



Residents' Handbook

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Keep supplements

You may receive notices, from time to time, of changes and additions to our Residents' Handbook as well as updated lists of contacts with telephone numbers. Please save any such notices and supplements here.

Should you move, please leave this and any supplements for the new residents.

Do not distribute outside of McKee Woods

Because these documents may include copyrighted, protected material from another organization, we may not distribute any of this material to other associations, property management companies or any other organizations or individuals for use outside of McKee Woods Homeowners Association.

Conflicts in authority

The contents of this document are subordinate to the DCC&R's (Declaration of Covenants, Conditions & Restrictions), Bylaws and other governing documents of McKee Woods Homeowners Association and codes and ordinances of the City of Charlotte and State of North Carolina. Any inconsistencies between this document and those authorities defer to the latter. Periodically our Board of Directors has this handbook reviewed by our attorney to ensure consistency with those authorities.

Acknowledgements

Much effort has been invested in creating architectural standards and in drafting residents' handbooks and architectural standards manuals for homeowners associations. Many dedicated people from other associations have labored to craft their versions and community management organizations have written publications describing the art. This document was the product of countless hours of meetings; research, writing and review by people with many years of experience in common interest management. We would like to acknowledge and thank these individuals and organizations for their suggestions and support that made possible this handbook.

Welcome to our special Community.

The quality living environment we enjoy at McKee Woods is enabled by the direct involvement of our residents, who have actively assumed the responsibilities that attend its attractions. We participate in managing its finances and common grounds, writing its newsletters, maintaining architectural controls and rules, and planning social events to ensure a quality of life found in few places.

Our homes and the environment we have nurtured at McKee Woods have attracted residents with diverse and considerable talents who participate on various committees and on our Board of Directors. Together, we have created and we maintain a community you can be proud to be part of, and to which you can make your contributions in areas of finance, architectural review, grounds management, social/recreation, newsletter/communications and other areas. Whether you own or rent your home, you can make your interests known in any of these areas by contacting any member of a committee or our Board of Directors.

Special obligations belong to our homeowners. If you have purchased one of our 148 homes, you have also assumed 1/148 of the responsibilities for managing our common assets as well. Costs of maintaining our community are measured in more ways than money. Your dues cannot adequately substitute for contributions of your time. It is important that we each assume our share of responsibilities. Please volunteer for a working committee of your choice or accept appointment as your name may come up on our roster every few years. And when you're not active on a committee or the Board, please support those who are by completing a ballot or proxy when asked and attending our November Annual Meetings. Only your resolution to participate—to be hands-on involved in sustaining the quality of your community—can preserve that environment in which we have all invested.

You are about to read a short explanation about what McKee Woods is and how we operate. This will explain whom to call for what, rules, our insurance, the architectural standards and approval process, general information and answers to frequently asked questions.

Please read this booklet, ask others in your household to read it and keep it handy for reference.

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What our association is

As members of a Planned Development association, we each can have the benefits of sharing common facilities otherwise difficult to own, of living in a nice home in a neighborhood the quality of which we mostly determine—and with some terrific neighbors.

Attendant to a community like ours, with its higher density housing and shared common property, are collective responsibilities. We have an impressive talent pool for sharing management of those responsibilities.

The DCC&R's

If you own a home here, your purchase automatically entitled and obligated you as a member of the Association. The *DCC&R's* (Declaration of Covenants, Conditions & Restrictions) is the document that describes those entitlements and obligations. You received a copy of it before purchasing your home. (If you did not receive one, you may obtain a copy from our website at www.mckeewoods.com)

If you are renting your home from a homeowner, you are bound by many of the DCC&R's terms and rules, some of which are summarized in this booklet; violation of those terms or rules may be a default under your lease so you should familiarize yourself with the *rules* section of this booklet.

The DCC&R's make us possible. Every homeowners association has one. It is a comprehensive description of the Association's rights and owners' rights, of administration, membership, property and voting rights, maintenance and assessments, duties and powers, use restrictions, architectural controls, protection, and other provisions.

Ultimately, almost every Association activity is governed by or affected by the DCC&R's.

By reading them you may gain insights into why a committee or the Board acts in a particular way or why we have regulations and obligations of enforcement. If you are an owner it also will help to prepare you for taking your turn on the Board or on a committee.

Your home

Your home is your most obvious asset in McKee Woods. It is principally what motivated you to purchase.

Because of our common design elements and proximity of our homes to one another, additions and improvements made by one neighbor can affect the property values of the rest of us. To this extent, common interests do affect what you can do with the exterior of your home. Protections are afforded us by our DCC&R's as *architectural controls*. Any change you wish to make outside that will be visible from any other place in our neighborhood, whether from the street, sidewalk, or from your neighbor's window, must be approved by the Architectural Review Committee (ARC). See *Architectural Review* later in this handbook.

Common area

If you are an owner, when you purchased your home you also acquired the responsibility for our Association assets such as our streets, curbs, sidewalks, exterior lighting, trees and landscaping and other physical assets. Part of the dues you pay each month goes toward the maintenance and replacement reserve funds for these assets.

Committees

These groups are the means by which you can involve yourself and make things happen in McKee Woods.

Some committees are permanent (standing) such as the Architectural Review Committee (ARC). Others are more transient (ad hoc).

Still other committees are possible. A nice thing about living here is we really do run ourselves. You are part of us. If you have an idea for a new committee, club or group, you can start it—or you can join others in existing committees. Either way, you *can* affect how McKee Woods operates.

Board of Directors

The management of McKee Woods includes management of our physical assets, money and other resources, contracts and liabilities. Your Board of Directors, made up of five unpaid volunteers, directs our affairs. They meet frequently to review and make decisions about our finances, common area maintenance, legal issues, committee proposals, and countless issues affecting us.

Our Board of Directors welcomes those who attend its regular meetings and is receptive to ideas and requests. They value your input. If you would like to attend, please contact a Board member for the next scheduled meeting day, time and location.

Generally, Board members are elected after having gained experience and knowledge about our Association by having served on one or more committees. Committees are an excellent way to learn how we operate.

