

**MONTERAY SHORES**  
**ARCHITECTURAL GUIDELINES**  
**AND**  
**ARCHITECTURAL STANDARDS COMMITTEE POLICIES**

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## INTRODUCTION

Monteray Shores is a 369 acre planned unit development with a French Caribbean design philosophy inherent in the proposed Architectural Styles of the community.

The Developers have established these guidelines to ensure that all residents of Monteray Shores can enjoy the elegance and sophistication of unique architectural forms in a distinctive natural environment.

## DESIGN PHILOSOPHY

The homes in Monteray Shores should respond to the environment and to the homeowners needs for comfort and beauty. The Architectural Guidelines provide basic information which should be used to produce a contemporary development with a cohesive identity which reflects varied architecture without unduly restricting the architects interpretation of each owners particular needs.

## ARCHITECTURAL STANDARDS COMMITTEE

In accordance with the Declaration of Covenants, Conditions and Restrictions, an Architectural Standards Committee will review all plans for homes to be built in Monteray Shores. The purpose of the committee is not to restrict design freedom or to make design decisions but to ensure that individual homes reflect the overall design objectives of the entire community and that the unique natural setting of the community is preserved and enhanced.

## BUILDING RESTRICTIONS

### HEIGHT

No home or other structure on a lot is to have an overall height more than thirty five (35) feet above the average grade of the lot.

### SIZE

All homes on the soundfront lots shall have a minimum of 2,200 square feet of heated living area. All homes on interior lots shall have a minimum of 1,600 square feet of heated living area for one and one half story homes and 1,800 square feet of heated living area on all two story homes.

### BUILDING SETBACKS

The buildable area of every lot is determined by the easements and setbacks recorded on the subdivision plat, CAMA restrictions, and the following setback requirements:

- |   |    |
|---|----|
| (1) Front or side yard adjoining a street     | 20 |
| (2) Rear yard adjoining another yard          | 25 |
| (3) Side yard adjoining another yard          | 10 |
| (4) Side or rear yard adjoining an open space | 10 |

### FOUNDATIONS

The foundation must receive the same careful attention to detail and finishes as the main portion of the house. Concrete block foundations are to be stuccoed. Wooden pilings are to be cased in wood or stuccoed. Exposed round pilings are not appropriate. The foundation may be fully enclosed or partially enclosed with lattice, louvers or siding or a combination of these. The exterior wall of the foundation is to be the same color as the remainder of the house or painted to match other house trim.

### EXTERIOR WALL FINISHES

It is the intention of these Architectural Guidelines to achieve a harmonious environment throughout Monterey Shores, and to achieve that goal only stucco and cedar shake shingles will be allowed to be applied to the exterior walls surfaces. A combination of stucco and wood finishes may be appropriate upon review of the Architectural Standards Committee. All other structures on the lot such as pool house, detached garage, etc., should have the same exterior wall finish as the house.

## WINDOWS

Areas with major fenestration should be oriented to afford privacy while taking advantage of special views, such as the sound, marsh, ocean and ponds. Windows should be carefully proportioned and located to enhance both the exterior appearance and interior light quality and views. Window and door frames are to have anodized aluminum, vinyl, or painted finishes. Natural color aluminum finishes are not allowed. It is recommended that houses not have openings (doors and windows) which total more than 50% of the exterior wall area.

## CHIMNEYS

Chimneys must conform to the overall building height limitations stated in these guidelines. Exposed metal flues are not permitted.

## ANTENNAS

All antennas of any kind are to be located in the attic space of the structure they serve and will not be permitted to be attached to the exterior of said structure.

## ROOFS

Roofs for every house and building should have a similarity of form, materials and color which will contribute to the desired homogenous character of Monterey Shores. Gable and hip roofs with slopes of at least 6/12 are recommended. Concrete tile, composition shingles, slate, or standing seam metal are recommended roofing materials. Flat ceramic roofing tiles similar to slate and wood shingles with a bleaching oil stain are allowed. Covered porches and any other structures on the lot (pool house, detached garage, boat house) should have the same roofing material and roof color as the house.

## ROOF STRUCTURES

Ornamental or functional elements, such as balustrades, widow's walks, lantern towers, weather vanes and lightning rods, attached to the roofs are discouraged. All roof accessories, such as vent stacks and roof vents, shall be painted to match the roof and located away from the front elevation. All flashing is to be copper or painted aluminum to match or blend with the shingle color except in the case of a metal roof, where the flashing will be of the roof material.

