

*matthews
grove*



HANDBOOK

Of Rules and Regulations

Adopted by the Board of Directors April 15, 2008

Effective July 1, 2008

Matthews Grove Homeowners Association

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Matthews Grove Homeowners Association

I. General Policy

Pursuant to its authority under the *Declaration of Covenants, Conditions, and Restrictions for Matthews Grove*, the Architectural Review Committee (ARC) of the Matthews Grove Homeowners Association hereby issues the following *Handbook of Rules and Regulations for Matthews Grove*. This document is also referred to as Standards and Guidelines for Interpretation of the *Declaration of Covenants, Conditions, and Restrictions for Matthews Grove*. These Standards and Guidelines are supplemental to the existing Declarations, and are not inclusive of all items upon which the Matthews Grove Architectural Review Committee or the Board of Directors of the Matthews Grove Homeowner's Association may act. It is intended to provide guidance to Owners regarding requirements for additions and modifications to property in Matthews Grove and matters of particular concern to the Architectural Review Committee in considering applications for approval of such additions and modifications. In addition, it sets forth various restrictions on other matters relating to the overall appearance of property in Matthews Grove.

Compliance with the guidelines and requirements of this Guide is required, but does not constitute the sole basis for review of applications for approval under Article VII of the Declaration, nor does it guarantee approval of any application. In reviewing each submission, the ARC may consider any factors it deems relevant. *Decisions may be based on purely aesthetic considerations.* Each owner acknowledges that determinations as to such matters are purely subjective and opinions may vary as to the desirability and/or attractiveness of proposed additions and modifications. To this end, it is important to note that decisions are made on a case-by-case basis, and although a modification or addition may have been approved in one instance, there is no guarantee that it will be approved again.

Unless otherwise specifically exempted by the Declaration or this guide **all proposed modifications and additions to homes and lots within Matthews Grove require application to and prior approval of the ARC.** Where this guide specifically permits an owner to proceed without prior approval, such permission shall only be effective so long as the owner complies with the requirements of this guide.

All requests for modifications must be submitted in writing to the Matthews Grove Homeowner's Association. A form is attached.

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II. Maintenance

- A. Performed by the Association
1. The Association is responsible for maintaining all areas of Common Space within Matthews Grove. All such area is the property of the Association.
 2. No resident shall cause any object to be fixed to the common property (including the planting of any plant material) or in any manner change the appearance of the common property.
 3. All improvements, including landscaping, located upon individual resident's lots are the responsibility of the **resident** to maintain. Residents are strongly encouraged to water new growth of grass upon their lots and to keep their lawns watered during the summer months in order to maintain an attractive appearance.
 4. **Residents** are required to keep their property maintained in such a manner as to provide a neat and attractive appearance.
 5. Lots 93-94, 101-104, and 107-111 contain a 10' landscape easement with a white vinyl privacy fence located within the easement. The Association has the right to access these lots to perform maintenance on the privacy fence, as they deem necessary. The fence may NOT be removed or altered by residents.

III. Improvements to Lots

- A. General Guidelines
1. ALL improvements to lots require specific prior approval by the Architectural Review Committee, and will be approved or disapproved based on compliance with the Declarations, these Guidelines and / or the aesthetic discretion of the Committee.
 2. All projects should be completed within thirty (30) days of start date, unless not feasible due to the magnitude of the project.
 3. Any utility additions must be underground and adhere to applicable code for such utilities.
 4. All applications must include a detailed description of the planned project and must contain the following information, as applicable:

* Size of structure	* Quantity
* Height	* Detailed drawing
* Wall material	* Utilities
* Estimated length of construction	
* Location	