Each November at our Annual Meeting, we elect Directors for two-year terms. If you are an owner, you help decide who our five Board members will be.

If you have never been a member of a homeowners association, an important note: Our Board elections can affect you much more directly and significantly than most other Association or club elections you have participated in. Our Board is our business management body managing a budget of thousands of dollars, your interest of thousands of dollars of Association assets, dealing with serious legal issues and making decisions affecting the value of many millions of dollars worth of real estate. Our Board of Directors is not a social club. Please, elect it seriously and serve on it conscientiously.

You and the Association

You are responsible for more than your home. Your investment in the common interests of McKee Woods Homeowners Association obligates you to an equal share of responsibility for their management. Documents you received before purchasing your home informed you of those obligations and your decision to purchase should have been made in contemplation of serving on one or more committees or on the Board of Directors.

Though many of us have tremendous demands upon our time, none of us is exempt from these responsibilities or the consequences of neglecting our collective obligations. Many of those obligations are prescribed in our DCC&R's, a document we are each legally bound to follow.

General information

Whom to contact

General guidelines

Occasionally, you may have a question or problem with which you need assistance. Generally, **if you own your home**, you should contact our Association President or appropriate Board or committee member. Telephone numbers are on the Residents' Handbook Supplement sheet you received with this booklet, updated periodically. **If you rent your home**, you should contact your Rental Manager or the person from whom you rented your home.

About payments

We all pay dues regularly. Just as individual households have expenses, collectively we have ours. Whether you are an owner or renter, please make your payments promptly.

Owners: Twice per year you make out a check for dues payable to "McKee Woods HOA." Send your dues, assessments, or other payments in care of the party indicated on your statement. This will be a bank or the Association Treasurer. Should you have questions about charges on your statement, please call our Treasurer.

Delinquency and collection policies and practices

The following summarizes our Delinquency and Collection Policies for homeowners: assessments are due on the first day of the month and are delinquent if not received by the 10th. In case of delinquencies, payments received are applied to the earliest accrued assessments first. A reasonable late charge of 25.00 per month on any past due balances. The Association can also take legal action (suits, liens and foreclosure) to collect delinquent dues. Legal fees, court costs and interest can be collected by the Association in enforcing payment of delinquent fees.

To report security problems

Fire

Dial 911. Unless you can contain a fire quickly, call the fire department. Accidents happen, but if you delay out of fear or embarrassment, damage can be swift and extensive and we may all be affected.

Criminal activity

Report burglaries, thefts, break-ins, vandalism, violence, abuse to facilities, etc., directly to the police. When life or property is in immediate peril, **dial 911**. For less urgent matters call the police department at its business number. Then call one of our Board members so our Board of Directors can be informed and we can warn others if appropriate.

Unauthorized parking

Vehicles parked in the streets are not only breaking our rules—they are breaking the law and endangering our homes. Owners may be cited and/or their vehicles towed. In event of an emergency, such a vehicle may be legally removed by emergency personnel using any means available, even if it results in damage to the vehicle. Also, if your car is parked in the street and delays passage of an ambulance or other emergency vehicle, you may incur considerable liabilities. We must keep our streets clear! As a reminder, the City of Charlotte prohibits parking of any vehicle or trailer anywhere in your yards, and the city will cite the owner of the property where the vehicle is parked.

In the case of repeating violators, documenting the date, time, location, vehicle make and model, and license number for violations will provide us what we need to levy a fine.

In extreme cases where a vehicle has been illegally parked for an extended period parked in the street or parked within 15 feet of a fire hydrant and the vehicle owner cannot be located, we may have the vehicle towed. Contact our Board President should you feel towing is the only viable recourse.

To report maintenance problems

If you own your home, first determine whether responsibility for maintenance of the item is yours or the Association's. The Association is responsible for repairs and maintenance of all common property—that not on your property. If you ever have questions about who is responsible for something, please contact the board. Report repair items for which the Association has responsibility to our board or other person indicated on your Residents' Handbook Supplement sheet you received with this booklet. Telephone numbers are on the Residents' Handbook Supplement sheet you received with this booklet. Otherwise, contact your own services contractor for your repairs.

If you believe your repairs might affect common property as well as your own, please email or write and coordinate with our board. It may be possible for the Association to arrange for the repairs and bill you back for any services particular to your home.

If you rent your home, for repairs please contact your Rental Manager or the person from whom you are renting.

Whether you own or rent, please try to exercise some patience while we arrange for repairs. We try to complete emergency repairs quickly. However, anytime anyone is dispatched to repair, ultimately you pay part of the costs. Therefore, for many routine repair items we try to minimize those costs by preparing work orders with more than one item, which can result in some delay.

Also note, a map of McKee Woods appears in the back of this booklet. When reporting burned-out street lamps or other items, please contact Duke Power directly at (704) 594-9400.

This is *our* neighborhood. We own our streets, other common areas and are responsible to keep them clean. So, if you pass by a bottle or a paper cup someone has discarded, please help your neighbors out by picking it up and putting it into your trash.

Let's all help.

About neighbors and rules violations

A tradeoff of the benefits of our high-density living environment is that some of our habits and behavior may affect others. By agreeing to a body of rules, we can minimize problems. But more importantly, we must all exercise tolerance and consideration for our neighbors.

If you ever feel you need relief from something your neighbor does, please approach and discuss it with him or her. Usually you will find your neighbor very understanding and cooperative. And if you are the one approached, please be as cooperative as you can. A homeowners association has obligations and considerable powers to enforce rules compliance. Exercising those powers can be much more unpleasant than cooperating to resolve your neighbor's problem. Only as a last resort, if your neighbor is not cooperative and you feel you have been more than tolerant, contact our Association President.

For approval to modify your home exterior

The value of a home can be affected by the appearance of other homes nearby. Therefore, to protect our homeowners, lenders, and the City, our DCC&R's provides for a system of review and approval for exterior changes that homeowners may wish to make to their properties.

