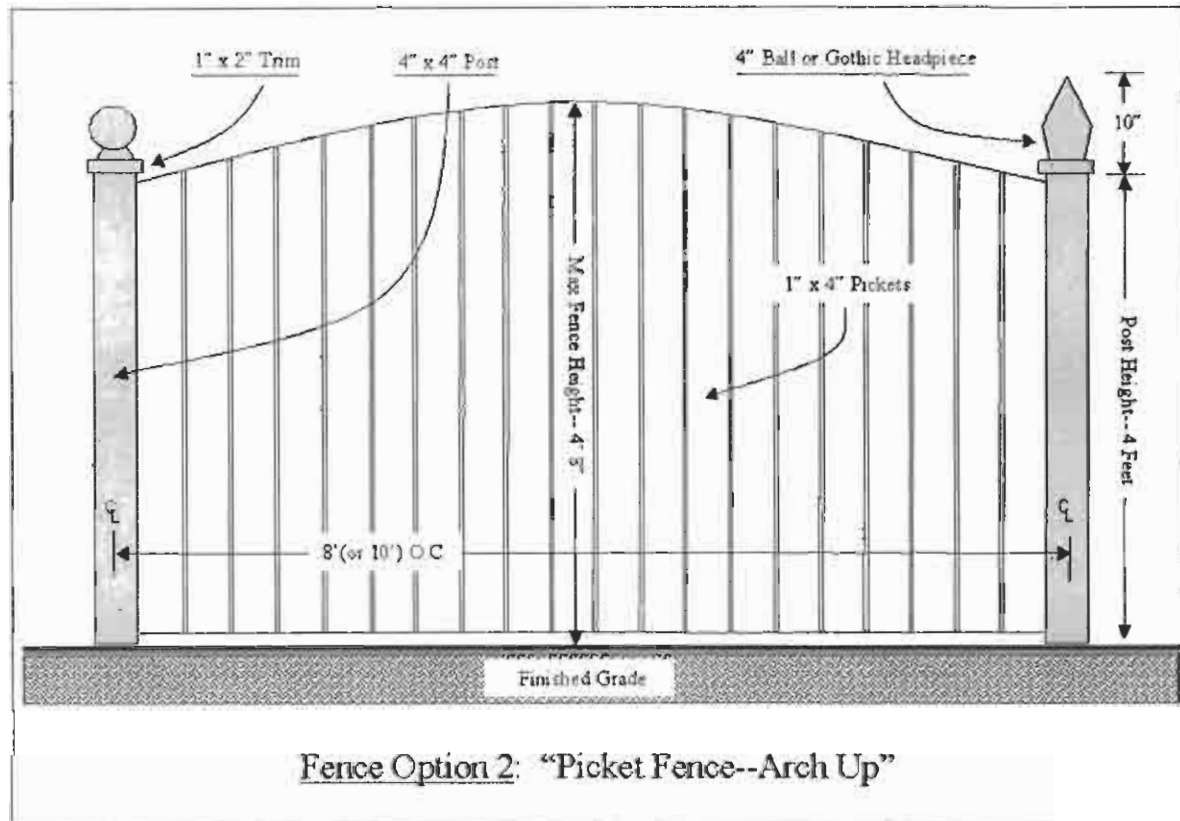
RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Signature of Committee Mbr) (Date received)

APPROVED \_\_\_\_\_ NOT APPROVED \_\_\_\_\_ INITIALS \_\_\_\_\_

PLEASE INCLUDE THREE (3) COMPLETE COPIES OF REQUEST, ONE TO BE RETURNED WITH COMMITTEE RESPONSE. REQUESTS FOR MULTIPLE CHANGES SHOULD BE SUBMITTED SEPARATELY.

