

MAGNOLIA ACRES HOMEOWNERS ASSOCIATION

Architectural Guidelines

Enacted: September 26, 2019

Effective: September 26, 2019

To ensure that all individual property improvements in the community are consistent and in accordance with the provisions of the Magnolia Acres Homeowners Association ("Association") Declaration of Covenants, Conditions and Restrictions ("DCCR's"), the Association has adopted the following Architectural Guidelines to assist homeowners in submitting property improvement requests and ensure those requests are acted upon in a timely manner.

Any modification to any structure (as outlined in the DCCR's) or the homeowner's lot must have prior approval by the Association's Architectural Control Committee ("ACC"). The Committee shall consist of at least three (3) representatives appointed by the Board of Directors who will meet at regular intervals to consider owner requests.

Should the ACC fail to approve or disapprove such design and location within thirty (30) days after a **complete** application including plans and specifications has been received, the application shall be considered approved. Materials to be submitted, which shall comprise a complete application, shall consist of:

- Standard Magnolia Acres ACC Application Form
- Copy of lot survey with any exterior improvements located on the survey
- Photograph or other illustration of what is to be installed
- Color samples (where applicable)
- Check in the amount of \$25.00 made payable to Magnolia Acres HOA

It is the responsibility of the homeowner to secure all necessary permits/approvals.

Failure to obtain ACC approval prior to installation is subject to compliance provisions noted in the DCCR's which would include removal of the improvement and/or fines assessed until the property is brought into compliance with the Association's documents.

The decision of the ACC shall be binding; however, if the homeowner does not agree with the decision of the ACC, **an appeal to the Board for reconsideration of the decision is permitted upon request.**

With regards to any ACC request, the following must be considered:

- Building Set Back Area – any structure can only be placed within the building setback lines as noted on individual surveys and site plans; fencing may be extended up to the lot line.
- Permanent utility easements are reserved over the rear 10 feet of each lot. A perpetual easement is also reserved over the side 5 feet and rear 10 feet of each lot for public storm drainage. Should a government entity or any utility need access to these easement areas for maintenance and/or repairs, they are not required to exercise any care in removal of any improvement nor to restore it once their work is completed.

FENCES

The following types of fences are the only ones permitted:

- 6 foot white vinyl privacy
- Iron fencing (reviewed on a case by case basis)

Wood fencing that was previously approved before September 2019 is to be stained an earth tone color that is not in conflict with existing house colors.

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Per Article VII-Section 17 of the DCCR's Chain link fencing for any purpose is not permitted. Metal ornamental fencing has not been requested thus far and would be reviewed by the ACC on a case by case basis.

A copy of the lot survey, with the location of the fence drawn on the survey, must be submitted with the ACC application, along with photographs/drawings illustration fence design.

- **Fences may not extend beyond the front corners of any home, into the front yard.**
- **Fences must be installed at the rear end of the house and extend to the back of the lot as of September 26, 2019**

Once installed, fences must be maintained so that any damaged or missing sections are repaired, replacement pieces/sections must match the approved design (and must be the same color as the approved fence), and white vinyl fencing must be regularly cleaned to prevent buildup of mud stains and mildew.

DECKS/PATIOS

Patios and decks must be located within the building setback areas at the rear of the home. Patios may be constructed of the following materials:

- PATIOS*
- Concrete
 - Brick/Pavers
 - Stone

There is currently no size limitation on a patio or deck other than they cannot extend beyond the planes formed by the right or left sides of the house, from front to back.

DECKS

Decks shall be constructed of treated wood for framing members and wood or composite materials for decking, stairs, railings. Decks shall meet all standards for current building codes and be permitted if necessary. Decks shall be maintained in good repair.

A copy of the lot survey, with the location of the deck/patio drawn on the survey, must be submitted with the ACC application, along with photographs/drawings to illustrate the design.