Almost any change you wish to make outside that will be visible from any other place in our neighborhood, whether from the street, sidewalk, or from your neighbor's window, must be approved by the Architectural Review Committee. There are some exceptions.

(See the lists of examples of improvements requiring approval, and those that do not, under *How to get approval of your project* in the *Architectural Review Process* section of this handbook.) To apply for approval, complete and submit the ARC approval form located in this booklet. Telephone numbers should be listed on the Residents' Handbook Supplement sheet you received with this booklet (updated periodically) and in our newsletters or website.

At the back of this document is an application form for you to copy, should you need to apply. On it, please include a complete description of the proposed changes and enclose detailed sketches, drawings, dimensions, and colors if appropriate. Attach additional pages if needed. Include all information the Committee will need to make a decision.

Remember, if the committee should have to defer a decision because of inadequate information, your project may be delayed. For more information about the approval process, refer to the *Architectural Review Process* section later in this handbook.

For Association government

Contacts, addresses, and phone numbers for Management, Board, and committees are printed on the Residents' Handbook Supplement sheet supplied with this booklet and updated periodically on our website.

If you have an item of general concern to the rest of us, please attend one of our regular Board meetings. Meeting dates are published in the newsletter and website. Like you, Board members are residents and we all share many of the same interests. Let's get together and talk.

If it is impossible for you to attend a meeting, please contact us by other means. Although telephone numbers may be provided on the handbook supplement sheet or in our newsletter, the most effective way to be sure your non-emergency suggestions, complaints, or requests are brought to the attention of our Board is by email or in writing to our post office box.

It may be gratifying to dial a telephone number and imagine a quick solution is imminent, but a note virtually guarantees attention. Copies can be distributed to Board members and management, and your note says what you mean—rather than what someone else might infer.

When you write your note, please *write unto others as you would have them write unto you*. Board members are your neighbors—volunteers contributing their time for you. (Some day you may be one of them.)

Please send your note via US Mail or Email.

Exterior maintenance

You have probably seen a neighborhood where one home with neglected maintenance affected the appearance (and property values) of nearby homes. Our DCC&R's protects our property values by requiring each of us to maintain in attractive condition the exteriors of our homes.

Please keep the outside of your home clear of debris and do not store materials where they will be visible from the outside.

Our landscaping contractor accomplishes irrigation and maintenance of our common areas.

Security

Crime prevention

An effective Neighborhood Watch Program means each of us should know the people who live around us—so we can keep an eye out for each other.

So, meet neighbors you don't already know. You may wish to have an arrangement with a couple of neighbors you know and trust to exchange house keys for emergencies, to call the police should an alarm sound or should a suspicious person appear to loiter around yours or your neighbor's home.

One can always be friendly and ask a stranger if he "needs help finding someplace." Someone who belongs will appreciate your help. Someone who has ill intentions will know he's been noticed, is subject to being recognized if he does try something, and may leave.

Your awareness and healthy suspicion is essential to our Neighborhood Watch Program.

What you can do for yourself

In some homeowners associations, after a rash of burglaries the victims and neighbors may approach the Board with requests for increased security patrols, fences, special gates, alarms, and so on. Certain measures can be taken by a Board that will provide cost effective protections. However, after proposing options and requesting bids, an analysis often determines such options not to be cost-effective when compared with much more effective security measures each resident can take individually. Instead of raising everyone's dues to cover less effective general security, the less expensive but more effective solution (in addition to being an active participant in our Neighborhood Watch program) is each homeowner making a one-time investment in quality security hardware.

Law enforcement officials have recommended locks with these characteristics:

- Dead bolt throw should be at least one inch long.

- The bolt should be constructed with a case hardened steel roller in the center. The roller will spin if someone attempts to saw through.
- The cylinder guard should have a non-crushable, hard outer edge tapered or angled at approximately eleven degrees. This reduces the chance of a tool twisting off the lock.
- Some have a tapered outer ring that spins.
- The case or trim should be solid brass, bronze or steel.
- The exterior part of the lock (trim) should be connected to the inside portion with connecting rods (bolts) at least one-quarter inch in diameter.
- The mechanism of the lock should contain a five-pin tumbler system.
- The strike plates should be secured to your doorjamb with at least four screws, three to-four inches long, anchoring securely into the wall stud.

The Association relaxes architectural controls to allow owners to equip front doors with any locks, deadbolts, or other common security devices without seeking ARC approval, so long as they are visually unobtrusive and do not significantly impact structures. If you have questions about security modifications you'd like to make, don't hesitate to email the Architectural Review Committee or our Board.

Some other security precautions you can take:

- Install a home alarm system. You may wish to register your alarm with the police department so they will be able to contact you at work should your alarm sound.
- Use a locking pin in your sliding exterior doors.
- Engrave your personal property with your driver's license number. Photograph items you can't mark.
- Inventory your property, complete with serial numbers.
- Leave a light on or set a timer to turn on a light in the evening if you are away.
- Arrange to have a neighbor collect your mail and newspapers while you're gone.
- Don't leave a key under a doormat, flowerpot, or other common hiding place. If you wish to have a second key in case of becoming locked-out, consider trading keys with a neighbor you trust.

Fire

We do have fire risk at McKee Woods as with any closely built subdivision.

Therefore, we bear special responsibilities to each other to minimize that risk.

- Test your smoke alarms periodically. Many of us have smoke alarms that are not connected to any centralized monitoring station. So if you hear a neighbor's alarm sound for more than a few seconds, please investigate.
- Keep at least two fire extinguishers in your home, one in the kitchen and at least one more in another strategic location. They should be suitable for extinguishing all types of fires, including oil and grease fires.
- We have fire hydrants located throughout the development.

- We count on each other to keep our homes free of fire hazards and to be very careful!

If you see any fire hazard, please contact a Board member. Accidents happen, but a delay in calling the fire department out of fear or embarrassment can cause significant damage under our circumstances. Unless you can contain a kitchen or other fire *immediately*, **call the fire department at 911**. Please, we count on each other to protect our homes.