ALL APPLICATIONS SHOULD BE MAILED TO: VICTORIA BAY HOMEOWNERS ASSOCIATION, INC. P.O. BOX 11906 CHARLOTTE, NC 28220

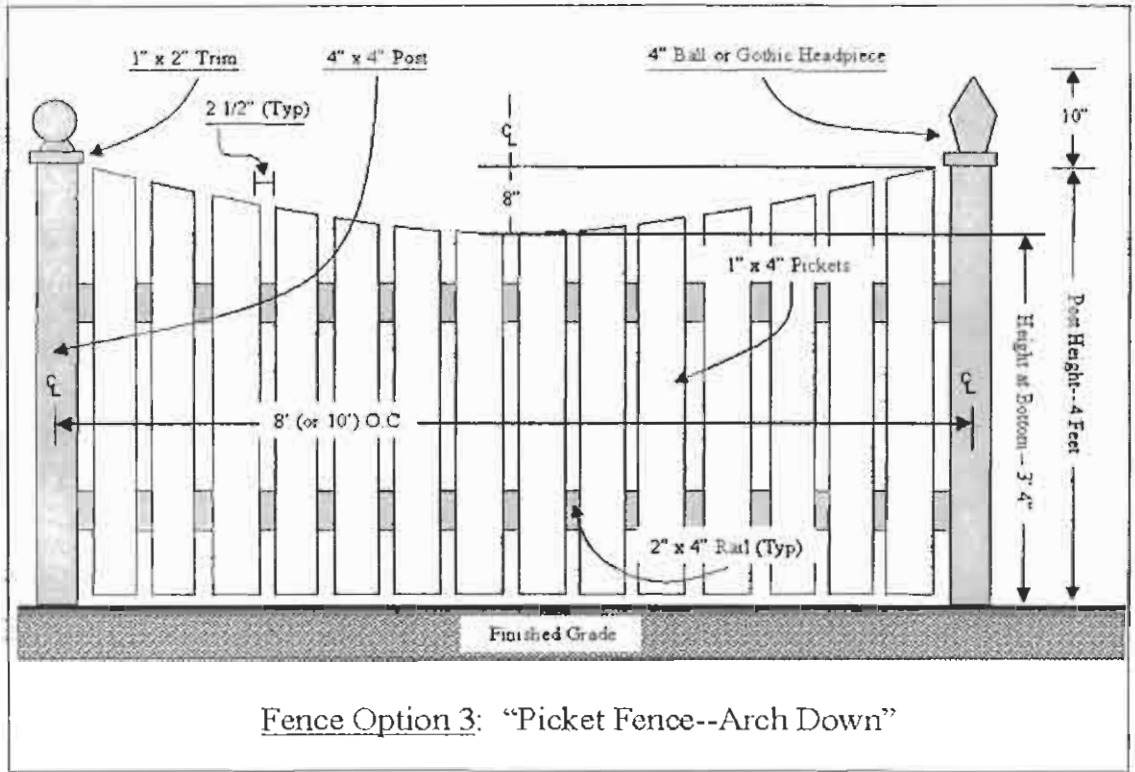
### 3.2 Attachment. Fence Option 2: "Picket Fence—Arch-Up"



#### Option 2 – Picket Fence Arch Up

A 4-foot high fence with 1" x 4" pickets and either 4" or 6" posts. Pickets swoop up toward the center (center height is 4' 8") for the fence section. Each fence section is either 8- or 10-feet long. Pickets are to be spaced 2 - 2 ½" apart. A 4" ball or Virginia Gothic headpiece for each post is required. Deviations should be addressed using the standard ARC request form. The fence should be left either natural or stained with a semi-transparent weathered wood color stain.