## EXTERIOR COLOR

Color used on houses is a dominate visual element and a major expression of an owner's preferences. Sensitive,

imaginative color selection will contribute to Monterey Shores' harmonious and aesthetically pleasing ambience. The Architectural Standards Committee will offer a selection of suggested colors. Other colors will be considered by the Architectural Standards Committee. Each house should not use more than three exterior finish colors. Colors for all buildings, outbuildings, trim, roof materials, screens and fences are to be shown on the material that is submitted to the Architectural Standards Committee for approval.

#### MAILBOXES

A central mailbox system will be conveniently located on the property to eliminate the need for individual mailboxes.

#### HOUSE NUMBERS

House numbers of a reasonable size are to be in an easily visible location near the front entrance of the house and are to be made of antique brass, bronze, copper, or painted wood.

#### OUTBUILDINGS

Any permitted outbuildings on a lot, such as pool houses, carports or detached garages, must be compatible with the main house. It is recommended that outbuildings be of the same material and colors as the house. Carports and detached garages should be connected to the house by a covered passageway. Greenhouses and gazebos are permitted if approved by the Architectural Standards Committee.

#### PARKING

For each house built on a lot, a minimum of two off-street parking spaces must be provided. They may be provided in carports or garages. It is recommended that two off-street guest parking spaces also be provided. Driveways and parking areas must be either paved with asphalt, concrete, concrete pavers or constructed of salt-treated wood. No clay or clay and gravel drives will be allowed unless governmental restrictions would require a variance to impervious coverage on a lot. Garages, carports, driveways and off-street parking should be screened with planting or fencing or be located away from the front of the house, and where possible, garage doors should not open on the street side of the house.

#### SERVICE YARDS

The service yards are to be screened from view from roads and adjacent properties by a visual barrier at least six (6) feet high, which may be fencing material to be approved by the Architectural Standards Committee. All HVAC equipment and

equipment stored outside must also be screened from view. Fencing material is to be consistent with color and materials used on the house. Chain link fencing is not allowed.

### LANDSCAPING

Plans for any landscaping, grading, excavation, or filling of lots may be approved by the Architectural Standards Committee before site work is begun. These plans must show the ratio of the area to be covered by grass, lawns, patios and other structures versus the area to be left in a natural state.

Landscaping plans must show topography, all trees larger than four (4) inches diameter (measured 4'-0" above grade at tree base) and their approximate spread and all groupings of smaller trees and shrubs whose spread is more than twenty (20) feet in diameter.

No owner may remove or alter any trees or shrubs larger than four (4) inches in diameter (measured 4'-0" above grade at tree base) without prior approval of the Architectural Standards Committee.

All landscaping element plans, including terraces, walks, paths, outdoor lighting fixtures, fences, bulkheading, walls and screens are to be shown on the plans and are subject to approval by the Architectural Standards Committee.