Make sure we have your telephone number

Please make sure our Board has your current day and night phone numbers. If something happens to your property or if an alarm goes off, someone may need to reach you. (Your phone number will not be given or sold to any business or charity to solicit you. It is for Association use *only*.) This is *not* a guarantee that we will call you should there ever be an emergency, but we would hate to be without your number should such a need arise.

Renting and selling by owner

Renting your home

If you lease your home to someone, you are obligated to deliver to your lessee or renter a copy of the Association Rules not later than the commencement of his or her occupancy. (This booklet will satisfy the requirement to provide the Rules.) Within ten days of occupancy, you must deliver to the Association a letter with your current mailing and contact information and a copy of the lease or rental agreement that has been executed, that it contains the language described below, and that the lessee or renter has received a copy of the Association Rules.

Any lease or rental agreement must include the following notice:

“The terms of this (lease or rental) agreement are subject to the provisions of the Rules, DCC&R’s, Articles, and Bylaws of McKee Woods Homeowners Association and any applicable agreements between the Association and any of the Federal Agencies. Any failure by the (lessee or renter) to comply with the rules or terms of those documents shall be a default under this (lease or rental) agreement.”

You should understand that, should a renter violate rules or provisions of the DCC&R’s, the Association has no direct legal recourse against the renter, *but must pursue enforcement against you, the owner*. That is why preventing problems and close supervision of your property is so important. You may decide close supervision is most effectively accomplished by engaging the services of a property management company to manage your rental for you. Typical services include placing ads for new renters, finding and credit-screening your tenants, preparing rental agreements, collecting rent, paying dues and bills, handling

repairs, clean-ups, trouble calls, looking after your property, fulfilling your obligation to provide your tenants with Association rules, and sending you rent checks regularly.

If you rent or lease your home to someone or sell it, please notify our Association Treasurer promptly after completion of the rental agreement or sale. We need to know new phone numbers and the address to which bills and notices should be sent.

Insurance

Our insurance

The Association normally maintains an association general liability insurance policy, casualty insurance for our common property and facilities, and directors and officers liability coverage. However, provisions of policies do change from time to time. If you are an owner, our Association Secretary or Treasurer can provide you with a more detailed description of current coverage at any time.

Your insurance

Of course, our insurance policy does not cover your home or personal property or liabilities. We *strongly* urge you to make sure you are adequately insured. If you rent your home, we recommend you have Renter's Insurance. If you are an owner and rent your home to someone, don't forget to ask your agent about extending the personal liability section of your policy to your rental home.

If you do not have insurance yet, please, pick up your phone, call your insurance agent and ask for advice about and a quote for appropriate insurance.

Rules

A consequence of living in a high-density development is that some of our behavior may affect others. By agreeing to a body of rules we can minimize problems and maintain the value of our property and the pleasure of living in McKee Woods.

No one makes rules for us. We make our rules and we do it following a procedure we adopted that ensures fairness and member participation. No benefit comes from having rules to enforce. Our benefit comes from everyone's knowledge of what the rules are and, more importantly and above any rule, exercising tolerance and consideration for our neighbors.

Vehicles

1. No vehicle shall travel faster than 25 miles per hour on the property.
2. To protect our homes and families, no vehicle is allowed to park in the street, including a vehicle parked with its wheels over a curb or sidewalk to reduce obstruction. Any such vehicle may be towed at the owner's expense.
3. Except as noted below, only conventional passenger vehicles are permitted to park within McKee Woods. This includes family sedans, compacts, subcompacts, station wagons, pick-up trucks without signage or mounted tools or equipment, pick-up trucks with shell not extending above the cab by more than one foot, and passenger vans with extended tops not extending above the top by more than six inches. Exceptions are vehicles of contractors actively providing services to residents.
4. No motorized vehicle, including but not limited to a car, truck, motorcycle or motorbike, may be parked on a sidewalk. The owner of a home whose occupant, visitor or contractor parks a vehicle on a sidewalk shall be responsible for the removal of any oil, stains, tire marks, or other substances left by the vehicle.
5. A resident's recreational vehicle (i.e. boat) or equipment may be parked on the property on a non-recurring basis for no more than twenty-four hours.
6. No noisy or smoky vehicles, off-road, or unlicensed vehicles shall be operated on the property.
7. No vehicle in disrepair for more than two days may be parked on the premises. No vehicle may be dismantled, rebuilt, repaired, serviced or repainted on the property. This shall not be deemed to prevent washing and polishing of vehicles.

NOTICE: Vehicles parked in violation of these rules or that are blocking an access or within fifteen feet of a fire hydrant may be towed away at owners expense.

In the case of repeating violators, documenting the date, time, location, vehicle make and model, and license number for violations will provide us what we need to levy a fine. In extreme cases where a vehicle has been illegally parked for an extended period and the vehicle owner cannot be located, we may have the vehicle towed. Contact our Board should you feel towing is the only viable recourse.

Pets and animals

Drawn from rules common to many community associations, these rules should allow us to enjoy our pets without disturbing our neighbors.

1. No animals prohibited by City, County, or State law are allowed at McKee Woods.
 2. The only animals allowed are common household pets.
 3. No animals may be bred or maintained for any commercial purpose or in numbers deemed unreasonable by the Board.
 4. Any animal not within a residence or otherwise physically confined, must be kept on a leash while on McKee Woods property.
 5. Pet owners are responsible for any nuisances caused by their animals.
 6. No animal may be kept at McKee Woods that results in a nuisance to other residents, as determined by the Board.
 7. Nothing herein shall be interpreted to restrict owners from imposing further restrictions regarding animals in their respective homes when renting or leasing.
 8. If you neighbors pet is a nuisance try contacting the owner before calling animal control at (704) 336-3786 or 911.
 9. Owners must pick up after their dogs when walking through the community in both common areas as well as other homeowners' properties. You may not discard animal waste in storm drains.
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Noise

Showing consideration and respecting the needs of others for a peaceful environment enhances the pleasure of living in McKee Woods.

1. Residents shall keep the volume of entertainment devices, musical instruments, and other sound equipment as well as voices to courtesy levels, as heard from outside their property bounds, so as not to interfere with the quiet enjoyment by others of their respective residences.

