



**ARCHITECTURAL
STANDARDS AND
GUIDELINES**

January 2023

Architectural Standards and Guidelines

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1 The Governing Covenants

The Declaration of Protective Covenants for the Montvale Community (the “Covenants”) establishes the framework for architectural guidelines, property maintenance standards, use restrictions, and community rules and regulations. The ARC Standards and Guidelines (this document) is a supplement to the Covenants.

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 1. General. This article sets out certain use restrictions which must be complied with by all Owners and Occupants. These Use restrictions may only be amended in the manner provided in Article XII, Section 4 hereof regarding amendment of this Declaration. In addition, the Board may, from time to time, without consent of the members, promulgate, modify, or delete other use restrictions and rules and regulations applicable to the Community. Such use restrictions and rules shall be distributed to all Owners and Occupants prior to the date that they are to become effective and shall thereafter be binding upon all Owners and Occupants until and unless overruled, cancelled, or modified in a regular or special meeting by a majority of the Total Association Vote.

Section 3. Architectural Guidelines. To preserve the architectural appearance of the Community, no exterior construction, alteration, addition, or erection of any nature whatsoever shall be commenced or placed upon any part of the Community, except AS such is approved in accordance , with this Section, or as is otherwise expressly permitted herein. No exterior construction, addition, erection, or alteration shall be made unless plans and specifications showing at least the nature, kind, shape, height, materials, and location shall have been submitted in writing to and approved by the Board of Directors or an approved Architectural Review Committee ("ARC"). If an ARC is created, the Board shall appoint the members of the ARC, which shall be comprised of at least three (3) representatives. A majority vote of the ARC is required for approval or disapproval of submitted plans and specifications. The ARC may be established such that it is divided into two subcommittees, with one subcommittee having jurisdiction over modifications and the other having jurisdiction over new construction. The Board may employ architects, engineers, or other Persons as it deems necessary, to enable the ARC to perform its review. The ARC may, from time to time, delegate any of its rights or responsibilities hereunder to one or more duly licensed architects or other qualified Persons which shall have full authority to act on behalf of the committee for all matters delegated. Any application to the Board of Directors or any appointed architectural committee shall be in writing and shall provide such information as the Board of Directors may reasonably require. The Board of Directors, or its designated architectural committee, shall have the right to adopt reasonable Architectural Guidelines with respect to construction, additions, or alterations as to any portion of the Property which standards may provide for a review fee and the same shall be enforceable as it set forth herein. Written design standards and procedures may be promulgated for the exercise of this review, which standards may provide for a review fee. The Board shall appoint members of the ARC.

If the ARC fails to approve or to disapprove submitted plans and specifications within sixty (60) days after the plans and specifications have been submitted to it, the foregoing will be deemed approved. However, all activities commenced pursuant to plans which have been deemed approved shall be consistent with such plans.

As a condition of approval under this Section, each Owner, on behalf of such Owner and such Owner's successors-in-interest, shall assume all responsibilities for maintenance, repair, replacement and insurance to and on any change, modification, addition, or alteration. In the discretion of the ARC, an Owner may be made to verify such condition of approval by a recoverable written instrument acknowledged by such Owner on behalf of such Owner and such Owner's successors-in-interest. The ARC shall be the sole arbiter of such plans and may withhold approval for any reason, including purely aesthetic considerations, and it shall be entitled to stop any construction in violation of these restrictions. Any member of the Board or its representatives shall have the right, during reasonable hours and after reasonable notice, to enter upon any property to inspect for the purposes of ascertaining whether or not these restrictive covenants have been or are being complied with. Such Person or Persons shall not be deemed guilty of trespass by reason of such entry. In addition to any other remedies available to the Association, in the event of noncompliance with this Section, the Board may, as provided in Article XII, Section 1 hereof, record in the appropriate land records a notice of violation naming the violating Owner.

PLANS AND SPECIFICATIONS ARE NOT APPROVED FOR ENGINEERING OR STRUCTURAL DESIGN OR QUALITY OF MATERIALS. BY APPROVING SUCH PLANS AND SPECIFICATIONS NEITHER THE ARC, MEMBERS THEREOF, NOR THE ASSOCIATION ASSUMES LIABILITY OR RESPONSIBILITY THEREFORE, NOR ANY DEFECT IN ANY STRUCTURE CONSTRUCTED FROM SUCH PLANS AND SPECIFICATIONS. NEITHER DECLARANT, THE ASSOCIATION, THE ARC, THE BOARD, NOR THE OFFICERS, DIRECTORS, MEMBERS, EMPLOYEES, AND AGENTS OF ANY OF THEM SHALL BE LIABLE FOR DAMAGES TO ANYONE SUBMITTING PLANS AND SPECIFICATIONS TO ANY OF THEM FOR APPROVAL. OR TO ANY OWNER OF PROPERTY AFFECTED BY THESE RESTRICTIONS BY REASON OF MISTAKE IN JUDGEMENT, NEGLIGENCE, OR NONFEASANCE ARISING OUT OF OR IN CONNECTION WITH THE APPROVAL OR DISAPPROVAL OR FAILURE TO APPROVE OR DISAPPROVE ANY SUCH PLANS OR SPECIFICATIONS. EVERY PERSON WHO SUBMITS PLANS OR PLANS OR SPECIFICATIONS AND EVERY OWNER AGREES THAT SUCH PERSON OR OWNER WILL NOT BRING ANY ACTION OR SUIT AGAINST THE ASSOCIATION, THE ARC, THE BOARD, OR THE OFFICERS, DIRECTORS, MEMBERS, EMPLOYEES, AND AGENTS OF ANY OF THEM TO RECOVER ANY DAMAGES AND HEREBY RELEASES, REMISES, QUITCLAIMS, AND CONVENANTS NOT TO SUE FOR ALL CLAIMS, DEMANDS, AND CAUSES OF ACTION ARISING OUT OF OR IN CONNECTION WITH ANY JUDGEMENT, NEGLIGENCE OR NONFEASANCE AND HEREBY WAIVES THE PROVISIONS OF ANY LAW WHICH PROVIDES THAT A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS, DEMANDS AND CAUSES OF ACTION NOT KNOWN AT THE TIME THE RELEASE IS GIVEN.

2 The Architectural Review Committee (ARC)

The Montvale Community Board of Directors (“**The Board**”) is the operating body of the Association and is responsible for enforcing the terms and conditions of the Declaration and any associated rules and regulations. The Board has duly appointed a committee of volunteer Community members to an Architectural Review Committee (ARC) who will:

1. REVIEW AND APPROVE/DISAPPROVE PROPOSED NEW CONSTRUCTION AND EXTERIOR PROPERTY MODIFICATIONS AND/OR ADDITIONS.
2. MONITOR PROPERTIES, VIA PERIODIC INSPECTIONS, TO INSURE COMPLIANCE WITH COMMUNITY ARCHITECTURAL STANDARDS AND GUIDELINES
3. NOTIFY HOMEOWNERS OF ANY ARCHITECTURAL, STRUCTURAL OR PROPERTY MAINTENANCE STANDARDS COMPLIANCE ISSUES.
4. PROVIDE A FORUM FOR REVIEW, DISCUSSION, APPEAL, AND RULING ON COMPLIANCE ISSUES.

The ARC committee will appoint a chairperson to be their spokesperson and liaison to the Board and to the Management Company. The names of ARC members and chairperson will be posted on the Community web site (www.montvalerec.com). **Homeowners with questions and concerns should initiate contact with the ARC through the ARC chairperson.**

3 ARC Standards and Guidelines – Introduction

This document, the Montvale Architectural Standards and Guidelines, was prepared by the ARC. It, in conjunction with the Covenants, specifies the rules, architectural guidelines, and property maintenance standards applicable to the Montvale Community.