STORAGE BUILDINGS

One storage building may be constructed on a lot provided that:

- It meets all applicable building codes
- The maximum size shall be 12 foot x 12 foot by 12 feet high to the roof peak. Small building sizes may be required depending on the lot size
- A poured concrete foundation is preferred. Concrete blocks may be acceptable if screened with lattice underpinning and landscaping.
- The building must be anchored to the ground
- The building must have a gable roof and shingle colors and design must match the house
- Siding must match the siding of the house in course height and color as close as possible
- Trim must match the color of the trim on the house
- Pre-fabricated buildings are permitted as long as they meet the above size, design and material/color parameters

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- Installation of any utilities must be noted and permits must be secured before construction, with copy of permits submitted to the ACC to attach to the archived request.

A copy of the lot survey, with the location of the storage building drawn on the survey, must be submitted with the ACC application, along with photographs/drawings to illustrate the design.

Storage buildings must be located within the building setback lines as noted on the lot survey/plat map, and not within storm water/utility easements.

DETACHED GAZEBOS/PERGOLAS

A pergola is an archway in a garden or park consisting of a framework covered with trained climbing or trailing plants. Detached gazebos/pergolas must be located within the building setback lines as noted on the lot survey/plat map and not within storm water/utility easements.

Gazebos/pergolas are subject to the following guidelines:

- Maximum square footage allowed is 150 square feet under the roof
- Materials, colors and design must match or be complementary in character and quality to the house
- Maximum height allowed is 10 feet at the highest point of the structure

A copy of the lot survey, with the location of the gazebo/pergola drawn on the survey, must be submitted with the ACC application, along with photographs/drawings to illustrate the design.

GARAGE DOORS

Altering the color of the Garage Door is not allowed. All Garage doors must remain the original white color

WINDOW SHUTTERS

Window may be repainted however, they must be painted the original color OR an earth tone that is the same color and shade as the front door.

ANTENNA/SATELLITE DISH

Per Article VII, Section 11 of the DCCR's, no freestanding radio or TV antennas are permitted. Dishes or disks not exceeding 1 meter in diameter are permitted as follows:

ACC approval is not required for dish installation as long as the dish is:

- Mounted on the rear side of the dwelling within the outline of the roof structure or in a location so as to not be visible from the street, if such location does not preclude an acceptable quality signal or unreasonably increases the cost of installation of the device.
- If the first criteria cannot be satisfied, the device shall be located in the rear yard, back corner of the lot and as low to the ground as possible without precluding an acceptable quality signal, and landscape screening shall be required.
- If the first two criteria cannot be satisfied, without precluding an acceptable quality signal or unreasonably increasing the costs of installation, ACC approval is required, the device must be located in the side or front yard of the lot and as low to the ground as possible. Landscape or other types of screening shall be required.
- If the above criteria cannot be satisfied and roof mounting is the only manner in which an acceptable quality signal can be obtained, the associated cords and wiring must be hidden from view by either painting the cable to match the principal exterior color of the house and must be located on the rear yard side of the roof as low as possible.

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- Under no circumstances may a device be mounted on, in or over, or otherwise encroach upon common area. Mounting of any device must comply with all applicable safety ordinances and codes.
- Satellite dishes no longer in use must be removed.
- If the dish is mounted at ground level, the area around the dish must be maintained (i.e. grass trimmed, mulch beds kept free of grass/weeds).

PLAY EQUIPMENT AND TOYS

Wood is the preferred material for play structures, with wooden or plastic components of any color permissible within the structure. Play equipment composed primarily of metal is prohibited.

If a house has more than one piece of play equipment, care should be taken to match the equipment as much as possible.

Play equipment must be located in the back yard within the building setback lines as noted on the lot survey/plot map.

A copy of the lot survey, with the location of the play equipment drawn on the survey, must be submitted with the ACC application, along with photographs/drawings to illustrate the design.

Sand boxes should be kept in a neat and tidy condition, and covers are suggested if the sandbox is not located within a fenced yard.

Children's toys should be stored in an orderly fashion and not visible from the street.

All equipment must be kept in a good state of repair and areas around and under the play equipment must be maintained (grass cut/trimmed and mulch grass/weed free).

