

## Restriction Clarifications

Pursuant to the latitude granted the Sterchi Hills Phase III Board of Directors (the Board) in Article III: Paragraph 33 of the Amended Declaration of Restrictions, the following explanations are offered to clarify common misinterpretations and provide additional guidance that may be lacking for an individual restriction. Henceforth referred to as Restriction Clarifications (RC) each must be voted on and accepted by a majority the Board each time a new RC is proposed or modification is made to an existing RC. After the initial RCs are adopted, new additions or revisions must be publicly announced at least four weeks before they are to be voted on so that homeowners have an opportunity to comment and be present at the annual or monthly meeting if they so desire. Meeting minutes will thoroughly document the addition or change. Furthermore, the current RCs will be maintained on the Sterchi Hills Homeowners Association (HOA) website in similar fashion to the Amended Declaration of Restrictions. A revision date will be included at the end of RC indication the date of adoption or date last modified.

Keeping with the intent paragraph 33, nothing in the RC should nullify the intent of the existing restriction nor create or allow disobedience of other restrictions or covenants.

**RC 1:** Article II: Paragraph 8- Radio/television aerials or antenna, nor similar exterior electronic or electric equipment devices may not be installed on the exterior of any structure located on a building lot, unless an exception is approved by the Planning Commission.

Small satellite television dishes are allowable, but they cannot be placed upon the lawn or upon any natural or unnatural structure between the house and any roadway which the dwelling faces. Mounted to your roof is acceptable. [Rev: 14 December 2020]

**RC 2:** Article II: Paragraph 9- The term “garbage cans” and “garbage carts” includes trash cans, trash carts, garbage pails, and/or recycling bins.

Garbage cans must be stored per methods A-C:

- A) Placed in a garage servicing the dwelling of the homeowner.
- B) So they cannot be seen from any angle, i.e. in no way visible, from the street facing your dwelling and discreetly concealed from your neighbors who may be behind or beside you. Recommended methods are behind a privacy fence, but this does not include trees or bushes. Methods of *concealment from neighbors* should as inconspicuous as reasonably feasible.
- C) Behind screening approved by the Sterchi Hills HOA Planning Committee. Consent is granted through submission and approval of an Architectural Variance Request (AVR).

If option C is chosen, the primary criteria are it must: a) **completely** block the view of the garbage can(s) from any angle as viewed from the street facing your home; b) have a style and color consistent with the architecture of the dwelling; and c) be attractive and well-constructed.

Although color and style requirements for screening may vary from home to home, guidelines that must be adhered are:

- 1) Lattice is normally discouraged because the slat spacing of most lattice is too large and is insufficient to completely block the view.
- 2) The height of the screening must be higher than the garbage cans. Generally, at least 48 inches.
- 3) The screening must surround the garbage cans such that the side and end views are covered. In almost all cases this means the screening will be L or U shaped depending on where the screening is located.

The only exception is on trash day when they can be placed on the curb the evening before and should be returned the evening of trash pickup. [Rev: 14 December 2020]

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**RC 3:** Article II: Paragraph 17- This restriction also **prohibits** political signs. Tennessee Code Annotated Title 2, Chapter 7, Section 143 the *Tennessee Freedom of Speech Act* does not apply in our situation. Section 2 of House Bill No. 1199 and the companion bill Senate Bill 1089 were amendments. Section 2 clearly states that it affects restrictions executed on or after July 1, 2017. Our restrictions were amended in 2014. This was confirmed with the governor's office in 2018. [Rev: 14 December 2020]

**RC 4:** Article II: Paragraphs 21 and 24- Construction of out-buildings (pool houses, carports, or detached garages) and sheds shall be in "substantial conformity with the main dwelling". Paragraph 24 refers to it as conformity and harmony.

Based on this, the general guidelines the Planning Committee goes by:

Unacceptable:

- 1) metal construction building/structure
- 2) metal roofing
- 3) barn style roof
- 4) siding material that does not conform in color to that of your dwelling (unless your home is all-brick)

Acceptable:

- A) shingle roof covering with a color similar to the home
- B) gable or hip style roof
- C) siding material that is harmonious in style and color with the home
- D) trim, shutters, etc. colors should at least somewhat match the home

You will notice examples around our neighborhood that do not meet these standards. They were not approved using appropriate criteria or may not have been approved Planning Committee at all. [Rev: 14 December 2020]

**RC 5:** Article II: Paragraphs 24 and 27- Improvements to your home or lot **should not be started or added** without approval from the Planning Committee. The approval is granted through an AVR. If the AVR is not approved within 15 days of being submitted, consider it denied. **DO NOT** start your improvement until it is approved! You need to seek guidance from the Planning Committee.

It is the homeowner's responsibility to plan ahead and provide the Planning Committee whatever they ask for in order to reach a decision. This may include: building plans and specifications showing the location, kind, shape, height, size, materials, floor plans, exterior color schemes with paint samples, and plans for the grading and landscaping of the building lot showing any changes proposed to be made in the elevation or surface contours of the land.