IT IS THE HOMEOWNERS' RESPONSIBILITY TO READ AND UNDERSTAND BOTH THE COVENANTS AND THE ARCHITECTURAL STANDARDS AND GUIDELINES.

They are available for viewing and/or printing on the Community website, www.montvalerec.com.

All residents must abide by said rules, guidelines, and standards and, most importantly, refer to them prior to planning any modifications to their home or property.

ARC approval is required for certain projects. For these, identified within these Guidelines, you will see the phrase “**A form must be submitted**”. The Form is the “Application for Modification”, which can be downloaded from the Community website noted above, along with instructions on how to submit it for approval.

A HOMEOWNER IS SUBJECT TO A FINE IF A PROJECT REQUIRING ARC APPROVAL IS BEGUN PRIOR TO RECEIVING WRITTEN APPROVAL FROM THE ARC. THE ARC ALSO CONDUCTS PERIODIC INSPECTIONS TO MONITOR COMPLIANCE. NON-COMPLIANCE CAN ALSO LEAD TO FINES.

3.1.1 Legal Disclaimer

The contents of the Standards and any associated action by the Board, the ARC, or its agents are not intended to be, and should not be construed to be, an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction, nor insuring compliance with building codes, zoning regulations, or other governmental requirements. Neither the Board, the ARC, nor members thereof, shall be held liable for injury, damage, or loss arising from any approval or disapproval, from construction, or from modification to a lot. Nor shall they be held liable for injury, damage, or loss resulting from a homeowner's or resident's lack of due diligence and failure to follow safety rules and/or suggestions as specified in the Standards.

4 Property Maintenance Standards

Montvale Covenants, Article V, Maintenance; Conveyance of Common Property to Association

Section 2. Owner's Responsibility. Except as provided in Section 1 above, all maintenance of the Lot and all structures, parking areas, landscaping and other improvements thereon shall be the sole responsibility of the Owner thereof, who shall maintain such Lot in a good, clean and attractive condition and repair and in a manner consistent with the Community-Wide Standard and this Declaration. Such maintenance shall include, without limitation, prompt removal of all litter, trash, refuse and waste, reasonable maintenance, repair and replacement of all his Improvements and all exterior portions of his Residential Unit; maintenance of all grass and landscaping on a regular basis; tree and shrub pruning; watering of landscaped areas; keeping lawn and gardening areas alive, free of weeds and in attractive condition; keeping driveways in good repair; complying with all governmental health and police requirements; and repair of exterior damage to all Improvements, including the Residential Unit on his Lot.

In the event that the Board of Directors of the Association determines that any Owner has failed or refused to discharge properly any of such Owner's obligations with regard to the maintenance, repair or replacement of items for which such Owner is responsible hereunder, the Association shall, except in an emergency situation, give the Owner written notice of the Association's intent to provide such necessary maintenance, repair, or replacement at the Owner's sole cost and expense. The notice shall set forth with reasonable particularity the maintenance, repairs, or replacement deemed necessary. The Owner shall have ten (10) days after receipt of such notice within which to complete such maintenance, repair or replacement, or in the event that such maintenance, repair or replacement is not capable of completion within a ten (10) day period, to commence such work which shall be completed within a reasonable time. If any Owner does not comply with the provisions hereof, the Association may provide any such maintenance, repair or replacement at such Owner's sole cost and expense, and all costs shall be added to and become a part of the assessment to which such Owner is subject and shall become a lien against the Lot.

Montvale Covenants, Article I, Definitions

Section (g). "Community-Wide Standard" shall mean the standard of conduct, maintenance, or other activity generally prevailing in the Community. Such standard may be more specifically determined by the Board of Directors of the Association. Such determination, however, must be consistent with the Community-Wide Standard originally established by the then Declarant.

4.1 Lawn and Landscape Maintenance Standards

In keeping with the Covenants' "**Owner's responsibility**" and "**Community-Wide Standards**", the Montvale "Lawn and Landscape Standards" requires each homeowner/resident to:

1. ROUTINELY MOW GRASS AREAS TO MAINTAIN A MANICURED APPEARANCE.
2. ROUTINELY EDGE CURB, DRIVEWAY, SIDEWALKS, AND BED BORDERS.
3. PICK UP AND PROPERLY DISPOSE OF GRASS CLIPPINGS, SHRUB CLIPPINGS, OR OTHER YARD WASTE. GRASS CUTTINGS, SHRUB CLIPPINGS, OR OTHER YARD WASTE ARE NOT TO BE BLOWN/RAKED INTO A STORM DRAIN OR INTO THE STREET. CONTAINERS AND BUNDLES OF YARD WASTE ARE NOT TO BE PLACED AT THE CURB EARLIER THAN THE DAY BEFORE SCHEDULED PICK-UP.
4. KEEP ALL LANDSCAPED BEDS AND FLOWER BEDS FREE OF WEEDS, TREE SEEDLINGS, AND INTRUSIVE TURF GRASSES.
5. REPLACE OR RENEW MULCH IN NON-TURF AREAS WHEN FADED OR THINNING. MULCH INCLUDES THE FOLLOWING:
 - PINE STRAW
 - SHREDDED WOOD MULCHES
 - WOOD CHIP MULCHES

Note: GRAVEL, ROCK, OR STONE ARE NOT APPROVED MULCHES OR BED MATERIALS WITHOUT ARC APPROVAL.

6. WATER ADEQUATELY FOR HEALTHY LAWN AND SHRUBS, COUNTY WATER RESTRICTIONS MAY AFFECT FREQUENCY AND TIME OF WATERING.
7. PROMPTLY REPAIR/RE-SEED/RE-SOD OR OTHERWISE LANDSCAPE BARREN LAWN AREAS. ANY SIGNIFICANT CHANGES TO THE LANDSCAPE MAY NEED ARC APPROVAL – SEE "*TREES AND SHRUBBERY*" SECTION.
8. ROUTINELY PRUNE AND TRIM TREES, SHRUBBERY, HEDGES, AND OTHER VEGETATION SO THAT THE YARD PRESENTS A MANICURED APPEARANCE. PRUNING IS ALSO REQUIRED IF MOTORISTS' VISIBILITY AND/OR RIGHT OF WAY IS OBSTRUCTED.
9. REMOVE ANY DEAD SHRUBS AND/OR DEAD TREES PROMPTLY. RE-NEW OR REPLACE LANDSCAPED AREA WHERE SHRUBS/TREES WERE REMOVED— SEE "*TREES AND SHRUBBERY*" SECTION.
10. STORE HOSES AND HOSE CADDIES OUT OF SIGHT OF THE STREET WHEN NOT IN USE.
11. MAINTAIN LAWN EDGING, REGARDLESS OF TYPE (BRICK, PLASTIC, METAL, ETC) IN ATTRACTIVE MANNER.
12. APPLY FERTILIZER AND WEED CONTROL, INCLUDING PRE-EMERGENT, AS NEEDED TO MAINTAIN A HEALTHY AND WEED-FREE LAWN.

4.2 Home and Other Structure Maintenance Standards

"**Community-Wide Standard**" is extended to include the following for home and other structure maintenance standards:

1. ALL HARD STRUCTURES (DRIVEWAYS, SIDEWALKS, RETAINING WALLS, STAIRCASES, ETC.) WILL BE KEPT CLEAN OF DIRT AND MOLD/MILDEW.
2. ALL WOOD SURFACES WILL BE MAINTAINED IN GOOD CONDITION – WOOD ROT AND SPLITTING MUST BE REPAIRED PROMPTLY.
3. PAINTED SURFACES WILL BE KEPT CLEAN OF DIRT AND MOLD/MILDEW. PEELING OR DETERIORATING PAINT IS TO BE ADDRESSED PROMPTLY.

