

**Brandon Oaks Homeowners Association**  
**Rules and Regulations**  
Effective November 2007

- A. Rules and Regulations (Section 4.08):** The Board shall have the right to write, amend, supplement, adopt, publish and enforce Rules and Regulations governing the Project, use and enjoyment of the Common Area, the Recreational Common Area and any facilities thereon, and the personal conduct thereon of the Owners, their guests, invitees, members of their families or households and tenants.
- B. Compliance & Enforcement:**
1. Each Owner, resident and tenant of a Lot must follow and comply with the provisions of the Declaration, the Bylaws, Rules and Regulations (Section 3.01).
  2. The Association has the right to levy fines (as outlined in Section 4.09 and 9.11) and/or suspend common area privileges for infractions of the Rules and Regulations (Sections 4.01(B) & 4.09).
  3. After Notice and Opportunity for Hearing, the Board may levy a special assessment against an Owner as a remedy to reimburse the Association for costs incurred in bringing an Owner, his Lot or his resident into compliance with the provisions of the Declaration, Bylaws or the Rules and Regulations (Section 9.07).
  4. Failure to enforce the provisions of the Declaration shall not be deemed a waiver of the right to do so thereafter (Section 17.05).
- C. Grand-fathering:** All improvements approved prior to the promulgation of a new guideline will be unaffected until the improvement requires replacement. Approval is required for replacements. The most current guideline will always be used as a basis for approval.
- D. Conflicts in Documents:** The Covenants, Conditions and Restrictions will prevail in any case concerning matters of conflict or inconsistency amongst the documents (Section 3.02).
- E. Landscaping and Lot Maintenance:**
1. The following items should be considered and followed at all times with regards to landscaping and lot maintenance (Section 7.09):
    - a) Grass mowing on a regular basis. No owners' lawn grass(es) shall exceed a reasonable height of eight (8) inches when measured from the ground level.
    - b) Weed removal from lawns and landscaped areas.
    - c) Edging along roadways, driveways, sidewalks, landscaped areas and houses.
    - d) Keeping mulch or pine needles in landscaped areas fresh.
    - e) Driveway and sidewalk crevices as well as roadway edges should be free from grass or weeds.
    - f) Keeping grass, plant and flowers alive (dead plant materials replaced).
    - g) Keeping roadways, sidewalks and driveways free from grass clippings. These may not be swept down storm drains.
    - h) Seeding and fertilizing the lawn on a seasonal basis.
  2. It is the responsibility of the Lot owner to maintain any easement area associated with their Lot (Section 4.05).

3. Surface (subsurface) drainage facilities are the responsibility of the Lot owner, unless the County or other Governmental Authority has assumed the responsibility (Section 6.02).
4. The Association has the right to enter any Lot when necessary in connection with the enforcement of the CCRs (Section 6.04 & 7.09).
5. The front of the dwelling shall have standard sized plantings to screen the foundation (Section 7.17).
6. Irrigation does NOT require ACC approval for installation.
7. The Gardens Lots (Phase 9) – reference Item H. under Guidelines for Improvements Requiring Prior Approval.

**F. Lot Use: Section 7.01 & 7.02**

1. Each Lot is for the occupancy of a residence for a single family and no other purposes: such as business, commercial, manufacturing or mercantile purposes (Section 7.01).
2. Private garages for no more than three (3) cars are permitted (Section 7.01).
3. No doorways, walkways or streets shall be obstructed in any manner, which would interfere with their use for ingress or egress in the event of emergency (Section 7.02).