Improvements include fences (including replacements), walls, driveways, sheds, swimming pools, and most changes to the exterior of your home or lot. So, it is better to ask before you begin.

The Planning Committee has the absolute right to refuse to approve any such building plans and specifications and lot grading and landscaping plans which are not suitable or desirable in its determination for any reason, including purely esthetic reasons. The intent is that improvements are the same quality of workmanship and materials and are harmonious with the surrounding neighborhood and existing structures. You can challenge the denial if you obtain approval, in writing, of 75% of the residents that live within 600' from the boundaries of your lot.

Approved AVRs don't technically have an expiration date, but changes to an approved AVR require resubmission and approval by the Planning Committee. [Rev: 14 December 2020]

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**RC 6:** Article II: Paragraph 29- “Stored” is defined as being anywhere on the property or in the street in front of the property exceeding 24 hours. This excludes business or commercial trailers which are addressed in subparagraph 4 of the restriction. “Commercial trailers”-includes those used by remodelers for construction. The definition of “boat” is expanded to include similar watercraft such as personal watercraft, i.e. jet skis and henceforth will be referred to as a watercraft. If the watercraft or any items covered in this restriction are not stored per paragraph 29, subparagraphs 1 and 2, the following exceptions are allowable:

- A) During the months of April thru September watercraft may be temporarily parked on the property from the hours of 6 PM Friday through 9 AM Monday provided: 1) the watercraft is parked in the resident’s driveway and 2) is not creating a hazard to traffic.
- B) The watercraft is temporarily parked on the street in front of the residence for loading, unloading, or preparation for transport. An adult resident must be with the watercraft at all times during the process and it must not create a hazard to traffic.
- C) An Extended Parking Pass (EPP) is obtained through communication and permission of the party designated by the Board. The parking pass is to allow for maintenance of a watercraft or placement of a trailer for periods exceeding 24 hours. In each case, the homeowner must provide a justification of why the extension is needed.
  - 1) The EPP will include a designated number provided by the Board, e.g. EPP-1, and the dates allowed to be on the property not to exceed seven consecutive calendar days.
  - 2) The EPP must be displayed on the watercraft or trailer at all times and must be visible from the street facing the residence. The watercraft or trailer can only be parked in the resident’s driveway and it must not create a hazard to traffic.

In each exception allowed in paragraphs A-C, the burden of proof lies on the homeowner, nothing contained herein is intended to add to the liability of the Board. Likewise, the watercraft or trailer cannot create an unsightly appearance to the property or hazard to the neighborhood.

[Rev: 14 December 2020]

**RC 7:** Article III: Paragraph 30- Examples of how homeowners should, *keep their respective properties in a neat, clean and well-trimmed, and orderly fashion* to maintain their lot and any improvements on them in a good state of repair to prevent the same from becoming unsightly. All lots, including the structures and appurtenances on them, must be maintained to preserve curb appeal. This includes, but is not limited to:

- A) Upkeep of home exteriors ensuring 1) shutters are attached and not excessively faded, 2) gutters are attached and functional; 3) doors, molding, trim, and other painted items are not faded; 4) rotted, or cracked items are repaired or replaced; siding is not damaged and properly affixed;
- B) Fences and gates are maintained and rotted, cracked, or missing items are repaired or replaced;
- C) Children’s play equipment and outdoor sports equipment including basketball goals and trampolines are maintained;
- D) Driveways and home exteriors are cleaned to remove dirt, mildew, oil, grease, and rust stains;
- E) Holiday decorations are removed in a timely fashion-within two weeks of the holiday;

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- F) Unseemly items as automotive parts, used furniture, lawn equipment, storage containers, trash/debris and other materials or conditions that reasonably tend to detract from or diminish the aesthetic appearance of the subdivision are stored or disposed of appropriately;
- G) Mailboxes should be functional and aesthetically appealing this includes having lids attached;
- H) Lawns shall be mowed and trimmed weekly during the mowing months (March through November);
- I) Trimming overgrown or removing dead trees, ground cover, shrubbery, or landscaping;
- J) Weeding and mulching of flowerbeds and other landscaped areas shall be regularly maintained;
- K) No grass or yard waste shall be left in the street;
- L) The area behind fences shall be kept neat and clean. [Rev: 14 December 2020]

Additional Guidance not directly addressed in our Amended Declaration of Restrictions:

**Ask permission from the Board of Directors to:**

1. Place portable storage containers such as PODs, MI-BOX, SMARTBOX, Mobile Attic, or similar Sea-Land type containers to complete home remodel or moving activities.
2. Place construction or trash dumpsters on the lot to complete home remodeling activities.

Originally adopted by motion and unanimous approval of the Sterchi Hills Phase 3 Board of Directors during the December 2020 monthly meeting held on 14 December 2020.

/Jeffrey Cook /

Jeffrey Cook  
President