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- B. Outbuildings
1. Size: no greater than ten feet by ten feet (10' X 10').
 2. Height: overall no greater than nine feet (9') with a maximum eave height of six feet (6').
 3. Roof Design: single pitch (shed) roofs are not permitted.
 4. Roof Materials: must be constructed of shingles that match those on the home.
 5. Quantity: only one outbuilding per lot is permitted
 6. Exterior Finish: must be trimmed and painted, in its entirety, in the same type and quality materials and colors of the home. **No metal, Rubbermaid or plastic structures are permitted.**
 7. Utilities: any utility facilities (electric, water, sewer, etc.) providing service to an outbuilding must be underground and adhere to standard building code for such facility
 8. Foundation: A poured concrete foundation is preferred. Concrete blocks are acceptable if screened with lattice (or similar) underpinning and/or landscaping
 9. Location: must be placed in the rear yard with the following stipulations:
 - a. Must be placed at least six feet (6') from any property boundary and should contain sufficient clearance around all sides to permit appropriate maintenance
 - b. Must be placed at least thirty feet (30') from the property line bordering the side street on corner lots
- C. Fences
1. Acceptable fencing styles are found in the Appendix to this document. **Only these type fences will be approved.**
 2. Lots 93,94, 101-104 and 107-111 contain a 10' landscape easement for the Association for the purpose of maintaining the white vinyl privacy fence located upon these lots. Residents may not remove or alter the privacy fence, but may tie APPROVED styles of fencing into the existing fence. Access must be granted to the Association upon request for maintenance of the privacy fence.
 3. Fencing must be constructed of wood or vinyl. Wood fencing must be painted white, stained a natural color or left natural. Vinyl fencing must be white.
 4. Chain link fencing in any form is strictly prohibited (including dog pens / runs of any material).
 5. Fencing may not exceed six feet (6') in height.
 6. Fencing may have no more than eighty percent (80%) of its surface closed as viewed from a point on a line of sight perpendicular to the line formed by the line of the fence (Refer to Section 7.07 of the DCCR's.) Eighty percent (80%) of a

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7. fence surface shall be defined as follows: for every one inch (1") of board there must be 0.2" of space (for example, a five inch (5") wide board would require one inch (1") of space between boards. i.e. ***no perimeter fencing is allowed that completely blocks the view into the area being fenced.***
 8. The maximum board width allowed is six inches (6").
 9. The "finished" side of all fencing must face outward.
 10. Fencing may not be erected any closer to the street than the side and / or rear setback line on lots adjoining streets. Consult your property survey for your setback lines.
 11. Fencing may NOT be erected on bermed areas of lots. i.e. no fence shall extend any higher on a berm than the "toe" (base) of the berm.
 12. Fencing may not be extended any closer to the street than the rear façade of a home, unless approved by the Committee due to the existence of a side service entrance.
 13. Privacy fencing around decks and patios may be approved (fencing that does not comply with the eighty percent (80%) spacing requirements) but must comply with all other fencing guidelines. Similar fencing may be approved to screen HVAC units. Any such fencing may NOT connect to any perimeter fencing on the property.
 14. Consult Section 7.07 of the *Declaration* for further information on fencing in Matthews Grove.
- D. Doghouses
1. Size: may not exceed four feet (4') wide by five feet (5') deep by four feet (4') high.
 2. Material: must be constructed of the same materials as described for outbuildings (see section 3B of this document). No plastic doghouses are allowed.
 3. Quantity: no more than two (2) doghouses are permitted on any lot.
- E. Driveway Additions
1. Material: must be constructed of concrete (no asphalt driveway will be approved).
 2. Location: a two-foot (2') minimum setback should be maintained from all property lines. Situations not permitting this setback will be reviewed by the Committee on a case-by-case basis. No circular driveways will be approved.
- F. Basketball Goals
1. Material: professional metal pole with fiberglass or Plexiglas backboard. Portable basketball goals are permitted provided that they are not placed in the street (including at the end of dead-ends or cul-de-sacs), not placed where play would occur in the street. Basketball goal must be maintained and kept in good condition and meet the aesthetic standards of

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the community. Torn nets, bent rims, or faded paint is not permitted. Temporary goals must be secured in the manner recommended by the manufacturer. Nothing should be placed on the base to secure it, including, but not limited to sand bags, bails of hay or any other item. Sport courts are not permitted.