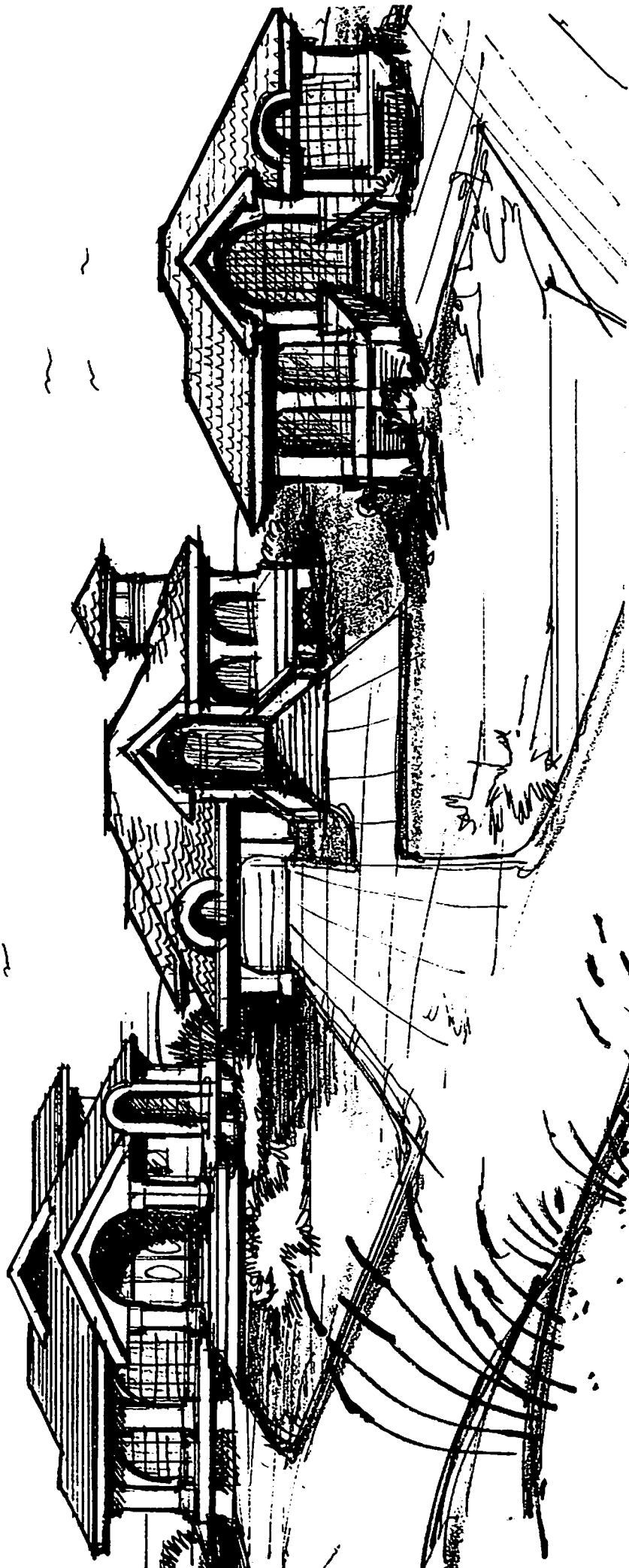
Lighting fixtures within twenty (20) feet of the property line on the street should be designed so that the source of light is not directly visible from the property line. All landscaping of lots must be completed within ninety (90) days of occupancy.