5 Architectural Standards

5.1 Exterior Building Alterations and New Construction

A Form **must be submitted** for all exterior building alterations and exterior new construction which include, but are not limited to, storm doors and windows, awnings, driveways, garages, fences, decks, porches and room additions. The original architectural character/theme of the home (traditional, contemporary, etc) must remain consistent. No change may alter that character or theme.

Homeowners are advised that a County building permit will be required for certain exterior building alterations. If County authorities make changes to the plans as approved by the ARC; the homeowner must submit such changes for approval prior to commencing construction.

Please consult the Guidelines and Standards as well as an ARC member for guidance prior to commencement of any work.

THE ARC HAS THE AUTHORITY TO HAVE ANY UNAPPROVED PROJECT HALTED AND/OR "UN-DONE" AT HOMEOWNER'S EXPENSE. A FINE MAY ALSO BE IMPOSED FOR BEGINNING A PROJECT PRIOR TO APPROVAL, EVEN THOUGH IT MAY ULTIMATELY BE APPROVED.

5.1.1 Painting

A **form must be submitted for all exterior repainting requests.**

Approval is required to paint the exterior of the house, even if the request involves the existing colors.

When choosing exterior paint colors please choose the traditional method for color combinations. A base color for the siding, a color for trim, fascia, windows, garage doors and an accent color for shutters and front door. The color of the roof on your house must be considered as this represents a permanent fixture and covers a large area. Please consider the architectural style of your house and choose colors that would best complement not only your house but integrate with the neighborhood.

Attention to the undertones of the color chosen is important. Even whites and neutrals have undertones that will show up in different lights or against different colors. For example, beige may show up as pink in full sunlight, gray as blue, etc.

If you have white vinyl replacement framed windows, choose a light color for your window trim such that the window frame disappears into the trim when viewed from the street. If you have wooden window frames, you will have more window trim color options.

When preparing for painting, consider soft washing the roof if it is streaked or discolored. This will result in an overall fresh appearance and improve curb appeal.

When assessing paint colors and finishes, the ARC will consider the architectural components of the house as well as how the colors fit in with the overall traditional design of the neighborhood.

5.1.8 Painting Continued

Brick Finishes:

Whitewash, limewash, German smear, mortar wash, and stain are not approved brick finishes.

Painting Brick:

ROMABIO® Masonry Flat must be used on the brick. All sides of the house must be the same color. ROMABIO® Masonry Flat may be matched to Sherwin Williams and Benjamin Moore colors. A low gloss, low sheen paint is recommended for siding and a satin finish is recommended for trim.

ROMABIO® Masonry Flat is a high-performing, mineral masonry paint made for extreme durability. It is naturally mold resistant, toxin-free, and environmentally friendly. Mineral paints are breathable and calcify to the masonry surface allowing moisture to release creating a longer lasting finish with low maintenance.

*Other paint brands for brick may be considered if they contain similar qualities to ROMABIO® Masonry Flat paint.

Choose a contractor who has experience using ROMABIO® paint to ensure the paint is applied correctly. Paint stores that sell the ROMABIO® brand may be able to provide names of contractors. A detailed scope of work from the contractor must be submitted with the application.

Stone:

Altering stone is prohibited.

The following application requirements apply:

1. Paint samples and/or vendor codes for all colors (e.g., siding, brick, trim, shutters, gutters, and doors) must be detailed on the application.
2. Provide current, digital pictures of all sides of your house with the application.
3. The color for brick, stucco or siding **MUST** have a light reflective value (LRV) of seventy-eight (78) or lower to ensure the color is not too bright.
4. Paint a 22x28 or larger poster board edge to edge with the siding color to evaluate it against your house. Colors may be painted on the siding to evaluate in different lights. It is best to paint next to the trim and in a section large enough to evaluate the color. It is also beneficial to evaluate the color on each side of the house to evaluate it in different lights.

DO NOT apply paint to the brick on your house to evaluate colors. Testing the color on brick should be done using single bricks not affixed to the house.

The ARC may request an onsite meeting to assess the colors chosen. Providing a digital rendering of your house with the requested colors will assist in expediting the decision process.

5.1.2 Roofing

A Form **must be submitted** for all re-roofing requests. The request for approval requires shingle type, style, and color.

5.1.3 Awnings

A Form **must be submitted** for all awnings. Awnings and coverings attached to the structure visible from the street are prohibited. Awnings or coverings must be either canvas or a structural extension of the home's existing roof. Colors or finish must be compatible with the home's primary and trim colors. The request for approval requires the following:

1. A PICTURE OR DRAWING OF ALL WINDOWS/DOORS WHERE AWNINGS/COVERINGS WILL BE INSTALLED.
2. A PICTURE AND DESCRIPTION OF THE STYLE OF AWNING/COVERING TO BE INSTALLED.
3. COLOR SAMPLES AND A MATERIALS LIST.
4. AWNINGS ARE LIMITED TO 150 SQUARE FEET.

5.1.4 Decks

A Form **must be submitted** for all decks, to include the following information:

A site plan or drawing denoting:

- LOCATION
- DIMENSIONS
- PROPERTY LINE SETBACKS
- MATERIALS
- ANY ASSOCIATED CONSTRUCTION – STEPS, PERGOLA, WALKWAY, ETC
- LIGHTING AND LIGHT FIXTURES, IF ANY
- PAINT AND/OR STAIN TYPE AND COLOR

The following standards have been adopted for decks in the Community:

1. THE DECK MAY NOT EXTEND PAST THE SIDES OF THE HOME.
2. DECK MATERIALS MUST BE CEDAR, CYPRESS, OR NO. 2 GRADE OR BETTER PRESSURE TREATED PINE, OR EQUIVALENT COMPOSITE MATERIAL. VINYL FINISHING MATERIALS ARE PROHIBITED
3. THE COLOR MUST BE NATURAL OR FINISHED TO COORDINATE WITH THE EXTERIOR COLOR OF HOME.
4. VERTICAL SUPPORT FOR WOOD DECKS MUST MEET MINIMUM COUNTY STANDARDS FOR WOOD POST OR PAINTED (BLACK) METAL POLES, PREFERABLY BOXED IN AS TO APPEAR TO BE WOOD POSTS – BRICK OR STUCCO COLUMNS MATCHING THE HOME ARE ALSO ACCEPTABLE.

A BUILDING PERMIT MAY BE REQUIRED FOR A DECK.

THE ARC RESERVES THE RIGHT TO DISAPPROVE CONSTRUCTION OF A DECK IF ITS CONSTRUCTION IS INCOMPATIBLE WITH THE DESIGN OF THE HOUSE OR WOULD, IN THE ARC'S OPINION, HAVE AN ADVERSE IMPACT ON ADJACENT PROPERTIES.

5.1.5 Porches

A Form **must be submitted** for all porches. The application needs to include dimensions, location, materials, color, and a detailed plan that includes a pictorial view of the proposed porch.

The following standards apply:

- 1 THE PORCH MUST BE IN REAR OF HOME AND MAY NOT EXTEND BEYOND THE SIDES.
- 2 BUILDING MATERIALS MUST BE CONSISTENT WITH THE HOME AND BE WEATHER RESISTANT WHERE SUBJECTED TO THE ELEMENTS.
- 3 COLOR MUST BE NATURAL OR FINISHED TO COORDINATE WITH EXTERIOR COLOR OF HOME.
- 4 VERTICAL SUPPORT MUST MEET COUNTY BUILDING STANDARDS AND COORDINATE WITH HOME EXTERIOR.
- 5 IF PORCH IS BUILT FROM DECK, STANDARDS FOR DECKS ALSO APPLY. (See above section **5.1.4 – Decks**).