2. Quantity: only one (1) goal per lot is permitted.
 3. Location: must be located at least fifteen feet (15') from the street. Backboard may NOT be attached to the house. The goal must be oriented so that play occurs on your property.
- G. Exterior Lighting
1. Freestanding security lights located in front and side yards may be approved, but are limited to six feet (6') in height.
 2. Freestanding security lights located in rear yards may be approved, but are limited to ten feet (10') in height.
 3. Eave-mounted floodlights may be approved.
 4. Landscape lighting may be approved.
- H. Swimming Pools
1. In-ground swimming pools may be approved, but require the installation of an approved perimeter fence enclosing the entire rear yard or an approved privacy fence that surrounds the pool deck area.
 2. Above-ground pools, with the exception of temporary "kiddie pools" in rear yards, are prohibited.
- I. Signage
1. Only the following types of signs are permitted on any lot in Matthews Grove:
 - a. One temporary sign advertising the home for sale, provided the sign has a maximum face area of five (5) square feet on each side and, if freestanding, stands no more than four feet (4') off of the ground.
 - b. One security service sign located in the front yard and one located in the rear yard, provided the signs have a maximum face area of two (2) square feet.
 - c. Notification signage as may be required by legal proceedings or a governmental entity (such as a building permit).
- J. Trampolines
1. Trampolines may be approved but must be located in the rear yard and be enclosed by approved perimeter fencing.
- K. Mailboxes
1. Only builder approved uniform mailboxes are allowed.

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IV. Improvements to Structures

A. General Guidelines

1. ALL improvements to structures require specific prior approval by the Architectural Review Committee, and will be approved or disapproved based on compliance with the Declarations, these Guidelines and / or the aesthetic discretion of the Committee.
2. All projects should be completed within thirty (30) days of start date, unless not feasible due to the magnitude of the project.
3. Any utility additions must be underground and adhere to applicable code for such utilities.
4. All applications must include a detailed description of the planned project and must contain the following information, as applicable:

* Size of structure	* Roof design
* Height	* Roof material
* Wall material	* Exterior finish
* Location	* Quantity
* Utilities (water, electric)	* Detailed drawing
* Estimated length of construction	

B. Additions

1. Must adhere to all applicable building codes.
2. Exterior surfaces must match those on existing structure.

C. Screen Rooms/Sun Rooms Additions

It is the belief of the Board that adding additional living space in the form of a Screen Room or Sun Room will add value to a resident's property. As a result, these types of structures are allowed. A homeowner **MUST** get prior Architectural Review Committee approval of such a structure prior to starting any work on said structure.

Further, there are a set of guidelines that must be adhered to in the design and implementation of this type of structure.

1. The Screen Room/Sun Room must be a permanent structure, built to any and all applicable City of Charlotte building codes.
 - a) Homeowner must submit detailed ARC request that provides detailed design drawings and specific materials to be used. (see page 8 of MGHOA Rules and Regulations General Guidelines #4) Upon approval by the ARC committee the homeowner is required to file a building permit with the City of Charlotte and provide a copy of the permit with to the Matthews Grove Homeowners Association prior to the start of the addition.

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2. The structure may be no larger than 15' by 15' and may not extend beyond the sides of the existing house.
3. The outside of the structure must be finished in finish grade wood and trim, and sided or painted to match the home exterior.
4. The structure may NOT be screen only from floor to ceiling. There must be a solid or semi solid surface no lower than 36" from the base of the structure. This can take the form of finish grade slats with minimum width of 3 inches and maximum spacing of 1.5 inches between said slats. The slats can be either vertical or horizontal. The board thickness of said slats is to be no thinner than 1 inch.
5. The inside walls and ceiling of the structure must also be painted to match the home exterior.
6. All screen materials must be kept free from holes and tears and be replaced when pushed in or out from wind or any other damage.
7. Any and all doors must be kept in working order at all times, and closed when not in use.
8. The interior of the structure cannot, at any time, be used for storage of belongings. A screen room/sun room is additional living space and must be used as living space and not for storage.
9. The entire exterior appearance of the structure must be maintained to keep free of any normal wear and tear.
10. All projects must be completed within thirty (30) days of start date.
11. Any utility additions must be hidden from sight and adhere to applicable code for such utilities.
12. The floor of the structure may be made out of any solid material.
13. It's recommended that the perimeter of the structure where feasible be landscaped and maintained with low bushes and or, flowering plants to enhance the aesthetic feature of the addition.