SUGGESTED ARCHITECTURAL CONCEPTS

- DEFINED ENTRIES • BOXED COLUMNS • VARIED PROFILES
- COVERED ENTRIES • BRATS • UNIQUE WINDOW DESIGNS

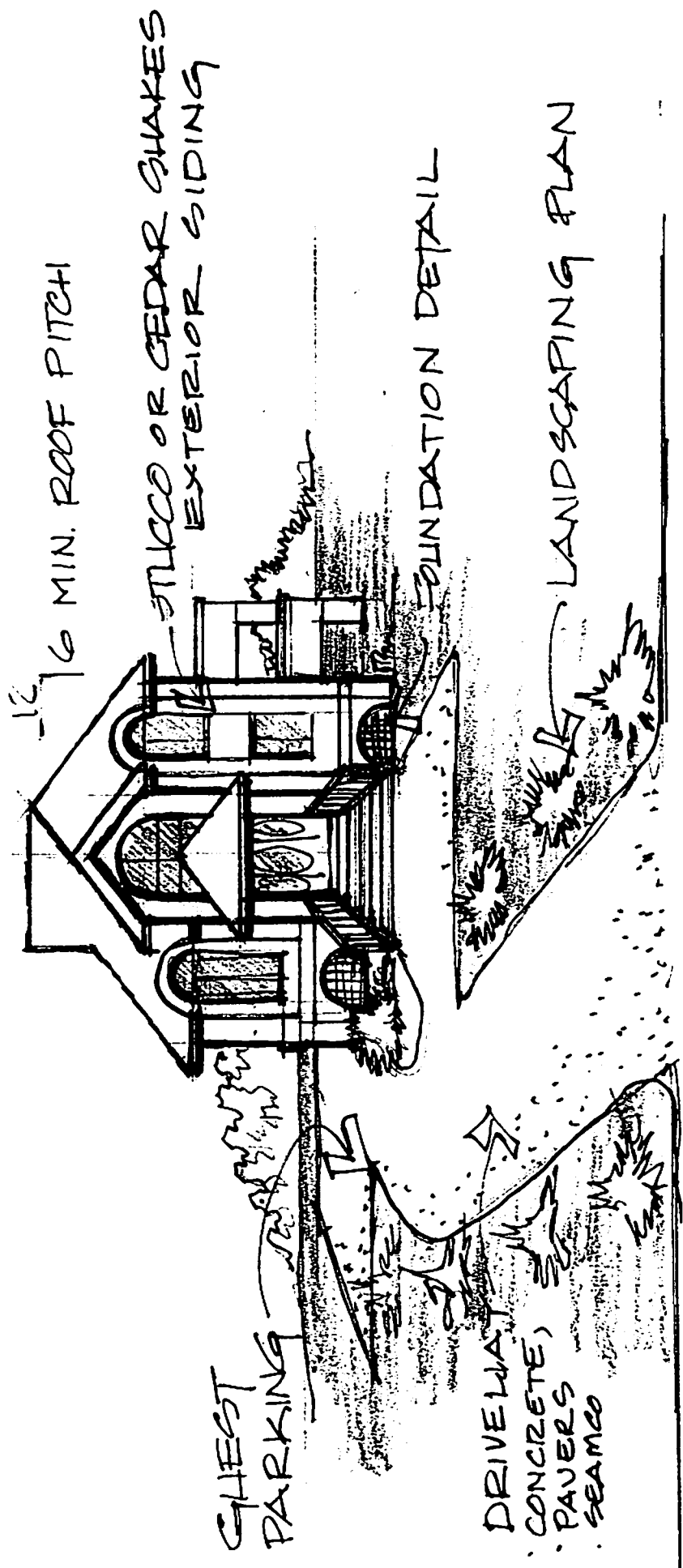




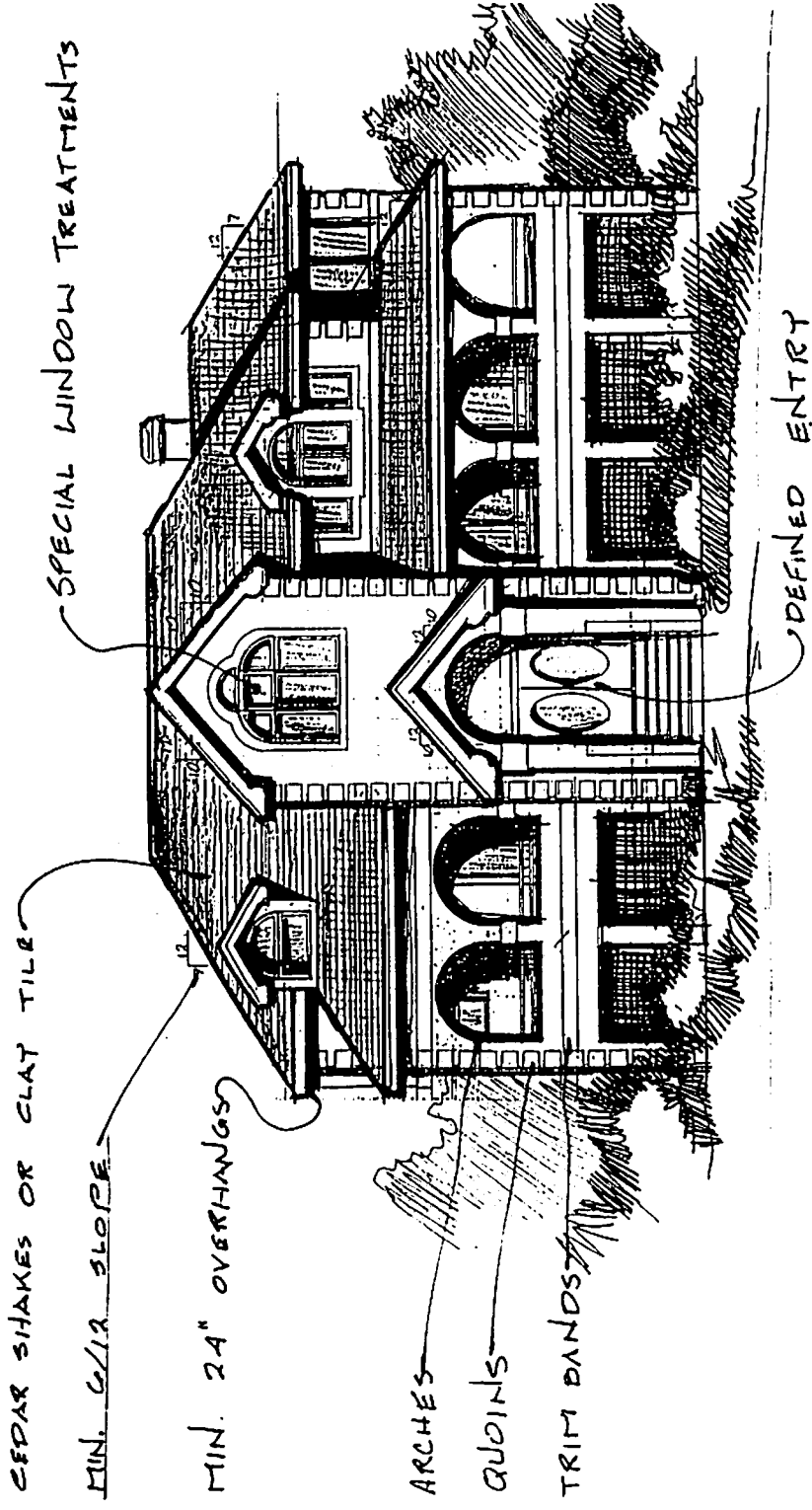
SUGGESTED ARCHITECTURAL  
CONCEPT'S STYLE  
STREETSCAPE HIGH DUNES

FEATURES

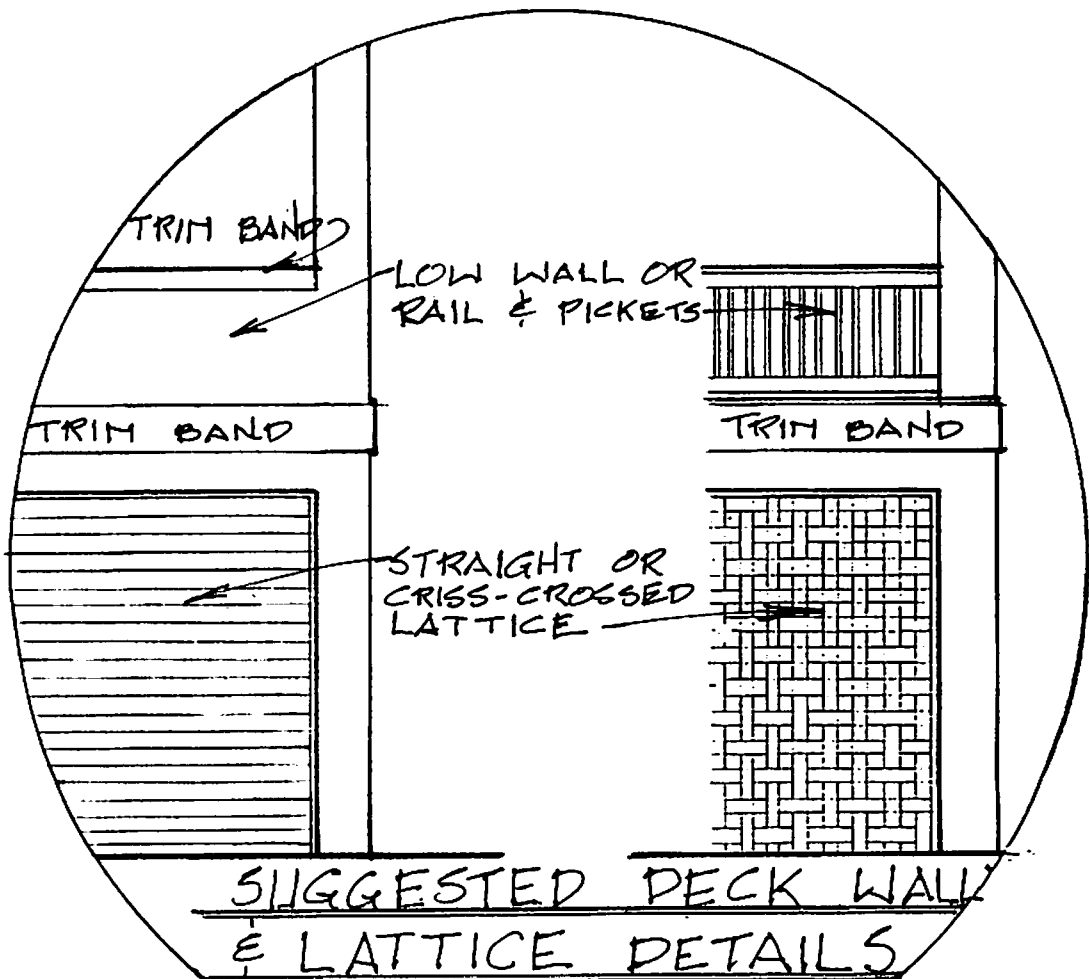
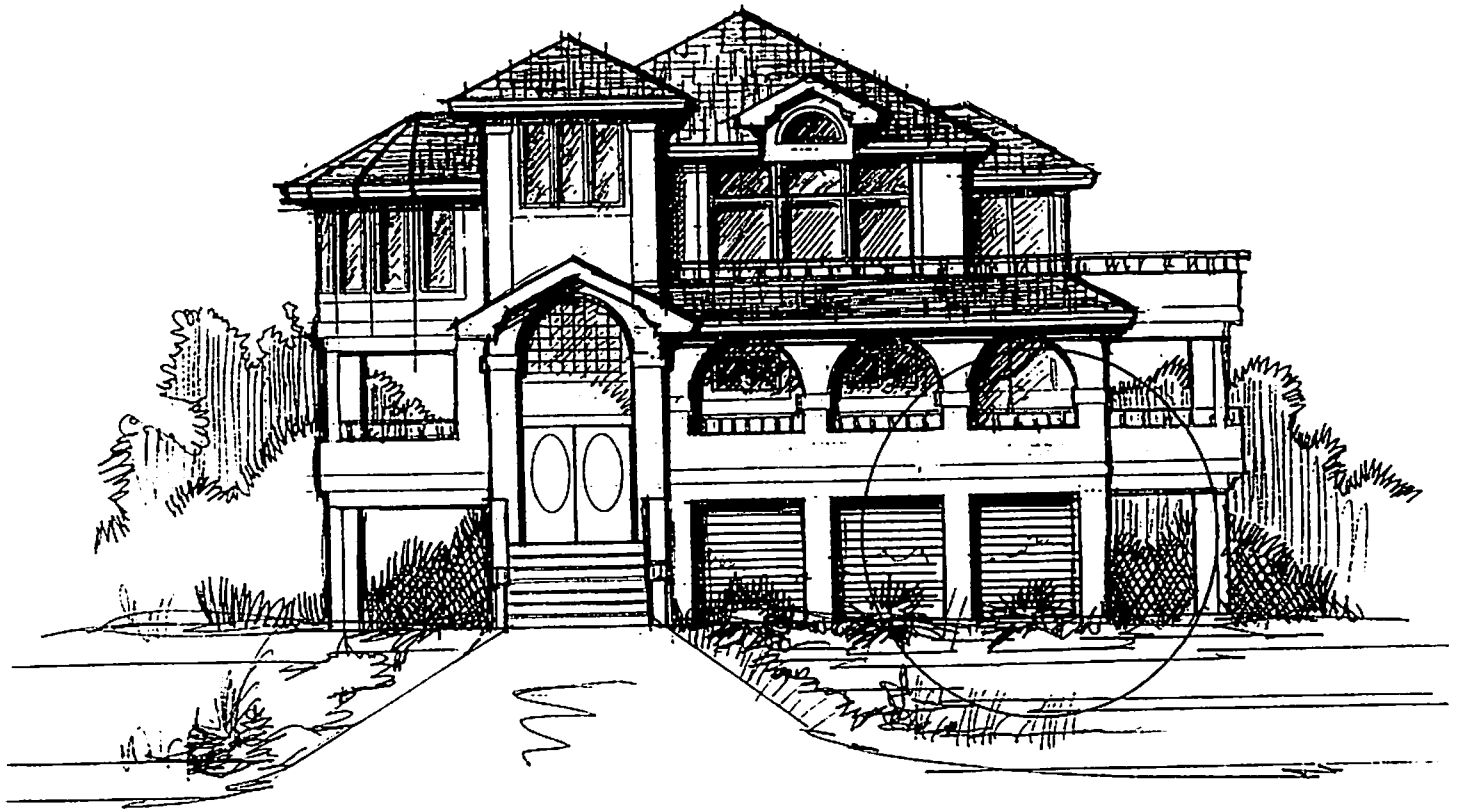
- BARREL BORNERS
- ARCHED COVERED PORCH'S
- TOWERS - ORBERATORY



ARCHITECTURAL & SITE DETAILS



SUGGESTED  
ARCHITECTURAL  
DETAILS



ARCHITECTURAL STANDARDS COMMITTEE  
POLICIES

SECTION I - STATEMENT OF PRINCIPLES AND PURPOSE

Section 1.1. A Great deal of effort was given to the master planning of Monterey Shores to ensure a thoughtful and harmonious development process. A major concern in the planning is the integration of development with its immediate environment. The Developers of Monterey Shores have always believed that man made improvements should, as much as possible, blend with nature rather than stand in stark contrast with it. The result is a development more pleasing to the eye and a more attractive community in which to live.