A BUILDING PERMIT MAY BE REQUIRED FOR A PORCH.

5.1.6 Home Additions

A Form **must be submitted** for all home additions. The application must include a detailed plan of the addition. This also requires a county permit which should be obtained as soon as plans are solidified. The request can precede the permit, but the permit needs to be added to the request once it is obtained.

Home and/or room additions must be consistent with the style/character of the home, compatible with the existing home materials, and coordinated with home colors.

5.1.7 Detached Buildings

A Form **must be submitted** for all detached buildings.

Note: For a doghouse, see “Dog Houses” section.

The following standards apply for detached buildings in the Community:

1. THE BUILDING SIZE SHALL BE NO MORE THAN 150 SQUARE FEET AND NO HIGHER THAN 12 FEET AT ITS TALLEST POINT.
- 2 MATERIALS AND COLORS MUST COORDINATE WITH THE EXTERIOR MATERIALS AND COLORS USED ON THE HOME.

- 3 THE BUILDING SHOULD BE LOCATED IN THE REAR OF THE PRIMARY HOME. PRIMARY REVIEW EMPHASIS IS GIVEN TO THE PLACEMENT OF THE STRUCTURE ON THE LOT AND INSIDE THE EXTENDED SIDE LINES OF THE PRIMARY HOME. THIS IS TO MINIMIZE THE VISUAL IMPACT ON ADJACENT PROPERTIES AND/OR FROM THE STREET.
- 4 THE BUILDING MAY NOT BE USED FOR ANY PURPOSE THAT MAY BE DEEMED BY THE ARC TO CAUSE DISORDERLY, UNSIGHTLY, OR UNKEMPT CONDITIONS.

5.1.8 Fences

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 20. Fences. No fence or fencing type barrier of any kind shall be placed, erected, allowed, or maintained upon any portion of the Community, including any Lot, without the prior written consent of the ARC. The ARC may issue guidelines detailing acceptable fence styles or specifications, but in no event may a chain link or barbed wire fence be approved.

A Form **must be submitted** for an invisible/electric fence.

A Form **must be submitted** for construction of all fences to include the following information:

1. The type of fence and the materials to be used.
2. a sketch and/or site plan showing the location of the fence together with information as to existing fences erected on adjacent properties (a copy of your plat is suggested)
3. dimensions – height, span between posts, post size, cross beam size, number of rails, etc.
4. color and/or finish.
5. acknowledgment of adjacent property owner approval or disapproval.

Specific Standards:

The following standards have been adopted for fences in the Community:

1. Chain link or barbed wire fencing is NOT ALLOWED.
2. Fence materials must be cedar, cypress, or No. 2 grade or better pressure treated pine, or equivalent composite material.
3. The maximum height must not exceed 6 feet.
4. The maximum span between posts shall be 8 feet.

5.1.8 Fences Continued

5. The minimum post size shall be 4x4 inches (nominal dimension) and set in concrete. The depth of the hole for each post should be $\frac{1}{3}$ – $\frac{1}{2}$ the post height above ground (i.e., a six (6) foot fence would require a hole depth of at least 2 feet).
6. The crossbeam structure (rails) shall not be visible from any street (e.g., finished sides of the fence must be turned to the outside).
7. There must be two, 2x6 inch rails or three, 2x4 inch rails per section. This must be consistent for the entire fence perimeter.
8. Fences are encouraged to be left in their natural state but may be stained. The transparency of the stain should be transparent (preferred) or semi-transparent to allow the grain to show through. Painting the fence is prohibited.
9. Generally, fences shall not be located closer to any street than the rear edge of the home. On corner lots, the application will be evaluated on a case-by-case basis due to lot configurations and house placement. Fence approval for corner lots will require more landscaping and set back distances to enhance curb appeal.

Specific standards for lots that back up to Brookwood Road or McGinnis Ferry Road (collectively, “exterior roads”):

1. Chain link or barbed wire fencing is NOT ALLOWED.
2. Fence materials must be cedar, cypress, or No. 2 grade or better pressure treated pine, or equivalent composite material.
3. A maximum fence height of eight (8) feet will be allowed for the ***back line of the fence perimeter*** for lots with low grades to meet a neighbor’s six (6) foot fence that may be on higher ground to create a more uniform appearance from exterior roads. The following guidelines apply:
 - a) The fence may not exceed the top of the adjoining fence line to which it is tied or the highest point of the railing on top of the County wall.
 - b) Adjoining fencing on sidelines of same lot must be six (6) feet for a more uniform appearance.
 - c) A permit is required from Forsyth County.
 - d) The maximum span between posts shall be 8 feet.
 - e) The minimum post size shall be 6x6 inches (nominal dimension) and set in concrete. The depth of the hole for each post should be $\frac{1}{3}$ – $\frac{1}{2}$ the post height above ground (i.e., an eight (8) foot fence would require a hole depth of at least 2 feet and 7 inches).
 - f) The crossbeam structure (rails) shall not be visible from exterior roads (e.g., finished sides of the fence must be turned to the outside).
 - g) There must be four (4) 2x4 inch rails per section.

5.1.8 Fences Continued

4. All fencing along back lots of properties visible from exterior roads will be the same style. The stain color and finish for the side of the fence facing exterior roads must be the same.
5. The fence along the exterior road must be the back line of the fence enclosure for a lot.
6. As new fences are installed or old ones replaced, the fence style must be considered when tying into neighbors' fences to avoid having too many varying styles. The same style as the fence along the exterior road, or a straight top fence with "dog ear" panels are the preferred styles.
7. Fences are encouraged to be left in their natural state but may be stained. The transparency of the stain should be transparent (preferred) or semi-transparent to allow the grain to show through. Painting the fence is prohibited.
8. There is a required *minimum* of two (2) feet between the County wall and the proposed fence line that must be accessible by the lot owner without crossing other lots.
9. Fences must be aligned with neighboring fences to create a uniform appearance.

Other items to be considered include but are not limited to:

1. Maintenance of the fence in consideration of weathering and deterioration over time.
2. Responsibility for maintaining the property between neighboring fences.
3. Landscaping requirements to soften the view from the street.
4. Legal requirements for a private pool fence.
5. Compatibility (style and finish) of the proposed fence to any existing fence(s) on adjacent properties.
6. Style and size of the fence in relation to the home and lot.
7. Drainage considerations under and around the fence.
8. Access/easements for utilities – water, sewer, gas, electric, phone, and cable.

5.1.9 Patios and Walkways

A Form **must be submitted** for patios, walkways, patio covers, trellises, permanent seating, railing and other items.

The following information is required for all patios and walkways:

- A SKETCH/SITE PLAN DENOTING THE LOCATION, DIMENSIONS, PROPERTY LINE SETBACKS, MATERIALS, AND COLOR.

5.1.10 Energy Conservation Equipment

Montvale Covenants, Article VI, Use Restriction and Rule

Section 25. Energy Conservation Equipment. No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed unless they are an integral and harmonious part of the architectural design of a structure, as determined in the sole discretion of the ARC.

5.1.11 Front Entrance Doors

A Form **must be submitted** for replacement Front Entrance Doors.

The following information is required;

- A PICTURE SHOWING STYLE, MATERIALS USED, AND COLORS (DOOR & TRIM)

5.1.12 Garage Doors

A Form **must be submitted** for replacement Garage Doors.

The following information is required;

- A PICTURE SHOWING STYLE, MATERIALS USED, AND COLOR.