**G. Parking & Vehicles: Section 7.03**

1. Repairs and maintenance of any automobile or other vehicle may not be conducted on any driveway within the Project – except in the case of emergency (Section 7.03).
2. Unlicensed, wrecked or inoperable vehicles are not permitted to remain on any Lot outside of an enclosed structure (Section 7.03).
3. Parking on grass or any type of landscaped area is strictly prohibited.
4. Vehicles shall be parked in such a way as to not block visibility at intersections or pedestrians on sidewalks. Parking shall only be done on driveways or roadways.
5. “Unless otherwise permitted by the Rules and Regulations no boat, trailer, recreational vehicle, camper, camper truck or commercial vehicle shall be parked, stored or left (a) on any undesignated part of the Common Area, (b) in any driveway or (c) on any other part of a Lot, (d) or otherwise in the Project unless the same are fully enclosed within the garage located on the Lot, or are kept behind the house on the Lot which fully hides them from the view of the public walking by such Lot or otherwise properly screened in accordance with the Rules and Regulations.”
  - a) Description of a Commercial Vehicle:
    - 1) Ladder(s) on top of or in truck bed or vans.
    - 2) Work / company owned vans or trucks that have company name(s) / logo(s) on them.
    - 3) Box vans or trucks with or without utility bed, side bins or lift bucket(s).
    - 4) Passenger vehicle(s) with advertisements or advertising a company name / logo or business.
    - 5) Certain vans or trucks without company name(s) / logo(s) may also be considered a commercial vehicle. However, size and weight of the vehicle would be the main factor in determination.
  - b) Options you have:
    - 1) Any company name(s), logo(s) or decal(s) must be covered in such a manner not to be visible while the vehicle is parked at the residence. (magnetic strips to cover the signage - magnets must be the same color as the vehicle). This excludes police and security cars.

- 2) Tanks designed to carry any material must be stored from sight when vehicle is at the residence.
- 3) One toolbox designed for a pick-up truck bed.
- 4) All ladders and / or other construction type of equipment must be removed and stored from view when vehicle is parked on the property.
- 5) Trailers or towed devices must be stored out of sight from the street at all times in the garage or may be stored behind the residence only if the trailer can be screened from view of other neighbors.
- 6) Park vehicle in garage.
- 7) All screening methods must be reviewed and approved by the Board and/or the Architectural Control Committee.
- 8) Commercial vehicles may be parked temporarily in driveways once during a calendar month for the purpose of loading, unloading or cleaning.

**H. Pets and Animals:** Section 7.08

1. Animals may not be kept for commercial purposes.
2. The number of household pets, generally considered to be outdoor pets (dogs, cats, etc.) shall not exceed three (3) in number except for newborn offspring of such household pets which are under nine (9) months of age.
3. If, after Notice and Opportunity for Hearing, the Board finds that pets residing in the community constitute an unreasonable annoyance, inconvenience or nuisance, the Board may require that such animal be removed from the Project.
4. When off of their own property, all animals must be kept on a leash at all times.
5. All pet owners must clean up after their pets, whether on common property, neighbors' property or your own property.
6. Animals and pets of all kinds are prohibited from the Clubhouse, Sports Club, pools, tennis courts, basketball courts and volleyball courts. This regulation excludes guide dogs of any kind.
7. Invisible pet fencing does NOT require ACC approval for installation.
8. Dog pens or enclosures must be located behind the home and between the lines of sight of the home (see Figure 1). In addition, they must be approved by the Architectural Control Committee prior to their installation.
9. Dog pens, doghouses and dog runs are not permitted anywhere on The Garden Lots (Section 18.04b).

**I. Exercise & Play Equipment:** (Section 7.18)

1. Play sets, trampolines, basketball goals and similar equipment must be located within the building setback lines as indicated on the plot plan for each lot.
2. All equipment, with the exception of basketball hoops, must be located behind the home and between the lines of sight of the home (see Figure 1). Variances may be granted on a case-by-case basis when lot shape and size prohibits correct placement. In these cases, screening may be required.
3. Play sets are limited in size and appearance to typical residential play sets of wood or similar-look materials. Metal swing sets are not permitted.
4. Permanent or "in-ground" basketball goals may not extend beyond the front façade of the dwelling.
5. No swing sets, basketball goals, trampolines or other play structures are permitted anywhere on The Garden Lots (Section 18.04a).

**J. Reconstruction of Residences:** (Section 14.02):

1. In the event of damage or destruction due to fire or other casualty, an Owner must commence to reconstruct, with due diligence, within four (4) months of said event.
2. All efforts shall be made to restore the residence to resemble the appearance in form and in color to what existed prior to the damage.
3. Damage or deterioration to any Improvements on Lots must be restored to its original condition or corrected within a reasonable time, noted by the Board of Directors.