D. Decks / Patios

1. Must adhere to all applicable building codes.
2. Patios must be constructed of concrete, stone or brick pavers.

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- E. Satellite Dishes
 1. Direct TV-type satellite dishes no larger than eighteen inches (18") may be approved
 2. Approved dishes must be mounted to the house in a position not visible from the street (unless approved by the Committee due to reception issues as detailed in Section 7.05 of the Declaration).
 3. No other types of television or radio pole, antenna, aerial or tower may be constructed, installed, erected or maintained on any lot in Matthews Grove.
- F. Exterior Painting
 1. Painting of exterior house surfaces or replacing siding in any color that is different than the color that is already on the house will only be approved on a case-by-case basis due to lack of color availability.
- G. Storm Doors

V. Aesthetics

A. Flags

Flags shall be subject to the prior approval of the ARC. A flag staff may be mounted on the front portion of the 1st story level of the house or garage. The length of the staff should not exceed five (5) feet and the top-most part of the staff should be below the eave height of the specific structure (house or garage) on which it is mounted. The staff should not be more than one (1) inch in diameter. The mounting bracket should not be more than five (5) inches from the mounted position on the house or garage to the end of the bracket which will house the flag. Flags may be permitted provided they do not exceed two (2) per house. One flag may be no larger than 3'X5' in size and the other flag permitted may be a small garden/mailbox flag. Flag poles permanently installed in the ground are prohibited. Furthermore, flags and/or staffs shall not be mounted on trees or fences.

B. Lawn Ornamentation

Previously, all lawn ornamentation has been not allowed in Matthews Grove. Despite this, homeowners have displayed lawn ornamentation and The Board has approved the following. Home owners that have displayed lawn ornamentation will **not** be grandfathered in. The Board will send notices to those homeowners in violation and ask for them to submit an ARC request or remove lawn ornamentation that does not meet the following rules and regulations.

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An ARC application **must** be submitted before the installation of any temporary or permanent decorative object that are intended to be displayed temporarily or permanently in the front or side yards of your home. Any and all decorative lawn ornamentation kept for prolonged periods anywhere outside of the house are governed by this rule whether temporary or permanent and shall conform to these restrictions.

The ARC Committee will specifically evaluate the objects on their color, size and appropriateness to the surrounding environment. Each object will be evaluated on aesthetics, as well as on placement and appropriateness to its surroundings.

'Lawn ornaments' includes all exterior decorative objects, natural or man-made, that are large enough to be visible from the street or from adjacent properties. Decorative objects include but are not limited to sculptures, fountains, large urns, sun dials, ornamental pools, sundials, and large rocks.

Front yard ornaments **MUST** meet the following size and quantity restrictions. No more than 3 items are allowed. One of which can be up to 40" high by 24" wide and two of which are to be no more than 24" high by 12" wide. Any and all ornamentation must also pass the aesthetic discretion of the ARC Committee and the Board of Directors.

In the case of the use of ornaments, decorations, displays, etc., residents may file complaints to the ARC with objections to specific ornaments, displays, etc. Complaints must clearly state the rationale for the objection to any such item(s). If complaints are received, they will be reviewed individually and appropriate action will be taken by the ARC; including making request for removal of such item from display and/or disallowing future display of such item(s). If numerous complaints are filed regarding a particular item, display of such item(s) may be disallowed in the future.

Applications should include:

- a site plan showing the location of the ornament.
- a picture or detailed drawing of the object.
- the dimensions, color and description of the materials of which it is made.
- a method for controlling mosquitoes in any water feature.