2. Entertainment devices brought outdoors onto common property should be kept at very low volume so as not to disturb others; use of headphones is strongly encouraged.
3. Our quiet time begins at 10 PM. After that time noise-prone activities should cease; residents hosting parties, operating entertainment devices, machines, engaging in loud conversation or other audible activities should take appropriate measures to eliminate noise.
4. During evening quiet time hours, please avoid loud conversations outside near bedroom windows.
5. Residents are responsible to control pets that may create noise nuisances. Any animal that continues to cause a noise nuisance may be required to be permanently removed from McKee Woods.
6. Residents shall ensure that noise from engines, vehicle entertainment devices, tires and horns, and from any other machinery or devices is kept below nuisance levels, as determined by the Board. Residents shall be responsible to ensure their guests observe this.
7. Vehicle alarm systems are prohibited that are prone to false alarms or that emit audible signals to indicate status other than violation if such signals disturb other residents.
8. Owners of home alarm systems should become familiar with their security systems so as to minimize false alarms. They must ensure their systems comply with any City requirements for automatic shut-off.

Hazardous Materials/Activities

No resident may store or use hazardous, noxious, or illegal substances that could be a hazard, nuisance, annoyance, law violation, or could impact the insurability of the development.

Signs

For-Rent or For-Sale signs may be displayed. No such sign may exceed three square feet in size and must be muted in tone and color or otherwise unobtrusive as determined by the Board. No other signs shall be displayed except as approved by the Board.

Residential businesses

Only unobtrusive types of businesses completely compatible with residential use may operate from a home at McKee Woods. For example, a writer, artist, computer programmer, consultant, architect, graphic artist, or other individual who operates unobtrusively and in accordance with the following conditions may conduct business in his or her home.

Residents may operate only City-licensed, residential businesses in conformance with any restrictions for residential business imposed by the City or other restrictions that the Board of Directors shall deem necessary to uniformly impose to preserve the residential character of the neighborhood and/or home. In short, the business must be *invisible*.

1. The business use must be clearly incidental and secondary to the residential use of the home.
2. The use shall not require any modification or alteration not customarily found in a home nor shall it be visible from a street or adjoining properties.
3. There must be no window display, advertising, sign or other identification of the home occupation on the premises.
4. The use will not materially increase vehicular or pedestrian traffic over that normally found in the neighborhood nor will any additional parking be needed or provided.
5. No noise, dirt, fumes, odor, vibration, etc., not normally appurtenant to residential use nor greater in intensity or duration than that customarily associated with a home shall be emitted as a result of the home occupation.
6. Not more than one commercial vehicle shall be permitted and this vehicle shall not exceed three-quarter ton rated capacity. Such vehicle shall not have commercial markings or signage. Such vehicle is subject to further restrictions as specified under Vehicle Rules.
7. The use shall not involve the storage of flammable, explosive or hazardous materials unless specifically approved by the Fire Department.
8. The business must not involve illegal substances or activities.

Owners renting or leasing

Owners who rent or lease their homes should understand that, should their renters violate rules or provisions of the DCC&R's, the Association usually has no direct legal recourse against the renter, but rather must pursue enforcement against the owner. Other communities have experienced significant problems when owners attempted to manage their rentals themselves from distant cities. Inasmuch as owners bear responsibility for their renters' actions, they are encouraged to engage the services of a local professional management company or pursue other means to ensure good local supervision, protection of their property and compliance with our rules.

1. Any lease or rental agreement must be in writing.

2. Any lease or rental agreement must include the following notice:
“The terms of this (lease or rental) agreement are subject to the provisions of the Rules, DCC&R’s, Articles, and Bylaws of McKee Woods Homeowners Association. Any failure by the (lessee or renter) to comply with the rules or terms of those documents shall be a default under the (lease or rental agreement).”
3. Owners shall be responsible for assuring compliance by renters and lessees with the Rules, DCC&R’s, Articles, and Bylaws of McKee Woods Homeowners Association.
4. Each owner must deliver to his lessee or renter a copy of the Association Rules not later than the commencement of lessee’s or renter’s occupancy.
5. Within ten days of lessee’s or renter’s occupancy, an owner must deliver to the Association a letter certifying that a written lease or rental agreement has been executed, that it contains the language described above, and that the lessee or renter has received a copy of the Association Rules.

The architectural review process

Why have a review process?

The value of a home can be affected by the appearance of other homes nearby. Therefore, to protect our homeowners, lenders, and the City, our DCC&R's (Declaration of Covenants, Conditions & Restrictions) provides for a system of review and approval for exterior changes homeowners wish to make to their properties.

The importance of abiding by the Review Process goes beyond our agreement to be legally bound by it when we purchased our homes. It can work only if we apply it fairly and uniformly when evaluating applications by our neighbors while serving as members of the Architectural Review Committee, and operating within the review process as applicants. The purpose of the system is not to impose unnecessary controls and restrictions, but rather to protect the value of one of the most important investments each of us will ever make—our homes.

In order to ensure fairness:

- Standards are created within a public process. They are introduced, discussed, and voted upon at open Architectural Review Committee and Board meetings.
- We strive for a sound basis for our standards—to be realistic, objective and defensible. Typically, standards are developed with input from the developer, standards from other homeowners associations, and residents knowledgeable about City requirements.
- Standards can be changed with good cause by the Board of Directors.
- Some architectural restrictions imposed by our DCC&R's can be changed by passing an amendment by vote of membership.
- A decision by the Architectural Review Committee may be appealed to the Board in writing within 15 days following the final decision of the Committee.
- Should an applicant feel that special circumstances exist that provide a compelling reason why a standard should not apply in a specific case, or if a standard does not exist, the applicant may request a variance be granted by the Board.

The Architectural Review Committee the City and You

Our Board appoints volunteer members of our Architectural Review Committee. This Committee helps to develop and implement standards, procedures and policies that govern changes members may make to their property. Its members review proposed plans and approve or disapprove them based upon standards of

style, exterior design, appearance, location, and DCC&R's requirements. The Committee also assists homeowners and makes recommendations to help bring plans into compliance.