**K. Mailboxes:** (Section 7.17)

1. Mailbox & paper holder must be mounted on a 3” square steel post.
2. Mailbox shall be #1 ½ size rural mailbox (21” long, 11” high and 8 ¼” wide).
3. Newspaper holder shall be 6” round and mounted under the mailbox.
4. A #657-S pineapple design knob shall be on top of the post and #60 pontable design shall be mounted under the newspaper holder.
5. Boxes and post shall be painted black and 2” x 1 ½” gold numbers with durable adhesive shall be applied down the post starting at the top of the newspaper holder.
6. Carolina Mailboxes, Inc. has these mailboxes available (704-845-0850 – 9535 Monroe Road, Suite 130, Charlotte, NC 28270).

**L. Signs & Curtains:** (Section 7.04)

1. Metallic foils and other coatings, substance or material, which may act as a reflector of light are not permitted to be placed in any windows.
2. Signs, curtains, draperies, shades, stained glass or any other articles are not permitted to be displayed, hung, stored or used so as to be visible from outside the lot (excluding seasonal decorations), with the exception of:
  - a. One professionally manufactured sign of not more than five (5) square feet advertising the property for sale or rent.
  - b. Signs to promote the sale of lots erected by the Declarant or its agents.
  - c. Signs approved by the Board of Directors.

**M. Miscellaneous:**

1. STORM DOORS: These may be installed with the advance approval from the Architectural Control Committee.
  - a) They must be full glass or glass/screen and must match the existing façade color scheme.
  - b) Door hardware must also match the existing hardware.
  - c) Examples of approved doors are:
    - i. Lowe’s Larson Model #550-27/48/50
    - ii. Home Depot’s Larson Model #HD-3000 Brass, 259-GB Classic View Groove Border or Forever Model #HD-12000 Self-Storing.
2. AIR-CONDITIONERS & FANS: Window air-conditioners and fans are not permitted.

## **Architectural Rules & Regulations**

The Architectural Control Committee (ACC) of the Brandon Oaks Homeowners Association has established these Architectural Rules and Regulations (ARRs) in accordance with the “Declaration of Covenants, Conditions and Restrictions for Brandon Oaks” (CCRs) to provide a basis for architectural review and approval of improvements for properties within the

community. These guidelines shall provide additional clarification and definition to Articles 7 and 14 of the CCRs, and, as such, shall be used together as the basis for improvements. The homeowner should review both documents prior to submitting an application to the ACC.

The Board of Directors reserves the right to create, modify or delete Rules and Regulations as necessary.

## **Process for Review and Approval of Improvements**

1. Download an “Architectural Control Committee Application” from the Brandon Oaks community website at [www.brandonoakscommunity.com](http://www.brandonoakscommunity.com).
2. Submit the completed application to the Management Company, being careful to include all of the required documents with the application to avoid unnecessary delays.
  - a) All applications must be submitted with a lot survey (not hand drawn) identifying setbacks, easements and exact location of the requested change(s) on the survey.
  - b) A detailed plan and specification should be submitted, including all color choices and building materials to be used.
  - c) Any additional information, which may be necessary in assisting the committee’s review process.
3. The Management Company will then forward the application to the ACC for review. The ACC meets the 3<sup>rd</sup> week of each month. Please plan accordingly.
4. Notification and communications pertaining to the approval, denial or need for additional information will be conducted with the Management Company.
5. If the ACC fails to approve or disapprove an application within thirty (30) days following the receipt of the initial application, then a homeowner may submit in writing, a notice of failure to act. The ACC then has ten (10) days to respond to such notice or the application shall be deemed approved (Section 14.01). In this case, the homeowner is still obligated to follow all Covenants, Conditions & Restrictions as well as Rules & Regulations.

## **Guidelines for Improvements Requiring Prior Approval:**

### **A. Home Additions:**

1. Design and construction of home additions must be consistent with the architecture of the lot, village and subdivision (Section 7.17).
2. A detailed plan and elevation view of the proposed structure must be submitted citing all materials to be used for construction (Section 7.17 & 14.01).
3. All materials used must match closely to those of the existing home, (ex. wall framing, roof framing, windows, doors, siding, roof shingles, and brick) (Section 7.17). A statement reflecting this information must be provided in the application (Section 14.01).
4. No building shall be located nearer than five (5) feet to any side lot line or ten (10) feet to any rear lot line (Section 7.11).
5. No building will be permitted to remain within any utility, cable television or public storm drainage easement (Section 4.05).