5.2 Landscaping Alterations

A Form **must be submitted** for any landscaping project resulting in a significant change to existing landscaping and/or when grading or contour modification is required. Landscaping should be compatible with the residence, the terrain, and the natural features of the lot. Retaining Walls, Exterior Lighting, Trees and Shrubbery, Vegetable Garden Plots, Artificial Vegetation, and Exterior Decorative Objects are all considered to be a part of landscaping, and are addressed in the following sub-sections.

5.2.1 Retaining Walls

A Form **must be submitted** for all retaining walls. The following standards apply:

- 1 CONSTRUCTION OF RETAINING WALLS MUST COMPLY WITH COUNTY STANDARDS AND BE CONSTRUCTED FROM ACCEPTABLE RETAINING WALL MATERIALS. THIS INCLUDES POURED CONCRETE, LANDSCAPE BLOCKS, NATURAL STONE, BRICK, LANDSCAPE TIMBERS OR CROSS TIES. RETAINING WALLS MUST COMPLEMENT THE EXISTING STRUCTURE.
- 2 ALL EXPOSED CONCRETE BLOCK OR POURED CONCRETE FOUNDATIONS AND/OR RETAINING WALLS MUST BE VENEERED WITH NATURAL STONE, BRICK, OR STUCCO.

- 3 RETAINING WALLS CONSTRUCTED OF LANDSCAPE TIMBERS OR CROSS TIES, IF VISIBLE FROM THE STREET, MUST BE SHIELDED OR SOFTENED BY AN APPROVED VEGETATIVE LANDSCAPE.

5.2.2 Exterior Lighting

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 23. Lighting. Except as may be permitted by the ARC, exterior lighting visible from the street shall not be permitted except for (a) approved lighting as originally installed on the Lot; (b) one decorative post light; (c) street lights in conformity with an established street lighting program for the Community; and (d) seasonal decorative lights.

A Form **must be submitted** for all exterior lights or lighting fixtures **unless** they are specifically permitted by the Covenants or comply with the following criteria:

- INDIVIDUAL LIGHTS ARE NO TALLER THAN 18 INCHES.
- THE NUMBER OF LIGHTS IS 10 OR LESS.
- INDIVIDUAL LIGHTS ARE 100 WATTS OR LESS.
- LIGHTS ARE WHITE OR CLEAR, NON-GLARE.
- LIGHTS DO NOT ADVERSELY AFFECT ADJACENT PROPERTY AND STREETS.

Seasonal Lighting and associated decorations should be tasteful – i.e., in the ARC’s judgement, they comply with the Community-Wide Standard. They may be displayed 30 days prior to the holiday/event/season and must be removed no later than two weeks after the holiday/event or end of season.

5.2.3 Trees and Shrubbery

A Form is not required for planting ornamental trees and shrubbery. However, a Form **must be submitted** for screen planting (rows and/or clusters) and property line plantings.

The request for approval must include a description of the trees and/or shrubs, to include the expected size at maturity, and a site plan showing the location and relationship of plantings to the house and adjacent homes.

Note: Planting of aggressive/invasive plants, such as bamboo, sumac, kudzu, is not allowed.

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 14. Tree Removal. No tree four (4) or more inches in diameter at a point two (2) feet above the ground shall be removed from any portion of the Community without the prior written consent of the ARC except for (a) trees that are located within ten (10) feet of a drainage area, a septic field, a sidewalk, a residence or a driveway; and (b) diseased or dead trees.

A Form **must be submitted** for tree removal except for:

1. TREES LESS THAN 4" IN DIAMETER;
2. TREES THAT ARE LOCATED WITHIN TEN (10) FEET OF A DRAINAGE AREA, SIDEWALK, RESIDENCE, OR A DRIVEWAY;
3. DISEASED OR DEAD TREES.

Note: If trees are removed then stumps must be removed or ground down and the area landscaped within a 30 day time frame. Otherwise, a form must be submitted with plans and timeframe for required landscaping. The ARC will then decide on an appropriate course of action.

5.2.4 Vegetable Garden Plots

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 27. Gardens, Play Equipment and Pools. No vegetable gardens, hammock, play equipment, or pool shall be constructed, erected, or maintained upon any Lot unless the type and location thereof has been previously approved by the ARC.

A Form **is not required** for garden plots if all the following standards are met:

1. THE PLOT IS LOCATED BEHIND THE REAR LINE OF THE HOUSE SO AS TO MINIMIZE THE VISUAL IMPACT ON ADJACENT PROPERTIES OR FROM THE STREET.
2. THE SIZE OF THE PLOT IS LIMITED TO 150 SQUARE FEET.

ALL GARDEN PLOTS MUST BE CLEARED AT THE COMPLETION OF THE GROWING SEASON.

5.2.5 Artificial Vegetation

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 24. Artificial Vegetation, Exterior Sculpture and Similar Items. No artificial vegetation shall be permitted on the exterior of any property. Exterior sculpture, fountains, flags and similar items must be approved by the ARC.

SEASONAL ARTIFICIAL VEGETATION (E.G., A WREATH ON THE DOOR) IS THE ONLY EXCEPTION TO THE COVENANT.

SEASONAL ARTIFICIAL VEGETATION SHOULD BE TASTEFUL AND MUST BE REMOVED NO LATER THAN TWO WEEKS AFTER THE HOLIDAY EVENT OR END OF SEASON.

5.2.6 Exterior Decorative Objects

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 24. Exterior Sculpture and Similar Items. Exterior sculpture, fountains, flags, and similar items must be approved by the ARC.

A Form **must be submitted** for all exterior decorative objects, both natural and man-made.

Typical examples of Exterior Decorative Objects

- FLOWER POTS, VASES, URNS, HANGING BASKETS
- BIRD BATHS AND FEEDERS
- STATUARY AND SCULPTURES
- PONDS, FOUNTAINS, BRIDGES
- BENCHES, SWINGS

“**Curb appeal**”, as generally recognized by realtors, and “**Community-Wide Standard**”, as defined in the Covenants, will be the primary consideration when a request for exterior decorative objects is submitted for approval. ARC approval for front yard decorative objects will be based on color, material, size, number of items, and compatibility with the home and lot. Decorative objects containing plants – flower pots/vases/urns/hanging baskets – must contain live, healthy, well-maintained plants or should be removed.

If you are unsure as to the feasibility/advisability of exterior decorative objects you may be considering, please contact the ARC for guidance prior to submitting a request for approval.

6 Miscellaneous Guidelines, Standards, and Restrictions

6.1 Storage

ALL LAWN AND GARDEN EQUIPMENT, PORTABLE RECREATION EQUIPMENT, GARBAGE CANS, AND WOOD PILES SHALL BE KEPT IN A GARAGE OR SCREENED BY ADEQUATE PLANTING OR APPROVED FENCING SO AS TO BE CONCEALED FROM VIEW BY NEIGHBORING RESIDENTS AND FROM THE STREET.

6.2 Subdivision Entry Features

A Form **must be submitted** for alteration, removal, or improvements to entry features constructed by the property developer or the Association on any Lot. This includes any part of any easement area associated with the entry feature.

6.3 Party Walls and Party Fences

Montvale Covenants, Article V, Maintenance; Conveyance of Common Property to Association

Section 3. Party Walls and Party Fences. General Rules of Law to Apply. Each wall or fence built as a part of the original construction on the Lots which shall serve and separate any two adjoining Lots shall constitute a party wall or fence and, to the extent not inconsistent with the provisions of this Section, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

6.4 Flag Poles

A Form **must be submitted** for installing freestanding poles.

A Form **is not required** for installing a **single flag pole staff attached to the front portion of a house**. The size of any flag displayed may not be greater than 3x5 feet.

6.5 Play Equipment

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 27. Gardens, Play Equipment and Pools. No vegetable gardens, hammock, play equipment, or pool shall be constructed, erected, or maintained upon any Lot unless the type and location thereof has been previously approved by the ARC.