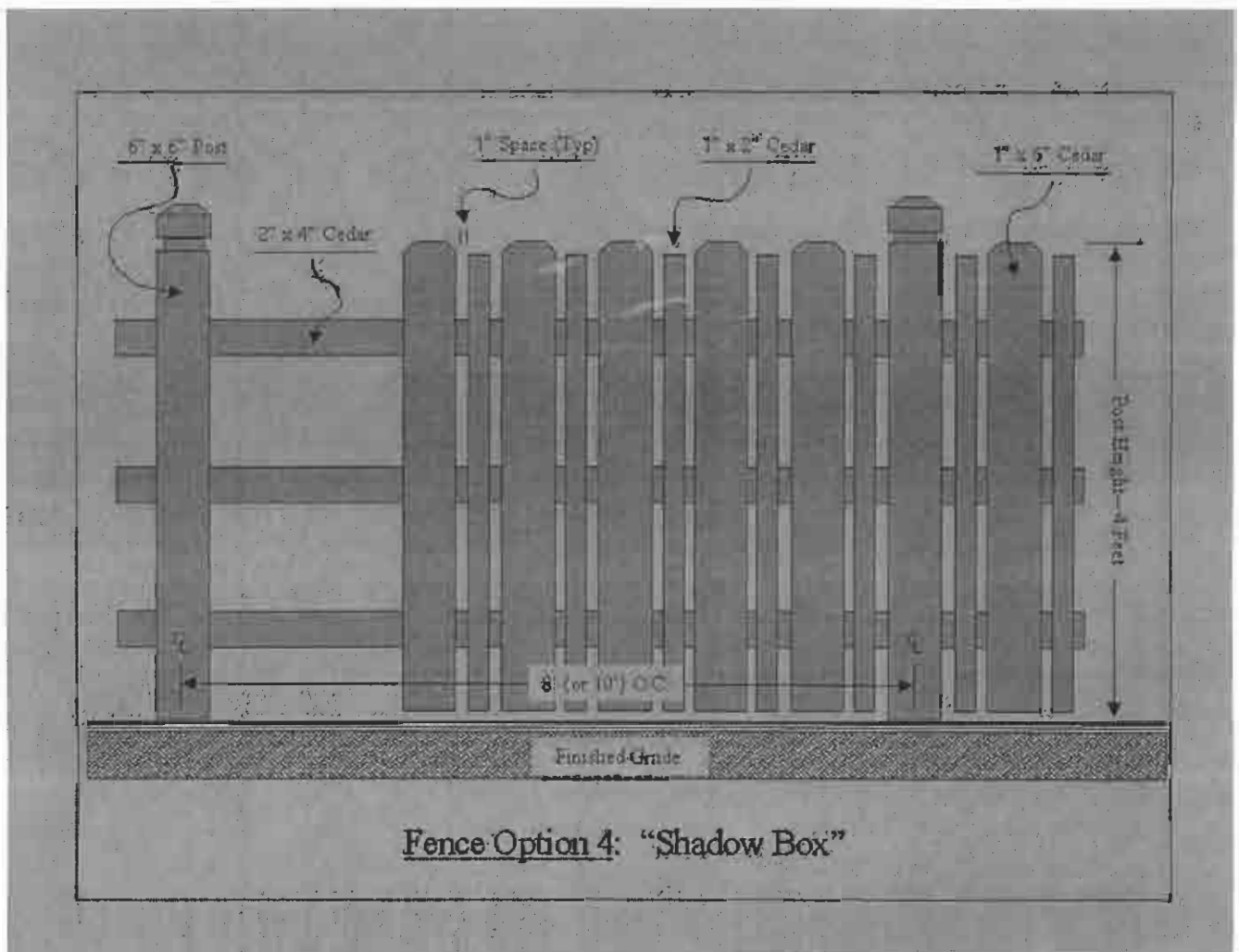
### 3.3 Attachment. Fence Option 3: "Picket Fence—Arch Down"



#### **Option 3 – Picket Fence Arch Down**

A 4-foot high fence with 1" x 4" pickets and either 4" or 6" posts. Pickets swoop down toward the center (center height is 3' 4") for the fence section. Pickets are to be spaced at 2 - 2 ½" apart. A 4" ball or Virginia Gothic headpiece for each post is required. Deviations should be addressed using the standard ARC request form. The fence should be left either natural or stained with a semi-transparent weathered wood color stain.

### 3.4 Attachment. Fence Option 4: "Shadow Box"



#### Option 4 – Shadowbox

A 4-foot high fence with 1" x 6" and 1" x 2" pickets in a shadowbox appearance with 6" x 6" or 4" x 4" posts. Each fence section is either 8- or 10-feet long. Deviations should be addressed using the standard ARC request form. The fence should be left either natural or stained with a semi-transparent weathered wood color stain.