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- C. Window Treatments
1. The following window treatments are NOT allowed in Matthews Grove:
 - a. aluminum foil window covers
 - b. solid black window coverings
 - c. bed sheets
 - d. newspapers
 2. Typical window treatments such as blinds, draperies, shades and plantation shutters are allowed.
 3. Window air conditioning units or fans are not allowed.
- D. Exterior Holiday Decorations
- An application is not required for lawn ornaments for special occasions and holidays. Holiday decorations are allowed during holiday seasons only and should be put up no more than 30 days prior to the holiday and taken down no more than 30 days after the holiday has ended.
- E. Trash Removal
1. Garbage cans and recycle bins must be stored in one of the following locations (stated in order of preference):
 - a. inside your garage
 - b. behind your house (screened from street view by your house)
 - c. behind an approved screening fence on the side of your house
 2. No refuse containers (of any type) may be stored in the front of your house.
 3. No garbage can or recycle bin should be placed at the curb any earlier than the night before collection and should be removed by midnight the day of collection.
- F. Items on Porches
- In general, items kept on porches such as outdoor furniture and planters will not require written permission unless a specific complaint is received. For purposes of Architectural Review, an owner may keep for prolonged periods, items of outdoor furniture, ornaments or planters on the front porch of his/her home without the written permission or consent of the Committee. The only requirement is that such items be kept in the same quality of repair that is required of the home and land. The Committee or Board of Directors will only make a judgment if a specific complaint is received.

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VI. **Parking**

- A. Street Parking
 - 1. Street parking is only allowed for periods of up to twenty-four (24) hours to accommodate guest parking when the driveway is to capacity.
- B. Parking of Commercial Vehicles
 - 1. A commercial vehicle as defined by the Association is any vehicle with permanent markings and / or attachments. (Vehicles with removable signs or attachments must remove said items within one (1) hour from the time the vehicle is parked.)
 - 2. Tractor trailer "rigs" (also referred to as transfer trucks, etc.) are prohibited.
 - 3. No commercial vehicles may be parked in Matthews Grove, with the exception of temporary parking for deliveries, repairs, etc. and for vehicles that are fully enclosed in the attached garage of a dwelling.
- C. Parking of Recreational Vehicles
 - 1. Recreational vehicles may not be parked where they are visible from the street.
 - 2. A recreational vehicle as defined by the Association is any vehicle commonly referred to as or considered a recreational vehicle, including but not limited to campers, RV's, full-size conversion vans, etc.
 - 3. Boats and other water sports equipment, all-terrain vehicles, motorcycles and other off-road vehicles are not allowed in Matthews Grove unless fully enclosed in an attached garage or approved storage shed.

VII. **Material Storage**

- A. Storage of materials of any kind that are visible from the street or neighboring yards is not allowed.
- B. Weeds, vegetation, rubbish, debris, garbage or waste materials are not allowed to be accumulated on any lot or Common Area with the exception of one (1) compost pile and/or one (1) firewood pile per lot.
 - 1. Firewood piles are limited to two (2) cords, should be stacked no higher than four (4) feet and should be screened from public view.
 - 2. Compost piles are allowed unless the Board determines that such compost pile is unsightly or offensive.
 - 3. Both compost piles and firewood piles on corner lots must be located at the farthest possible point from the intersecting street.

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- C. Toys should be stored out of sight when not in use.

VIII. Pets

Generally, all pets should be kept under their owner's control at all times and in compliance with applicable leash laws.

1. All dogs should be contained on the owner's lot or leashed when off of the owner's property.
2. Owners are responsible for cleaning up any mess that a pet creates in any Common Area, as well as on any private property.
3. Owners are responsible for their animal's actions and are liable for any provable damages.
4. Each home is limited to three (3) pets.
5. Animals being a nuisance to residents will not be tolerated – this includes issues with noise. Should an issue arise, please try discussing the situation with the animal's owner before calling Animal Control.

IX. Disturbances / Nuisances

In matters that become a problem between neighbors in Matthews Grove, the Board may act upon some under the general powers conferred by the Declaration. In the rare event that a resident causes unreasonable noise or other disturbances that cannot be resolved by speaking with the neighbor, the appropriate public law enforcement agency should be contacted. (For disturbances related to pets of residents, please see Section VIII A, subsection 5 of this document.)

X. Safety

A. Fire

1. Residents should use extreme caution when using grills on wood decks or in close proximity to structures or flammable landscape materials such as pine bark mulch or pine needles.
2. Smoke detectors should be located on each level of every home near sleeping areas and should be tested twice yearly.
3. The local fire department may be contacted for more tips on fire safety.