OUTDOOR FURNITURE

Patio Furniture and outdoor/garden furniture must be kept in good condition and shall be permitted in the back of the property or on front porches.

Indoor furniture shall not be used or stored on any outside area, including porches, patios and decks.

LANDSCAPING

Homeowners are encouraged to make landscape improvements to their property and trees, shrubs and flowering plants indigenous to the area may be installed with no ACC approval required.

No invasive plants or trees which will infringe upon neighbor's property or common area are permitted.

The following mulch options are permissible and to not require ACC approval to add and/or change:

- Wood mulch (black, brown or red)
- Pine needles
- Natural colored stones

Mulch beds must be kept grass/weed free.

Per Article VII, Section 18, no plantings or other structures shall be installed which obstruct the sight lines on corner lots up to 6 feet in elevation above the roadway. No tree shall be planted unless the limbs are maintained at the above height noted so not to obstruct sight lines.

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VEGETABLE GARDENS do not require ACC approval if they are wholly located in the back yard of the lot and are placed at the existing grade. Any raised bed gardens must have ACC approval for any structure which elevates the planting surface above lot grade.

EDGING is the material used to separate planting/mulch beds from lawn areas. No ACC approval is required to add/change edging.

The following edging materials are recommended:

- Plastic edging (black/brown/dark green) which is installed flush with the lawn
- Metal edging (black/brown/dark green) which is installed flush with the lawn
- Landscape stone or brick border to match or complement the color of the house/foundation
- Pre-cast landscape block border to match or complement the color of the house/foundation

SOLAR COLLECTION EQUIPMENT

The Magnolia Acres Homeowners Association wishes to encourage the installation of modern technology, while fitting into the aesthetics of our current homes. As with any alterations to any existing home, solar collection systems must also be approved prior to installation.

In compliance with North Carolina law, it is the policy of Magnolia Acres to permit the reasonable use of solar collection systems. The Association reserves the right to regulate the location of any solar collection system to keep up the community's overall appearance.

The ACC will not allow solar collection systems on:

- The vertical sides of the building exterior
- In the front, side or rear yards

Installations on the roof are an acceptable location. Based on aesthetic considerations, black on black mono-crystalline frameless panels are preferred. The black crystalline panels may be more expensive than the blue poly-crystalline designs and do not have the silver frames. The black crystalline installations also blend with the shingle colors and are more efficient than poly-crystalline panels.

Roof mounted systems will generally be approved as long as they are low-profile systems. Panels cannot exceed the area of the roof or break the ridgeline of the roof. All wiring, conduits and meters must be concealed underneath the solar array, in the attic, in the garage or next to the electric meter (non-preferred). If an external wiring design is the only means to connect the control system to the panels, wiring from the roof to the panel must be in a chase channel matching the color of the building trim.

No solar collecting devices may be placed on the front porch roof.

The ACC request form must be filled out. In addition, the following items must be included:

- Survey showing the house and all setbacks (Polaris not allowed)
- Photographs or catalog showing the system to be installed
- Height in inches the panel will be above the existing roof

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The following, while not being subject to ACC approval or control, are noted as they relate to the appearance and maintenance of individual lots and the community overall.

HOLIDAY DECORATIONS

When utilizing holiday decorations residents should be considerate of their neighbors. All steps should be taken to ensure that outdoor lighting displays do not spill over into neighboring lots.

Christmas lights and decorations may be displayed from Thanksgiving until January 15.

Other seasonal lights and decorations may be displayed the month of the holiday and are to be removed within one week (7 days) after the holiday.

TRASH CANS

All trash must be in sanitary containers. Trash cans are to be stored in the garage, at the rear of the home not visible from the street neatly positioned side-by-side on the side of the home. If trash cans are stored

on the side of the home, they should be screened from street view by a shrub or approved trash can screen. Please refer to the attached screening diagram which does not require ACC approval if constructed as illustrated. Trash cans cannot be overflowing and must be closed completely for City pickup. No trash is permitted to be left on the ground outside the containers.