Your role is three-fold:

First, when contemplating any exterior property modification you are encouraged to familiarize yourself with this chapter of the handbook and the Articles of our DCC&R's relating to architectural controls. It describes the basis for the controls, the charter for the Architectural Review Committee and the authority for enforcement.

Second, you will be working with the Architectural Review Committee to obtain approval for your application, and with the City, should your project require Planning Department approval or a building permit. The steps you will go through and the requirements for dealing with the Committee and the City are described later in this document.

Third, your role with the Committee needn't be solely as an applicant. This is your Committee. Its members would like you to attend its meetings; they are interested in your ideas and your participation. Contact the Architectural Review Committee Chairperson for the dates and times of meetings. Should you wish to become a member of the Committee, contact the Board. We are particularly interested in candidates with backgrounds in architecture, construction, horticulture, or related disciplines and neighborhood or municipal government. Simply a strong interest in these areas and a desire to learn may also be enough. The Committee is also a good place for someone to learn about how the Association works before becoming a Board member.

How to get approval for your project

The following is intended primarily for owners. If you are renting your home, you will need to work with your Rental Manager or the owner of your home to effect exterior improvements since our Board is authorized to approve applications only from owners.

When to apply for approval

Approval from the Architectural Review Committee is required for almost any exterior modification. This would include any fence, structure, landscaping or hardscaping improvements, screen doors or other changes to doors or windows, exterior sun shades or umbrellas, and so on.

The Board also requires that an application be submitted for modification of an improvement, or *reconstruction* of an improvement that had been removed, dismantled or destroyed. If a standard has changed since previous approval, the Board may require that reconstruction, reassembly or modification brings the improvement into compliance with the new standard. It is the applicant's

responsibility to request and examine architectural standards that apply to an improvement to be reconstructed, reassembled or modified.

Approval is *important*. Making a modification without Architectural Review Committee approval may result in changes having to be undone at the member's expense. Other Association remedies include but are not limited to filing a notice of non-conformance that may affect the salability of the property, with filing/clerical fees assessed to the homeowner, and injunctive relief with the homeowner paying attorney's fees and court costs. The City also has zoning code enforcement procedures.

Remember, you agreed to the terms of the DCC&R's when you purchased your home and those terms mandate the Review and Approval process. Someday, when you take your turn on the Board, you will learn you *must* enforce architectural controls or expose yourself and all of us as an association to liability. Please don't put your neighbors in a position where they must ask you to remove something that hasn't been approved; they have no choice. You do.

In order to help you determine if a contemplated project requires approval, some examples are listed below. If, after reviewing the examples, you are still unsure as to whether you need apply to have your project approved, it is better to apply.

When in doubt – Apply!

Examples of alterations requiring approval

- Planting by residents on common property
- Changes that may affect drainage
- Addition of a screen door
- Addition of a window or change to a window structure
- Addition of an exterior sun shade or screen
- Addition of walking pavers or other hardscape visible from common area
- Any structure or device attached to a fence or building, except as noted under *Examples of alterations not requiring approval*, below.
- Any fence, demarcation structure or device placed onto common property.
- Trellis structures
- Water fixtures, such as fountains, spas or hot tubs
- Any external structure visible from any street, adjoining residence or common area
- Fences
- Shed or out building
- Satellite dish or antenna's
- Painting

Examples of alterations not requiring approval

Though the following normally will not require application and approval, the Architectural Review Committee reserves the right to require approval should it determine a problem exists or might exist:

- Temporary holiday decorations in place for less than 30 days.
- Plans for suspending small planters or unobtrusive ornamental objects, never more than 10 pounds weight, upon structures immediately adjacent to one's home will not require submittal for approval provided they meet all other requirements and are compatible with the character of the complex. (See *Use of nails on common property* under *Architectural design standards*.)

How to apply for approval

Should you wish to make an exterior change for which an application is required, this is what you should do:

1. Applicants are encouraged to discuss their projects with their neighbors early in the planning stages to explore and resolve potential problems before expending significant time preparing a plan and application. Although permission from neighbors is not required for approval, the purpose of the approval process is to avoid problems and detrimental impact on neighbors. The Architectural Review Committee when evaluating your application will consider such impact.
2. Make a photocopy of the Architectural Review Committee form entitled *ARC Application* located in the back of this booklet and complete the form.
3. Make a scale drawing(s) of your proposed project. Include top (plan) and side (elevation) views as necessary to clearly establish proposed location, elevation and construction detail of your modification. Your drawing should also include existing structures and boundaries where necessary to indicate relative location.
4. Submit two copies of your completed application and three copies of your scale drawing(s) to the Architectural Review Committee. You may send them to the current Association address, or simply give them to the chairperson of the Architectural Review Committee. Normally, an application fee is not required. However, should extraordinary expenses arise, you may be contacted later to submit an application fee up to \$50 to cover such expenses as notice and postage requirements, drawing duplication fees, outside consulting fees, and any other fees necessary to process your application. You may request itemization of such expenses.
5. Should it later be determined that additional information is required, the application will not be deemed complete until such information has been received by the Committee.
6. The Architectural Review Committee will approve or disapprove your plans and specifications within 30 days of receipt of a completed application and will send you a *Notice of approval/disapproval*. If disapproved, you may modify your plans to conform to Architectural Standards, and resubmit. Or you may appeal the Architectural Review Committee decision in writing to the Board of Directors within 15 days of the decision. **REMINDER: YOU MAY NOT BEGIN YOUR PROJECT UNTIL YOU RECEIVE APPROVAL FROM THE ARC IN WRITING.**

7. After final approval, you have 30 days in which to complete construction of your improvements, conforming to any conditions the Architectural Review Committee, Board and/or City may have imposed.
8. The Architectural Review Committee may review the finished project to confirm that your improvement does comply with your approved plan and conditions. You must correct any deficiencies as determined by the Committee. You are responsible for upkeep and maintenance of the improvement within acceptable standards as determined by the Committee and Board, unless specifically exempted by the Board.
9. Most improvements members are likely to make are covered by one or more of the standards listed under Architectural Design Standards, below. However, if your desired improvement is not covered, you should still apply to the Committee. The Committee may
 - provide you with an applicable standard approved since this manual was printed.
 - sponsor development of a new standard to be approved by the Board for incorporation into our architectural Master Plan (Architectural Standards).
 - submit your plan to the Board to be considered as a variance.