B. Children

1. Please observe speed limits and be alert for children playing that may dart into your path. Keep Matthews Grove safe for everyone.

C. Theft / Burglary

1. Please report any suspicious activity in the community to the police department.

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XI. Dues

Dues in Matthews Grove are set yearly by the Board and are billed quarterly (subject to change yearly upon vote of the Board). Changes to yearly dues amounts are set sixty (60) days in advance of any assessment year. See Section 9.05 of the Declaration for more information on dues.

XII. Management Company

Hawthorne Management manages Matthews Grove. Their duties include accounting services (collecting Association dues, mailing late notices, paying bills on behalf of the Association, etc.), handling homeowner complaints and inquiries and managing agents hired by the Board to perform landscaping services and other Common Area repair or maintenance.

HMC should be contacted in the event of any emergency or to answer any questions related to the Homeowner's Association. A 24-hour answering service is provided for *absolute emergencies*.

Key Information:

Hawthorne Management Company
P.O. Box 11906
Charlotte, NC 28220
(704) 377-0114
(704) 347-4475 (fax)

Community Manager: Kelly Parker

XIII. Property Boundary Information

Road right-of-ways span 40 to 60 feet. Your property begins where road right-of-way ends. The right-of-way/your property line is located approximately 8 to 11 feet behind the back of curb. The strip of land between the right-of-way and the back curb is generally considered part of your yard that you maintain, but it is not part of your property.

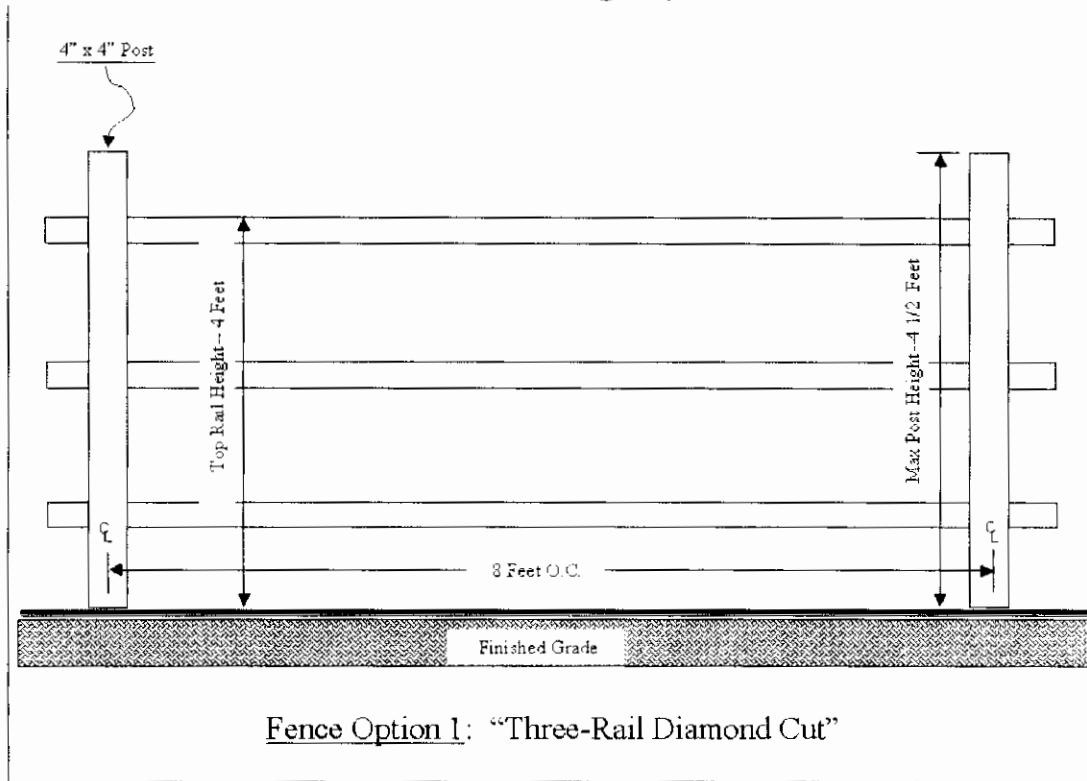
In addition, your lot has front, side, and rear yard restrictions that limit usage of these areas as specifically discussed in these guidelines and the Declaration.