Note: For basketball goals, see “Basket Ball Goals” section of this document.

A Form **must be submitted** for play equipment The following standards apply:

1. PLAY EQUIPMENT SHALL BE IN THE REAR YARD AND WITHIN THE EXTENDED SIDELINES OF THE HOUSE.
2. PLAY EQUIPMENT SHALL BE LOCATED WITHIN A SCREENED AND/OR FENCED AREA. SCREENING SHOULD BE NATURAL FOLIAGE SUCH AS SHRUBS AND TREES THAT ARE CONSISTENT WITH NEIGHBORHOOD STANDARDS AND THE GENERAL LANDSCAPING PLAN ADOPTED FOR THE PROPERTY.
3. FOR AESTHETIC AND ENVIRONMENTAL REASONS, IT IS PREFERRED THAT PLAY EQUIPMENT BE CONSTRUCTED OF WOOD. METAL AND PLASTIC CONSTRUCTION WILL TYPICALLY REQUIRE MORE STRINGENT FENCING AND/OR SCREENING AND MAY REQUIRE PAINTING TO BETTER BLEND WITH THE ENVIRONMENT.

6.5 PLAY EQUIPMENT CONTINUED

4. THE PLAY EQUIPMENT SHALL BE SIZED, COLORED, DESIGNED, AND LOCATED SUCH THAT IT WILL HAVE MINIMAL VISUAL IMPACT ON ADJACENT PROPERTIES.
5. TRAMPOLINES SHALL BE SCREENED BY ADEQUATE PLANTING OR APPROVED FENCING SO AS TO BE CONCEALED FROM VIEW BY NEIGHBORING RESIDENCES AND FROM THE STREET. GENERALLY, TRAMPOLINES WILL REQUIRE APPROVED FENCING TO ADEQUATELY SHIELD THEM FROM VIEW.

THE ARC RESERVES THE RIGHT TO REJECT A REQUEST FOR PLAY EQUIPMENT BASED ON ITS INTENDED USE AND ASSOCIATED IMPACT ON NEIGHBORING PROPERTIES.

6.6 Basketball Goals

A Form **must be submitted** for non-portable (in-ground) basketball goal installations. If installed in front of the house, the following guidelines apply for all types of basketball goal:

1. IT MAY NOT BE ATTACHED TO THE HOUSE.
2. IT SHOULD NOT BE PLACED SO THAT THE STREET BECOMES THE PLAYING COURT.
3. IT SHOULD BE LOCATED AT LEAST HALFWAY FROM THE STREET TO THE HOUSE.
I.E. -LOCATED NEARER THE HOUSE THAN THE STREET.
4. THE GOAL POST SHOULD BE BLACK OR GREEN.
5. THE GOAL MUST BE MAINTAINED AND NOT ALLOWED TO BECOME UNSIGHTLY.
6. IF/WHEN TAKEN DOWN, IT MUST BE STORED FROM STREET VIEW.

Note: Negative impact related to time of use, lighting and noise on adjacent properties should be avoided.

6.7 Play Houses and Tree Houses

A Form **must be submitted** for all play houses and tree houses. Also see standards for “Detached Buildings” in this document for additional information.

The following standards apply to play houses and tree houses:

1. LOCATED SO AS TO HAVE MINIMAL VISUAL IMPACT FROM ADJACENT PROPERTIES AND THE STREET.
2. IN MOST CASES, MATERIALS USED FOR CONSTRUCTION MUST COORDINATE WITH EXISTING MATERIALS AND COLOR OF THE HOME.
3. PLAYHOUSES OR TREE HOUSES MAY NOT BE LARGER THAN 100 SQUARE FEET OR 12 FEET IN HEIGHT.

Note: Playhouses and tree houses must be maintained to preserve the approved décor and specifications that were approved by the ARC.

6.8 Signs and Banners

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 6. Signs. No sign of any kind shall be erected by an Owner or Occupant within the Community without the prior written consent of the ARC except (a) not more than one “For Sale” and “For Rent” sign consistent with the Architectural Guidelines established in accordance with this Article; (b) security signs consistent with the Architectural Guidelines established in accordance with this Article; and (c) any signs required by legal proceedings. Notwithstanding the foregoing, the Board shall have the right to erect reasonable and appropriate signs. The provisions of this Section shall not apply to any Person holding a Mortgage who becomes an Owner of any Lot as purchaser at

a judicial or foreclosure sale conducted with respect to a first Mortgage or as a transferee pursuant to any proceeding in lieu thereof.

Also refer to Section 5.2.2 – Exterior Lighting (Seasonal Lighting & Decorations)

No sign of any kind shall be erected within the Community without prior written consent of the ARC, except for the following:

1. ONE **FOR SALE** OR **FOR RENT SIGN** CONSISTENT WITH THE COMMUNITY-WIDE STANDARD AND HAVING A MAXIMUM AREA OF FOUR SQUARE FEET AND A MAXIMUM HEIGHT OF FOUR FEET.
2. **GARAGE SALE** SIGNS MAY BE DISPLAYED ONE DAY BEFORE AND REMOVED NO LATER THAN THE DAY AFTER THE EVENT.
3. **SECURITY SIGNS** CONSISTENT WITH THE COMMUNITY-WIDE STANDARD.
4. SIGNS REQUIRED BY **LEGAL PROCEEDINGS**.
5. **POLITICAL SIGNS**, WITH THE LIMITATION OF ONE (1) SIGN PLACED IN THE YARD NO MORE THAT 30 DAYS PRIOR TO THE ELECTION AND REMOVED 2 DAYS POST ELECTION.
6. **CONTRACTOR/BUILDER SIGNS** MUST BE REMOVED NO LATER THAN ONE WEEK AFTER WORK IS COMPLETED.
7. **LAWN CHEMICAL APPLICATION SIGNS** MAY REMAIN IN YARD UP TO ONE WEEK FOLLOWING TREATMENT.
8. CELEBRATION SIGNS/BANNERS – BIRTHS, BIRTHDAYS, GRADUATION, ETC – MAY BE DISPLAYED FOR UP TO TWO WEEKS.

6.9 Mailboxes

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 28. Mailboxes. All mailboxes located on Lots shall be of a similar style approved by the ARC and shall be installed initially by the original home builder. Replacement mailboxes may be installed after the type has been approved in writing by the ARC.

Mailboxes and posts must conform to approved Community and USPS standards and must be:

1. KEPT IN GOOD REPAIR BY REPLACING ROTTED OR DAMAGED POSTS, PAINTING/STAINING THE POST, REPLACING MISSING/UNSERVICEABLE DOORS AND FLAGS.
2. KEPT ACCESSIBLE TO THE MAIL DELIVERY PERSON. VEGETATION-COVERED BOXES ARE STRONGLY DISCOURAGED AS THEY ATTRACT BEES, WASPS, AND OTHER INSECTS.
3. REPLACEMENT MAIL BOXES MUST MATCH EXISTING MAIL BOX OR OTHERWISE CONFORM TO THE CURRENT MAILBOX STANDARDS ADOPTED FOR THE COMMUNITY.
4. MAIL BOX NUMBERS MUST BE READABLE.

6.10 Clotheslines

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 30. Clotheslines. No exterior clotheslines of any type shall be permitted upon any Lot.

6.11 Trash, Garbage and Newspapers

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 17. Garbage cans, Woodpiles, Etc. All garbage cans, woodpiles, swimming pool pumps, filters and related equipment, air conditioning compressors and other similar items shall be located or screened so as to be concealed from view of neighboring streets and property. All rubbish, trash, and garbage shall be regularly removed and shall not be allowed to accumulate. Trash, garbage, debris, or other waste matter of any kind may not be burned within the Community.