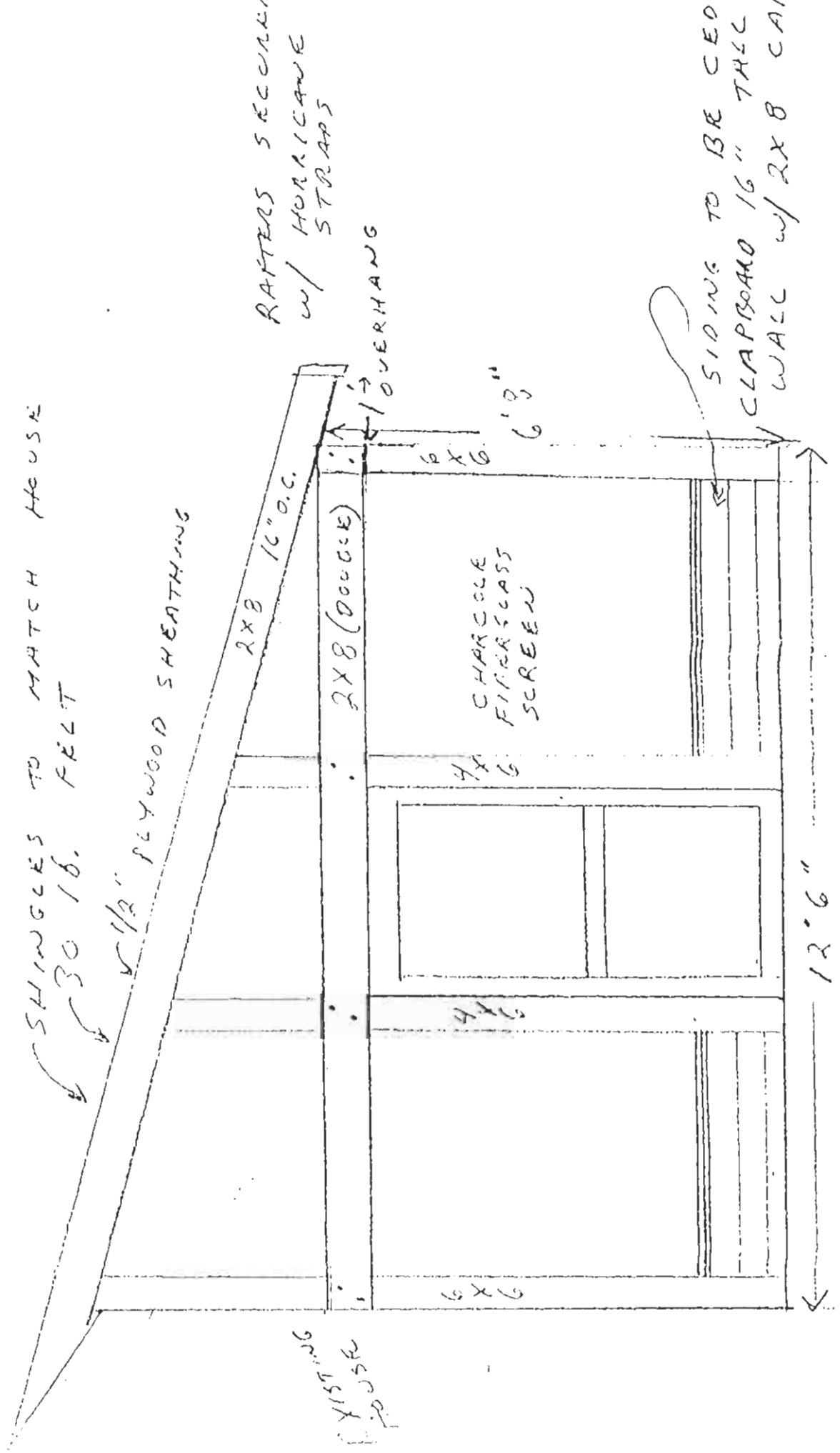
### **3.5 *Sunroom/Screened In Porch*** ***Specifications***

See attachment 3.5 as a guideline for the installation of sunrooms and screened in porches.