NOTE: Refer to your survey for your front, rear and side setbacks.

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APPENDIX

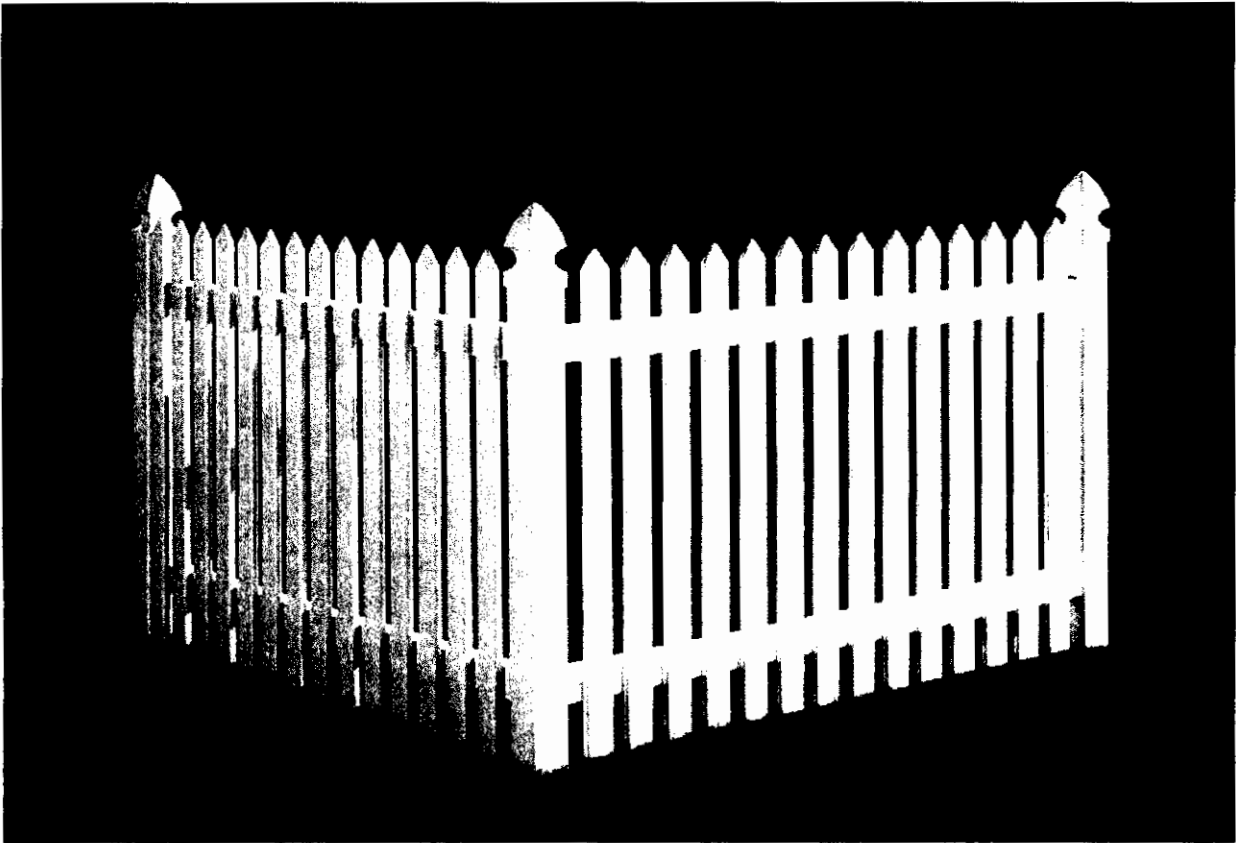
Fencing Styles



Note: Dimensions shown are NOT absolute. Please refer to the sections above for exact board width and spacing.

Wire mesh may be attached to the inside of the fence, provided the mesh is no smaller than 2"x4".

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Fences with pickets that arch upward or downward are also acceptable.

Note: Please refer to the sections above for allowable board width and spacing.