Homeowners are encouraged to utilize the same trash and garbage collection service as used by a majority of the Community so that collection containers are at the curb just one day a week.

Containers and landscape debris are to be placed at curbside no earlier than 6 PM on the day prior to collection and removed no later than 9 PM on collection day. Homeowners should arrange to have this duty performed for them if they will be away during the collection period.

1. TRASH AND GARBAGE CONTAINERS MUST BE STORED IN A GARAGE OR OTHERWISE CONCEALED FROM VIEW BY NEIGHBORING RESIDENCES OR THE STREET.
2. CONTAINERIZED HOUSEHOLD TRASH AND/OR GARBAGE CANS AND ANY LANDSCAPE TRASH ARE TO BE PLACED AT THE CURB NO EARLIER THAN 6 PM ON THE DAY PRIOR TO COLLECTION. GARBAGE CANS ARE TO BE REMOVED FROM THE CURB NO LATER THAN 9 PM ON COLLECTION DAY.
3. NEWSPAPERS AND ADVERTISING CIRCULARS SHOULD NOT BE ALLOWED TO REMAIN UNCOLLECTED ON THE LAWN OR DRIVEWAY. HOMEOWNERS SHOULD ARRANGE TO HAVE THEM PICKED UP OR HAVE DELIVERY SUSPENDED IF THEY WILL BE AWAY FROM HOME.

6.12 Firewood and Woodpiles

The following standards apply to the storage of firewood:

1. FIREWOOD PILES SHALL BE KEPT IN A GARAGE OR SCREENED BY ADEQUATE PLANTING OR APPROVED FENCING SO AS TO BE CONCEALED FROM VIEW BY NEIGHBORING RESIDENCES AND FROM THE STREET.
2. FIREWOOD PILES ARE TO BE MAINTAINED IN GOOD ORDER AND MUST GENERALLY BE LOCATED WITHIN THE SIDELINES OF THE HOUSE AND IN THE REAR YARD.
3. FIREWOOD PILE COVERINGS ARE ALLOWED ONLY IF THE COVER IS AN EARTH TONE COLOR AND THE WOODPILE IS SCREENED FROM THE VIEW OF THE STREET. FOR EXAMPLE, A TARP-COVERED WOODPILE MAY BE LOCATED UNDER A DECK WITH SHRUBS PLANTED AROUND IT.

6.13 Air Conditioner Units

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 17. Garbage cans, Woodpiles, Etc. ... air conditioning compressors and other similar items shall be located or screened so as to be concealed from view of neighboring streets and property

WINDOW AIR CONDITIONERS ARE NOT APPROVED FOR USE.

6.14 Vehicles & Parking

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 7. Vehicles. *The term “vehicles”, as used herein, shall include, without limitation, motor homes, boats trailers, motorcycles, minibikes, scooters, go-carts, trucks, campers, buses, vans, and automobiles. Vehicles shall not be parked on any streets within the Community. Vehicles shall not be parked on the Common Property or any portion of a Lot other than the driveway and the garage. Unless and except to the extent that the Occupants of a Lot shall have more vehicles than the number of parking areas serving their Lot, all vehicles shall be parked within such parking areas. Where the Lot contains a garage, “parking areas” shall refer to the number of garage parking spaces. All parking shall be subject to such rules and regulations as the Board may adopt.*

All single-family detached homes shall contain a garage; carports shall not be permitted. Garage doors shall be kept closed at all times, except during the times of ingress and egress from the garage.

No towed vehicle, boat, boat trailer, recreational vehicle, motor home, bus, truck with camper top, commercial vehicle, truck over one ton capacity, motorcycle, minibike, scooter, go-cart or similar recreational vehicle shall be permitted on any Lot, except if kept in an enclosed garage, for periods longer than 48 consecutive hours (the intent of this provision is that the aforementioned vehicles may not be stored on a Lot except if in a garage and the temporary removal of such vehicle from a Lot to break the continuity of the 48 consecutive hours shall not be sufficient to establish compliance with this restriction). Any such vehicle shall be considered a Nuisance and may be removed from the Community. Trucks with mounted campers which are Owner’s or Occupant’s primary means of transportation shall not be subject to the restrictions contained in this paragraph provided such vehicles are used on a regular basis for transportation and the camper is stored out of public view upon removal from the vehicle.

No vehicle may be left upon any portion of the Community, except in a garage, if it is unlicensed or if it is in a condition such that it is incapable of being operated upon the public highways. Any such vehicle shall be considered a nuisance and may be removed by the Community.

No motorized vehicles shall be permitted on pathways or unpaved Common Property except for public safety vehicles and vehicles authorized by the Board.

In general, vehicles should be parked in garages when not in use. Garage doors should be closed unless outdoor activities require them to be open for access to yard implements or car care supplies. The following standards apply:

1. NO TOWED VEHICLE, BOAT, TRAILER, CAMPER, RECREATIONAL VEHICLE, MOTOR HOME, MOBILE HOME, BUS, TRUCK WITH CAMPER TOP, COMMERCIAL VEHICLE, TRUCK OVER ONE TON CAPACITY, MOTORCYCLE, MINI-BIKE, SCOOTER, GO-CART, OR SIMILAR TYPE IS PERMITTED ON ANY LOT , EXCEPT IF KEPT IN AN ENCLOSED GARAGE FOR LONGER THAN 48 HOURS.
2. NO COMMERCIAL VEHICLE OR ANY VEHICLE DISPLAYING SIGNAGE MAY BE PARKED OR STORED IN OPEN VIEW IN THE COMMUNITY FOR LONGER THAN A 48-HOUR PERIOD.

6.14 VEHICLES AND PARKING CONTINUED

3. ALL VEHICLES PARKED IN OPEN VIEW AND NOT IN A GARAGE MUST BE LICENSED, OPERABLE, AND MAY NOT BE UNSIGHTLY.
4. VEHICLES MAY NOT BE PARKED IN THE YARD, ON THE SIDEWALK, OR IN THE RIGHT-OF-WAY.
5. VEHICLES ARE NOT TO BE PARKED ON THE STREET OVERNIGHT.
6. TEMPORARY PARKING (FOUR HOURS OR LESS) IS ALLOWED IF NOT A NUISANCE TO NEIGHBORS OR AN IMPEDIMENT TO TRAFFIC FLOW. HOMEOWNERS ARE RESPONSIBLE FOR GUEST PARKING AND MUST ENSURE THAT GUESTS PARK IN A SAFE MANNER AND DO NOT IMPEDE ACCESS TO OTHER DRIVEWAYS OR THE FLOW OF TRAFFIC.

NOTE: TEMPORARY REMOVAL OF A VEHICLE FOR THE PURPOSE OF CIRCUMVENTING THE 48-HOUR RULES 1 & 2 ABOVE DOES NOT CONSTITUTE COMPLIANCE WITH THE RULES.

6.15 Pets

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 10. Animals and Pets. No animals, livestock, or poultry of any kind may be raised, bred, kept, or permitted on any Lot, except that dogs, cats, or other usual and common household pets in reasonable numbers, as determined by the Board, may be kept on a Lot; provided, however, those pets which are permitted to roam free or in the sole discretion of the Board endanger the health, make objectionable noise, or constitute a nuisance or inconvenience to the Owners or Occupants of other Lots or the Owner of any property located adjacent to the Community may be removed by the Board. No pets shall be kept, bred, or maintained for any commercial purpose. Dogs which are household pets shall at all times whenever they are outside a Lot be confined on a leash. Without prejudice to the Board's right to remove and such household pets, no household pet that has caused damage or injury may be walked in the Community.

A FORM MUST BE SUBMITTED FOR AN INVISIBLE/ELECTRIC FENCE.