It is perfectly acceptable for a member who wishes to construct a non-standard improvement to propose a new standard for consideration. A well-considered, thoughtful, written proposal, consistent with our Standards and Review Objectives described below under *Architectural Standards*, that addresses our common interests as well as yours, may shorten substantially the time needed for the Committee to refine and the Board to approve a new standard that applies to your project, thus expediting approval of your project. It will also help your neighbors by giving us a new standard for like projects.

Architectural standards

Authority

Principal provisions of our DCC&R's relating to architectural standards and control issues are included within Article 7.

Standards and review objectives

Objectives for design and review standards were adapted for McKee Woods from objectives recommended by the American Institute of Architects publication, *Design Review Boards*.

- **Landscape and Environment Protection.** To prevent the unnecessary destruction or blighting of the achieved environment.
 - **Relationship of Structures and Open Spaces.** To ascertain that the treatment of built-up and open spaces is designed so that they relate harmoniously to the terrain and to existing structures that have a visual relationship to the proposed structures.
 - **Protection of Neighbors.** To protect neighboring owners and users by ensuring that reasonable provision has been made for such matters as surface water drainage, sound and sight buffers, the preservation of views, light and air, and other aspects of design that may have substantial effects on neighboring property.
 - **Circulation and Easements.** To determine that the proposed improvement facilitates appropriate access, servicing and maintenance, and protection of easements.
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Creation of standards

The Architectural Review Committee when evaluating applications uses standards. Decisions by that body are findings based upon the standards. Although normally proposed by members of the Architectural Review Committee, any member may propose an architectural standard, consistent with our Standards and Review Objectives. A proposed standard may be considered by the Committee and evaluated for merit. It may be rejected, or language altered and refined before being submitted to the Board of Directors for review and possible further modification. Should the Board wish to adopt the standard, it will then publish notice of the standard in the newsletter or by other means to solicit comments from membership. Not less than two weeks following such publishing, a hearing will be held on the proposed standard. Following the hearing, it may be adopted by the Board, possibly with modifications as determined from the hearing.

Architectural design standards

Pursuant to its authority under the Declaration of Covenants, Conditions, and Restrictions for McKee Woods Community, the Architectural Review Committee (ARC) of the McKee Woods Homeowners Association hereby issues the following Standards and Guidelines for interpretation of that Declaration. These Standards and Guidelines are supplemental to the existing Declarations, and are not inclusive of all items upon which the McKee Woods Architectural Review Committee may act. It is intended to provide guidance to Owners regarding requirements for additions and modifications to property in McKee Woods 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 McKee Woods.

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 McKee Woods 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.

I. The following actions 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.

Construction of any type of structure or improvement on any lot in McKee Woods (including but not limited to outbuildings, garages, fences, in-ground pools, walls, decks and patios and exterior remodeling or additions to an existing structure).

The following guidelines apply, in general, to all construction projects:

Duration:

Construction projects should be completed within 30 days of start date, unless not feasible due to the magnitude of the project (Le., a garage addition or major addition to a house).

Utilities:

Any utility additions must be underground and adhere to County code for such utilities.

A description of the planned project must be provided to the Architectural Review Committee and should contain the following information, as applicable:

- Size of structure
- Roof Design
- Wall Material
- Exterior Finish
- Location
- Estimated Length of Construction
- Height
- Roof Material
- Quantity
- Utilities (Electric, Water, Sewer)
- Drawing or Diagram

Particular to the construction of outbuildings (storage sheds), the following guidelines apply:

Size: No greater than 10' x 10', unless approved by the Board as a variance.

Height: Overall - no greater than 9'. Maximum eave height is 6'.

Roof Design: "A Frame" and single pitch (shed) roofs are not permitted.

Roof Materials: All outbuilding roofs must be constructed of shingles that match those on the home.

Quantity: Only one outbuilding is permitted per lot.

Wall Material: Exterior walls should be constructed of either hardboard or vinyl siding to match the home, T -111 exterior plywood (or other exterior siding with 6-8" on-center exterior grooves similar to T-111 plywood painted the same color as the home. No particleboard, standard plywood, cinder block, or metal material is allowed.

Exterior Finish: All outbuildings must be trimmed and painted, in their entirety, in the same quality materials and colors of the home.

Utilities: Any utility facilities (electric, water, sewer, etc.) providing service to an outbuilding must be underground and adhere to standard building code for such facilities.

Foundation: A poured concrete foundation is preferred. Concrete blocks are acceptable if screened with lattice underpinning and/or landscaping.

Location: Outbuildings are to be placed in the rear yard of a lot and are subject to the following restrictions:

- 1) If an outbuilding is to be placed in the rear of a lot, the rear property line must be at least three (3) times larger than the outbuilding dimensions. For example, a 10' x 10' outbuilding placed in the rear of a lot requires a minimum of 30' rear property line.
- 2) Outbuildings should be placed at least 6' from any property boundary as provided by zoning regulations, and should contain sufficient clearance around all sides to permit appropriate maintenance.
- 3) Outbuildings should be placed no less than 50' from the property line adjacent to the street side of a corner lot.
- 4) Outbuildings should not be placed within the rear set back line on reverse frontage lots.

Particular to Doghouses, the following guidelines apply:

Size: May not exceed 4'W x 5'D x 4'H.

Material: Should be constructed of materials as described for outbuildings. (No plastic doghouses are allowed.)

Quantity: No more than two (2) doghouses are permitted on any lot without approval of the Architectural Committee.

Particular to Driveway additions, the following guidelines apply:

Material: Driveway additions should be constructed of concrete.