# Attachment 3.5a

## Sunroom Specifications

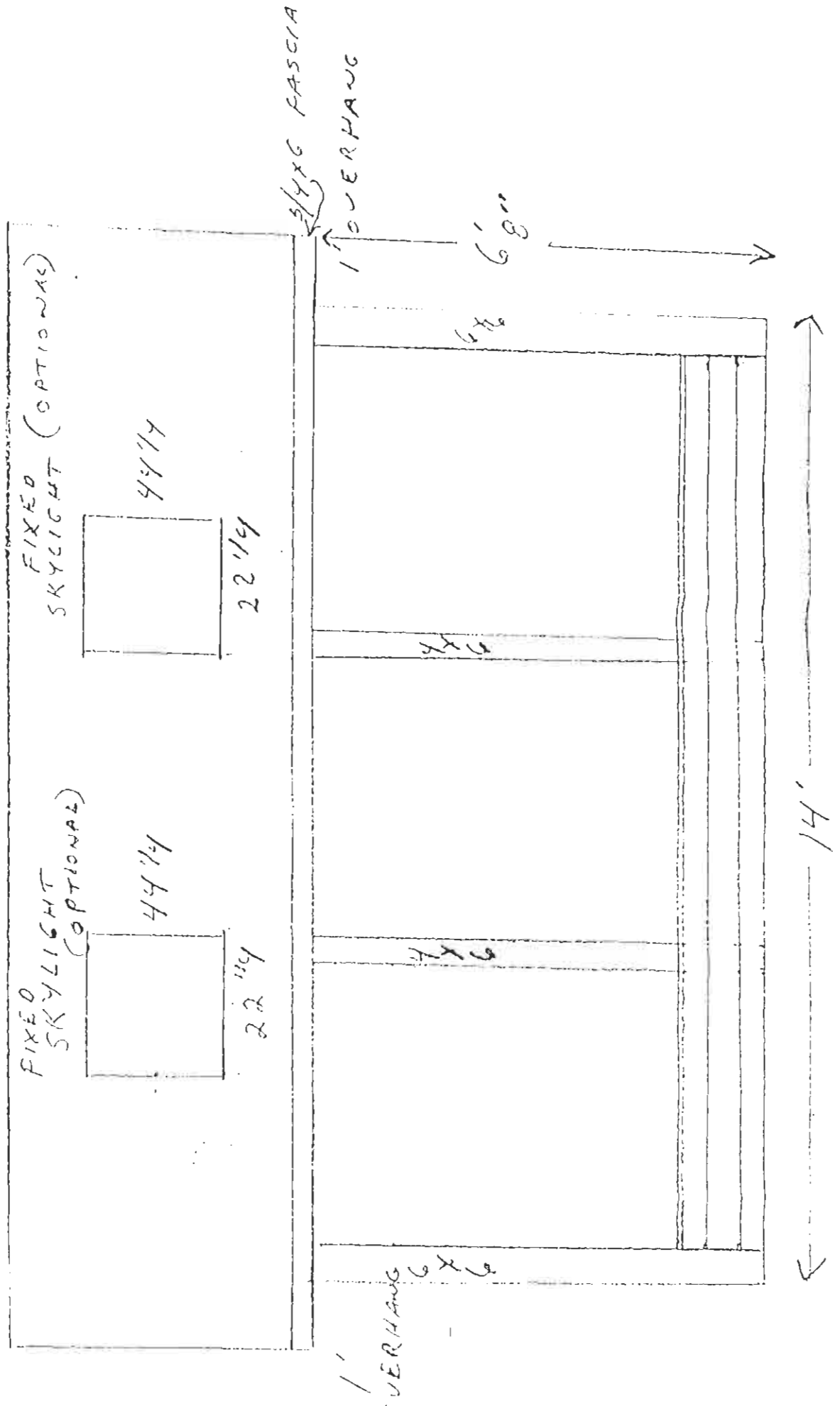
ALL EXPOSED WOOD TO BE PRESSURE TREATED



OPPOSITE SIDE TO DE MIRROR IMAGE (EXCLUDING POOL)

Attachment 3.5b

Screened In Porch Specifications



**3.6 "Clubhouse Rental Agreement"**

**CLUBHOUSE/POOL RENTAL AGREEMENT**

Name of Homeowner(s): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone numbers: Home \_\_\_\_\_ Work: \_\_\_\_\_

Date Requested: \_\_\_\_\_ Day of Week: \_\_\_\_\_

Time of Party: (From) \_\_\_\_\_ (To) \_\_\_\_\_

Lifeguard's Name: \_\_\_\_\_ Cert. #: \_\_\_\_\_

Number of People Attending: Adults \_\_\_\_\_ Children (1-13 yrs.) \_\_\_\_\_

Rental Fee Received: \$40.00 Deposit Received: \$100.00



The clubhouse facilities may be rented for private parties sponsored by Victoria Bay homeowners. All clubhouse rentals are limited to the hours of 8:00 A.M. to 1:00 A.M. with a maximum attendance of 100 people. For every 10 guests under the age of 25 years, an adult over the age of 25 must be present. The clubhouse is a non-smoking facility and the Victoria Bay Homeowners Association, Inc. reserves the right to grant or deny rental of the clubhouse. In scheduling use of the clubhouse, the Association functions shall take precedent over private parties. The sponsoring homeowner(s) must be present for the duration of the party. (If the pool is going to be used in conjunction with the clubhouse for your event, a lifeguard will be required to be on site for a total of 10 guests or more.)