## **B. Utility Buildings / Accessory Structures:** (Section 7.14)

1. These items must be approved prior to their installation.
2. All utility buildings must be constructed of wood. Pre-fabricated, pre-manufactured, metal or plastic buildings are not permitted.
3. No more than one utility building or noncommercial greenhouse is permitted.
4. All materials used must match the color(s) of the existing home. The building should be similar in color to the siding color of the home. The trim should match the trim color of the home. The roof shingles should match as closely as possible to those used on the home. A statement reflecting this information must be provided in the application (Section 14.01).
5. Utility buildings must be located within the rear ¼ of the lot, at a minimum of 10' from the rear property line (Section 7.11), and within the side setback lines (Section 7.11). Please note all dimensions on the survey (distance from rear and side property lines as well as dimensions of the utility building itself).
6. Utility buildings must be placed between the lines of sight of the home (see Figure 1).
7. Accessory structures may not exceed 400 square feet.
8. Utility buildings are not permitted on The Garden Lots (Phase 9).

## **C. Fences:** (Section 7.07)

1. All fences must be submitted for review by the Architectural Control Committee prior to their installation.
2. Like materials must be used for the entire fence.
3. When applicable, fences may not extend beyond the top of a berm erected by the Developer.
4. On corner lots, fencing may not be placed any closer to the street than the side street setback as indicated on the plot plan.
5. Chain link or any other type of metal fencing (excluding the decorative metal fencing noted below) is strictly prohibited; with the exception that metal fencing attached to the interior side of a split rail fence may be used to contain animals within the yard.
6. Fences may not be installed closer to the street than the front of the building façade.
7. Dog pens or enclosures must be located behind the home and between the lines of sight of the home (see Figure 1). In addition, they must be approved by the Architectural Control Committee prior to their installation.
8. **PERIMETER FENCING:**
  - a) Perimeter fencing may not exceed four (4) feet in height.
  - b) Perimeter fencing must be of the following types:
    - i. **Picket** – Pickets shall be installed only on the exterior side of the fence and shall be placed with a minimum of one-and-one-half (1 ½) inches between them. Picket fences may be of wood or vinyl material. These fences should be natural wood, wood-toned stain, or white in color. A statement reflecting this information must be provided in the application. Pictures of the desired picket fence type should be submitted with the application for review. Please note the spacing between pickets on the picture.
    - ii. **Decorative Metal** – Decorative metal fences may be wrought iron or aluminum and must be black in color. Pictures of the desired decorative metal fence type should be submitted with the application for review. This is the **ONLY** style fence permitted in The Gardens section of Brandon Oaks. Please see The Gardens Section for additional information pertaining to fences.

- iii. **Split Rail** – Split-rail fencing shall consist of posts and rails that are rough-cut and square in shape. These fences may be natural wood or wood-toned stain in color. These fences may be installed with or without wire backing. A statement reflecting this information must be provided in the application.

9. **PRIVACY FENCING:**

Privacy fencing is only permitted in the following cases:

- a) Around the exterior boundary of the subdivision and is subject to the discretion of the ACC. This fencing may not exceed six (6) feet in height.
- b) Immediately surrounding patios, decks and pools. This fencing may not exceed six (6) feet in height. This fencing may only be placed directly around the perimeter of the patio, deck or pool decking and not any distance away from these structures.

**D. Swimming Pools:** (Section 7.16)

1. In-ground swimming pools must be approved prior to its installation.
2. No aboveground pools are permitted.
3. Children’s blow-up pools, which can/should be drained and stored daily, are not considered aboveground pools.
4. In-ground pools and the surrounding concrete pool decking must be located behind the home and between the lines of sight of the home (see Figure 1).