Encroachment: A 2' minimum setback should be maintained from all property lines. Situations not permitting this setback will be reviewed on a case-by-case basis.

Particular to Basketball Goals, the following guidelines apply:

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 and are stored behind the house (screened from street view) or in the garage when not in use.

Quantity: No more than one (1) basketball goal permitted on any lot.

Location: Must be located at least 15' from the road. Backboard may not be attached to the house. The goal must be oriented so that play occurs on your own property.

II. The Committee will not approve and specifically prohibit the following:

A. Chain link fencing in any form (including dog pens / runs).

B. Fencing greater than 6' in height.

C. Fencing that does not meet the guideline of having no more than 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. (Read Section 7.07 of DCCR's). Eighty percent (80%) of a fence surface shall be defined as follows: For every 1" of board there must be 0.2" of space (i.e., 5" board would require 1" of space). The maximum board width allowed is 5\12 inches. i.e. No privacy fencing is allowed that completely blocks

D. Location of fencing that does not comply with restrictions as set forth in the DCCR's. Read Section 7.07 of the DCCR's which specifically prohibits fences from being erected any closer to the street than the side and rear setback line on lots adjoining streets. Fences are also prohibited from extending beyond the rear facade of the building (unless approved by the Committee).

E. Storage of materials of any kind behind a fence or perimeter hedges if they are visible from the street or neighboring yards.

F. Brick mailboxes. Such mailboxes are prohibited by N.C. Department of Transportation.

G. The construction, installation, erection, or maintenance of any television or radio pole, antenna, aerial, dishes larger than 18", or tower on any lot in McKee Woods. Direct TV 18" satellite dishes will be allowed, but will be mounted on the house in a position **not visible from the road** (unless approved by the Committee due to reception issues as detailed in the DCCR's).

H. Above-ground pools, with the exception of "kiddie pools".

I. Any house paint colors different from the color that is already on the house. (Without prior approval from the Committee.)

J. The installation of freestanding security lights in the front yard greater than 7' in height, and in the rear yard, greater than 10' in height. This does not apply to Centex standard eave-mounted security lights.

K. Commercial vehicles and parking for such vehicles. A commercial vehicle as defined by the Architectural Review Committee is as follows: A vehicle with permanent markings and/or attachments such as ladders or other equipment mounted to the roof, sides or rear of the vehicle. (Vehicles with removable signs or attachments must remove said items within 1 hour from time vehicle is parked.)

L. Parking of recreational vehicles where they are visible from the street. A recreational vehicle will be considered a vehicle with dimensions greater than H-102", W-80" and L-223" (example: full size conversion van). Parking of boats and trailers where visible is also prohibited

M. Signs on any portion of any lot except as stipulated:

- One temporary sign advertising the lot for sale, provided the sign has a maximum face area of five square feet on each side and, if freestanding, stands no more than four feet off the ground.
- One small security service sign provided the sign has a maximum face area of two feet.
- Such permits as may be required by legal proceedings or a governmental entity (such as a building permit).

N. Window treatments as follows:

- Aluminum foil window covers
- Solid black window coverings
- Bed sheets or newspapers

Window treatments such as blinds, draperies, shades, plantation shutters and stained glass shall be permitted.

O. Window air conditioning units or fans.

P. Weeds, vegetation rubbish, debris, garbage or waste materials accumulated or dumped on any lot or common area. Compost piles shall be permitted unless the Board determines that such compost pile is unsanitary or offensive.

Firewood piles are allowed in the rear yard, screened from public view, no larger than 2 cords (pickup truck load) and stacked no higher than 4 feet. Compost piles and firewood piles on corner lots must be located at the furthest possible point from the intersecting street.

Q. The construction of circular driveways or asphalt driveways.

R. Fences, above ground structures, swing sets or pools in the rear yard of reverse frontage lots.

S. Statues (and/or figurines - including figurine planters) or fountains, which are visible from the road (unless approved by the ARC).

T. Flagpoles located anywhere on the property. One (1) flag up to 4' X 6' in size may be attached to a flagpole mounted on the house. The flagpole may not exceed 4" in diameter and 60" in length. Only official flags of countries, states or universities and seasonal decorative flags may be displayed; flags which display trademarks or advertising, and battle flags and similar flags which, in the Board's judgment, are intended to, or tend to, incite, antagonize, or make political statements (other than a statement of citizenship or country of origin of the residence of the dwelling) shall not be permitted. Flags shall be maintained in good condition and shall not be displayed if mildewed, tattered or faded beyond recognition.

U. Any significant landscaping, or removal of landscaping, that changes the character of the lot.

(Note: This does not generally include items such as grass, trees, flowers, shrubs and natural areas, unless the placement or removal of such items "significantly" changes the character of the lot. For example, complete removal of the front hedge and failure to replace it, failure to maintain any type of grass, ie...dirt yards, or a natural area that encompasses the entire front yard).

V. "Above Ground" sprinkler systems.

III. In the best interest of the community, the Architectural Review Committee requests that the following matters be dealt with as indicated. If any of these matters becomes a problem between neighbors, the Committee may act upon them under the general powers conferred by the Declaration.

A. Generally, all pets should be kept under their owner's control at all times and in compliance with city/county leash law.

- 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 the Common Areas, 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 dwelling is limited to a total of three (3) pets.
- 5) Animals being a nuisance to their neighbors will not be tolerated - this includes issues with noise. Should an issue arise, please discuss it with the animal's owner before calling animal control at 336-3786.

B. Building materials and equipment should not be stored where visible from the street for more than thirty (30) days.

C. External seasonal house decorations should be removed within 30 days of the holiday. Christmas lighting is not permitted before Thanksgiving.

D. Garbage cans and recycle bins must be stored in one of the following locations (stated in the order of preference): 1) inside your garage or 2) behind the house (screened from street view by the house).

E. No garbage cans or recycle bins should be placed at the curb any earlier than the night before collection and should be removed by midnight the day of collection.

IV. To Clarify Your Property Line:

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.

V. All requests must be submitted in writing to: McKee Woods Homeowners Association, P.O. Box 78821; Charlotte, NC 28271.