Trash cans may be placed at the street the night before the scheduled pickup day and should be stored properly no later than the next morning after pickup.

PARKING

No commercial truck over one ton capacity, school bus, camper trailer, boat or boat trailer, recreation vehicle, or any other vehicle deemed by the Association to be unsightly shall be parked in the street, in a driveway or in any other location on the lot.

The streets within Magnolia Acres are public right of way subject to their use restrictions and codes as established by the City of Charlotte and Mecklenburg County.

Parking on the grass is a violation of the City of Charlotte code and can be enforced by any Association member, a member of the Board of Directors, or the managing agent by placing a complaint through 311. Vehicles parked on grass may also be removed by the City of Charlotte by towing at the owner's expense.

Most streets in Magnolia Acres are narrow and parking vehicles on both sides of the street, across from each other does not allow emergency and city service vehicles to pass down the street. If you must park on the street, do not have wheels on the grass or on the sidewalk and do not park in front of neighboring homes or block driveways, both on your side of the street and the opposite side.

Parking on the street facing the wrong way is a violation of City of Charlotte code and is subject to being ticketed. The Association is conducting discussions with the City of Charlotte DOT for the installation of No Street Parking signs.

CLOTHES DRYING

Outside clothes drying is permitted under the following:

- Monday-Friday, between the hours of 8:00am-5:00pm
- Saturday, between the hours of 8:00am-1:00pm
- Sunday & Holiday – no outside drying is permitted
- All devices used for outside drying must be stored out of sight when not in use

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SIGNAGE

Professional signs (i.e. security monitoring signs) are permitted as long there is only one and the size does not exceed 1 square foot.

For sale or rent signs are permitted as long as only one is utilized and the size does not exceed 5 square feet. Posting of any for sale or for rent signs on common area is not permitted.

ANIMALS

No animals, livestock or poultry of any kind shall be kept, raised or bred on any lot. Dogs, cats or other household pets may be kept provided they are not kept, bred or maintained for any commercial purpose.

MAILBOXES

Due to zoning requirements, some homes in Magnolia Acres have individual mailboxes at the street in front of their residence, while other homes are serviced through mail kiosk structures in the community. The maintenance and replacement of the kiosks is the responsibility of the Association, while the maintenance and replacement of individual mail boxes in front of homes is the homeowner's responsibility. Individual owners are responsible for replacement locks/keys on their box if they use a mail kiosk.

No masonry mailbox structures are permitted.

BASKETBALL GOALS

Basketball goals, either permanent or portable can only be placed in homeowner driveways. Goals cannot be placed within street right-of way.

STREET RIGHT OF WAY

The street right of way defines the area that is maintained by the City of Charlotte. When you look at your lot survey, your lot lines to not extend all the way to the street, but stop just to your side of the sidewalk, or curb. The City is responsible for the maintenance of the concrete curbs and gutters at the street, as well as all sidewalks and street/traffic signs placed on your lot.

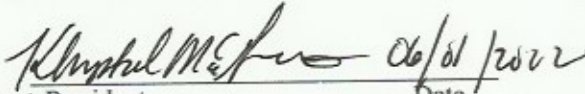
While the grass strip between the curb and sidewalk is in the right of way, the City will not maintain this area and it is the responsibility of each owner to mow and trim this turf area.

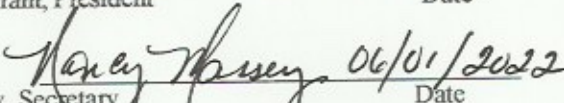
If you notice any issues with curbs, sidewalks or signage at your lot, please call 311 to report the damage/issue and request that the City make any necessary repairs.

NUISANCES

No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereof which may be or become an annoyance or nuisance to the neighborhood.

ADOPTED BY:
MAGNOLIA ACRES HOMEOWNERS ASSOCIATION, INC.
Board of Directors


Khrystal McGrant, President 06/01/2022
Date


Nancy Massey, Secretary 06/01/2022
Date