If any alcoholic beverage is served, homeowner(s) must provide proof of host liquor liability insurance with a combined single limit coverage of \$1,000,000 with respect to injuries, deaths or damages. This may be accomplished through a general liability or excess liability (umbrella)

rider to the homeowner's policy, or through a separate policy, provided that the rider or additional policy specifically covers host liquor liability. Proof of such insurance must be delivered to the clubhouse committee at least one week prior to the clubhouse rental or this rental agreement is subject to automatic termination by the Association.

If any alcoholic beverage other than unfortified wine or beer is served, or any alcoholic beverage is sold, homeowner(s) must also obtain a limited special occasion permit or such other permit required by the North Carolina ABC Commission.

The Clubhouse Committee, \_\_\_\_\_, will officially reserve the facility, subject to availability, upon receipt of deposit, rental fee and signed rental agreement. Mail or deliver to the committee, Attn: Clubhouse Reservations \_\_\_\_\_. The committee will confirm the reservation with the homeowner.

Each homeowner(s) is responsible for cleaning the clubhouse after the party per the attached checklist. The Clubhouse Committee will do a complete inspection the morning after each party and confirm that keys were returned. The Committee will then release the deposit.

The rental fee is \$40.00 with a refundable deposit of \$100.00. The Clubhouse Committee requests that you send in two separate checks – one for the fee and one for the deposit. The committee will send the rental fee on to the Homeowners Association to help with maintenance costs and hold the deposit check until after the inspection. If the clubhouse is left clean and undamaged, the deposit check will be mailed back to the homeowner(s).



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I am using the pool facility and have contracted necessary (Initials) \_\_\_\_\_  
lifeguards with the pool management company.

No liquor will be served at the subject event (Initials) \_\_\_\_\_

**OR**

Liquor is to be served and I have obtained necessary (Initials) \_\_\_\_\_  
forms and submitted them.

I/We, the homeowner(s) have read and is/are familiar with the provisions of the above Agreement and the Rules of the facilities, and agree/s to comply with the same.

---

\_\_\_\_\_  
(Homeowner Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Homeowner Signature)

\_\_\_\_\_  
(Date)

VICTORIA BAY CLUBHOUSE  
HOMEOWNERS CLEAN-UP CHECKLIST

Name of Homeowner/Host: \_\_\_\_\_

Date of Event: \_\_\_\_\_

The Association does not provide a cleaning service after each event. Several events may be booked back-to-back in the clubhouse. Therefore, it will be necessary for the homeowner to leave the facility clean. Otherwise, you will be responsible for the cost of the additional cleaning service. Your fee pays for the management company coordination services, the follow-up inspection and periodic cleaning and supplies. The Association will provide a thorough cleaning service several times a month.



- \_\_\_\_\_ Bathrooms clean. No trash or water on the floor.
- \_\_\_\_\_ Kitchen cabinets and counter tops clean.
- \_\_\_\_\_ Refrigerator clean and empty. Sinks clean. No food or drinks left behind.
- \_\_\_\_\_ Tables left clean and all furniture in its place.
- \_\_\_\_\_ Floors clean. Tile mopped if spills occurred and carpet vacuumed.
- \_\_\_\_\_ Surrounding grounds in order.
- \_\_\_\_\_ Inspect general overall condition of facility.
- \_\_\_\_\_ Empty trash cans and deposit garbage in the large roll-away containers.
- \_\_\_\_\_ Clean glass doors.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

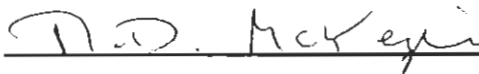
Date Inspected: \_\_\_\_\_

Signature: \_\_\_\_\_

VICTORIA BAY

THIS DOCUMENT MAY BE AMENDED FROM TIME TO TIME BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS.

 9/13/01  
\_\_\_\_\_  
DAVID CUSHING, PULTE HOMES

 9-13-01  
\_\_\_\_\_  
\_\_\_\_\_