**E. Driveways, Sidewalks & Roadways:** (Section 7.17):

1. These items must be approved prior to their installation.
2. Driveways and sidewalks shall be constructed of concrete.
3. Stamped concrete or decorative driveways or sidewalks requires advanced approval. Concrete sidewalks within lot, excluding public walkways, can be stained with a color closely matching the dominant color of the foundation brick or the home's fascia brick. All other colors are excluded.
4. Painting street #s on the roadway or curb is strictly prohibited.

**F. Antennas and Satellite Dishes:** (Section 7.05):

1. The Antenna Policy and Form, located on the community website, must be submitted together with the ACC application.
2. The antenna/dish must be placed in a location that is least visible from the street.
3. Screening with appropriate landscaping should be considered and may be required.

**G. Decks, Patios, Screen Porches & Retaining Walls:**

1. These items must be approved prior to their installation.
2. Retaining walls under 18” do not require advance approval.
3. Design and construction must be consistent with the architecture of the lot, village and subdivision.
4. A detailed plan and elevation view of the proposed structure must be submitted citing all materials to be used for construction (Section 7.17 & 14.01).
5. All materials used must match closely to those of the existing home (Section 7.17). A statement reflecting this information must be provided in the application (Section 14.01).
6. Decks, patios & screen porches must be located behind the home and between the lines of sight of the home (see Figure 1).

## **H. The Gardens:**

3. **FENCES** (Section 18.02): Decorative metal fences may be wrought iron or aluminum and must be black in color. This is the only style of fence permitted in The Gardens.
  - a) No lawn maintenance by The Gardens Homeowners Association will be provided inside of the fenced area and this will not affect the amount of any assessment levied on the Lot.
  - b) The gates are to be left unlocked at all times.
  - c) The maintenance of the fence will be the homeowner's responsibility.
  - d) The fence may not be installed closer to the side property line than 3' – the drainage swales between the homes must be accessible for maintenance at all times.
4. **PLAY EQUIPMENT** (Section 18.04): No swing sets, basketball goals, trampolines or other play structures are permitted anywhere on The Garden Lots.
5. **EXTERIOR CHANGES** (Section 18.04): All changes to the exterior of the home must be approved in writing by the Architectural Control Committee prior to their commencement.
  - a) Colors must conform to the original scheme designed by the Builder of the original construction.
  - b) Shutters and doors must complement the exterior of the home and maintain the original colors intended.
  - c) When submitting a request for color change, color chips or siding samples should be attached to the request form to help the review process. In addition, pictures of the existing exterior are recommended.
6. **EXTERIOR LIGHTING** (Section 18.04): All exterior lighting or ground landscaping lights must be approved in writing by the Architectural Control Committee prior to their installation.
7. **UTILITY BUILDINGS AND SHEDS** (Section 18.04): These are not permitted on The Garden Lots.
8. **STORM DOORS** (Section 18.04): These may be installed with the advance approval from the Architectural Control Committee.
  - d) They must be full glass or glass/screen and must match the existing façade color scheme.
  - e) Door hardware must also match the existing hardware.
  - f) Examples of approved doors are:
    - i. Lowe's Larson Model #550-27/48/50
    - ii. Home Depot's Larson Model #HD-3000 Brass, 259-GB Classic View Groove Border or Forever Model #HD-12000 Self-Storing.
9. **AIR-CONDITIONERS & FANS** (Section 18.04): Window air-conditioners and fans are not permitted.
10. **LANDSCAPING and LAWN MAINTENANCE** (Section 18.02 & 18.04):
  - a) The Association will maintain the grassed areas located on The Garden Lots.
  - b) This maintenance is limited to mowing, fertilizing, edging, weeding, and mulching the lawns with such frequency as the association shall reasonable determine is necessary to provide an appearance consistent with a first class residential subdivision.
  - c) Owners are not permitted to install, maintain or erect anything, which may impede or interfere with the maintenance of the lawn, except that. . .

- d) If an Owner wishes to make alterations to the landscaping of their lawn, they may do so upon the advanced written approval of the Architectural Control Committee. The Owner will be responsible for maintaining those changes.
- e) Statues and figurines are not permitted in the front yard.
- f) Window boxes and planters must be approved by the Architectural Control Committee and must be of a color and material complementary to the residence exterior and be neat and attractive at all times.

**Figure 1: Line of Sight Definition**