This standard applies to all types of animals or pets that an Owner/Resident may consider bringing into the subdivision. The Board has complete discretion in determining the appropriateness of pets and the number of pets maintained by all Owners in the Montvale subdivision. Further, the Board may remove any pet found to endanger the health, make objectionable noise, or create a nuisance to the owners or occupants within the Community.

1. NO ANIMALS, LIVESTOCK, OR POULTRY OF ANY KIND MAY BE RAISED, BRED, KEPT OR PERMITTED ON ANY LOT, EXCEPT CATS, DOGS, AND OTHER USUAL AND COMMON HOUSEHOLD PETS MAY BE KEPT, AS PERMITTED BY THE BOARD.
2. NO PET MAY BE KEPT, BRED, OR MAINTAINED FOR ANY COMMERCIAL PURPOSE.
3. NO PET SHALL BE ALLOWED TO ENDANGER THE HEALTH OF THE COMMUNITY, MAKE OBJECTIONABLE NOISE, OR CONSTITUTE A NUISANCE OR INCONVENIENCE TO THE OWNERS OR OCCUPANTS OF OTHER LOTS OR THE OWNER OF ANY PROPERTY ADJACENT TO THE COMMUNITY.
4. NO HOUSEHOLD PET THAT HAS CAUSED DAMAGE OR INJURY MAY BE WALKED IN THE COMMUNITY.
5. ALL DOGS SHALL BE KEPT ON A LEASH WHILE THEY ARE OUTSIDE A FENCED AREA.
6. DOGS THAT ARE KEPT OUTSIDE MUST BE KEPT IN A FENCED (ARC APPROVED) YARD TO PREVENT CHILDREN FROM WANDERING ON TO THE PROPERTY.

6.16 Dog Houses

A Form **must be submitted** for all doghouses. All doghouses must be located where they will have minimum visual impact on adjacent properties and not visible from the street. Construction type, size, and exterior colors/materials will be specific criteria governing approval (See Detached Buildings Section for related information).

DOG HOUSES ARE LIMITED TO 15 SQ. FT.

CHAIN LINK DOG-RUNS, "TETHERED" LINE DOG RUNS, OR WIRE PENS ARE PROHIBITED.

6.17 Private Tennis Courts

PRIVATE TENNIS COURTS ARE NOT PERMITTED

6.18 Private Pools

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 26. Swimming Pools. No swimming pool shall be constructed, erected or maintained upon any Lot without the prior written consent of the ARC and in no event shall any above-ground swimming pool be permitted.

6.18.1 Children's Portable Wading Pools

ARC approval is not required for a child's portable wading pool as long as it does not exceed 18 inches in depth and its surface area does not exceed 36 square feet.

Portable wading pools must be stored from street view when not in use.

6.18.2 In-Ground Pools

A Form **must be submitted**, along with a County permit, for all in-ground pools.

The following standards apply:

1. APPEARANCE, SIZE, DESIGN, MATERIALS, HEIGHT, AND DETAILING OF ALL RETAINING WALLS MUST BE CONSISTENT WITH THE ARCHITECTURAL CHARACTER OF THE HOUSE – SOME TERRACING MAY BE ACCEPTABLE.
2. PRIVACY FENCING IS REQUIRED AND MUST MEET FENCE STANDARDS.
3. MAXIMUM POOL AREA IS 1,000 SQUARE FEET.
4. GLARING LIGHT SOURCES WHICH CAN BE SEEN FROM NEIGHBORING LOTS MAY NOT BE USED.
5. LANDSCAPING OF THE POOL AREA AND SCREENING WITH LANDSCAPING IS REQUIRED.

6.18.3 Hot Tubs

A Form **must be submitted** for exterior hot tubs. Hot tubs must be screened from adjacent properties and streets.

THE ARC RESERVES THE RIGHT TO REJECT A SUBMISSION BASED ON LOCATION OF HOT TUB TO MINIMIZE IMPACT TO ADJACENT PROPERTIES.

6.19 Antennas and Satellite Dishes

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 13. Antennas. The installation and maintenance of television antennas, radio receivers, radio receiver equipment, satellite dish equipment and other similar devices shall be subject to such Rules and Regulations as are adopted from time to time by the Board of Directors and all shall be enforceable as if set forth herein.

A Form **must be submitted** prior to any installation, attachment and maintenance of direct broadcast satellite (“DBS”) dishes or antennas and multi-channel multi-point distribution services (“MMDS”) dishes or antennas (herein collectively called “Satellite Dishes”, which definition shall include the supporting mast, cabling and all other components or accessories thereof) at the Montvale subdivision.

The Federal Communications Commission (FCC) now has published regulations regarding over-the-air-reception-devices, or OTARD, to be installed on private property. In July 2006, the FCC ruling was available for viewing online at www.fcc.gov/mb/facts/otard.html

The homeowner is advised to consult the ARC before installing these items.

The general standards are as follows:

1. IF AT ALL POSSIBLE, ROOF MOUNTED EQUIPMENT SHOULD BE ON THE REAR PORTION OF THE ROOF.
2. ANTENNAE AND DISHES SHOULD BE LOCATED/POSITIONED WITH NO (OR MINIMAL) VISIBILITY FROM THE STREET.
3. ASSOCIATED WIRING/CABLING SHOULD BE MINIMALLY VISIBLE AND IS NOT ALLOWED ON THE ROOF SURFACE OR THE SIDES OF THE HOUSE.
4. ANTENNAE, DISHES, AND ANY ASSOCIATED COMPONENTS MUST BE MAINTAINED BY THE HOMEOWNER/OCCUPANT. MAINTENANCE INCLUDES REPAIR, REPLACEMENT, AND REPAINTING AS NECESSARY TO KEEP THE EQUIPMENT IN ITS ORIGINALLY-INSTALLED CONDITION.

7 Residential (Business) Use

Montvale Covenants, Article VI Use Restrictions and Rule

Section 2. Residential Use. Each Lot shall be used for residential purposes only. No trade or business of any kind may be conducted in or from a Lot except for business use ancillary to a primary residential use so long as (a) the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the exterior of the Residential Unit; (b) the business activity does not involve Persons coming onto the Lots who do not reside in the Community or door-to-door solicitation of Owners of Lots; (c) the business activity conforms to all zoning requirements for the Lot; and (d) the business activities are consistent with the resident character of the Community and does not constitute a nuisance, a hazardous or offensive use or threaten the security or safety of other Owners of Lots, as may be determined in the sole discretion of the Board of Directors. Leasing of a Lot shall not be considered a business or business activity. The Board may issue rules regarding permitted business activities.

The terms “business” and “trade”, as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other

than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (i) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required thereof.

8 Property Nuisance

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 11. Nuisance. It shall be the responsibility of each Owner and Occupant to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on such Owner's Lot. No property within the Community shall be used, in whole or in part, for the storage of any property or thing that will cause such Lot to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept that will emit foul or obnoxious odors or that will cause any noise or other condition that will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property. No noxious or offensive activity shall be carried on within the Community, nor shall anything be done tending to cause embarrassment, discomfort, annoyance, or nuisance to any Person using any property within the Community. There shall not be maintained any plants or animals or device or thing of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of the Community. Without limiting the generality of the foregoing, no speaker, horn, whistle, siren, bell, amplifier or other sound device, except such devices as may be used exclusively for security purposes, shall be located, installed or maintained upon the exterior of any Lot unless required by law.

9 Unsightly or Unkempt Conditions

Montvale Covenants, Article VI, Use Restrictions and Rule

Section 12. Unsightly or Unkempt Conditions. The pursuit of hobbies or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles and other mechanical devices, which might tend to cause disorderly, unsightly, or unkempt conditions, shall not be pursued or undertaken in any part of the Community.