Section 1.2. In order to assure that these objectives are achieved and to assure a continuity of physical development such that future development will be compatible with existing development, Monterey Shores, Inc. has declared and recorded covenants, conditions and restrictions applicable to Monterey Shores. Article IX of that Declaration establishes the Architectural Standards Committee and sets forth its jurisdiction, powers, obligations and the rules and regulations under which it will conduct its review of proposed improvements. Any statements contained in this document are to condense, amplify or clarify provisions of that Declaration. In the event of a conflict, the Declaration's provisions will prevail.

Section 1.3. The applicant is urged to carefully review all provisions of the Declaration prior to submitting an application to the committee.

Section 1.4. The Architectural Standards Committee has been established for the purpose of defining esthetics standards of construction in Monterey Shores and examining and approving or disapproving any and all proposed improvements for a building site within Monterey Shores, including but not limited to; dwellings, garages, outbuildings or any other buildings, construction or installation of sidewalks, driveways, parking lots, decks, patios, courtyards, swimming pools, tennis courts, greenhouses, playhouses, awnings, walls, fences, docks, wharves, bulkheads, exterior lights, any exterior addition to or change or alteration to existing structures; including, without limitation, painting or staining of any exterior surface.

Architectural Standards Committee approval must be obtained for dredging and fill operations, shaping of land areas and drainage, as well as removal of any trees more than four (4) inches in diameter, measured at a height of four (4) feet from the base.

## SECTION II - ADMINISTRATION OF ARCHITECTURAL STANDARDS COMMITTEE

Section 2.1. The Board of Directors of Monterey Shores shall establish the Architectural Standards Committee which shall consist of up to five (5) but not less than three (3) members, all of whom shall be owners of property in Monterey Shores and who may or may not be members of the Board of Directors, provided that prior to the termination of Monterey Shores, Inc. right to appoint and remove officers and directors of the Association, such members do not have to be Owners.

Section 2.1.1 The regular term of office for each member shall be one (1) year, coinciding with the fiscal year of the Association. Any member appointed by the Board may be removed with or without cause by the Board at any time by written notice to such appointee, and a successor or successors appointed to fill such vacancy shall serve the remainder of the term of the former member.

Notwithstanding the foregoing to the contrary, any member appointed to the Architectural Standards Committee by the Board shall be subject to the prior approval of Monterey Shores, Inc. until that date which is three (3) years from and after the date on which Monterey Shores, Inc. right to appoint and remove officers and directors of the Association is terminated.

Section 2.1.2 The Architectural Standards Committee shall elect a chairman and he, or in his absence, the vice chairman, shall be the presiding officer at its meetings.

Section 2.1.3 The Architectural Standards Committee shall initially meet monthly, as well as upon call of the chairman. All meetings shall be held at the offices of Monterey Shores, Inc. The Architectural Standards Committee is authorized to retain the services of consulting architects, landscape architects, designers, engineers, inspectors, and/or attorneys in order to advise and assist the Architectural Standards Committee in performing its functions set forth herein. Each member of the Architectural Standards Committee may be paid an honorarium, at an amount to be determined by the Board of Directors of Monterey Shores.

Section 2.2. Administrator - The Architectural Standards Committee may appoint an Administrator, who is not a member of the Architectural Standards Committee, to administer the day to day management of the Architectural Standards Committee, including;

- a. Receiving and processing all applications to the Architectural Standards Committee.

- b. Answering questions concerning the Architectural Standards Committee and representing the Architectural Standards Committee to the property owners and to the general public.
- c. Supervision of inspection efforts.
- d. At the direction of the Chairman; scheduling meetings and contacting members.
- e. Preparing routine correspondence for the Architectural Standards Committee.
- f. Hiring and supervising support personnel for the Board; upon their express approval.

Section 2.2.1 The Administrator will report directly to the Chairman of the Architectural Standards Committee.

### SECTION III - PLAN SUBMISSION PROCEDURES

Section 3.1. Three sets of all plans must be submitted , a fee of \$200.00, and a completed application form to be provided to the applicant by the Architectural Standards Committee Administrator.

Section 3.1.1 Plans must be submitted at least fourteen (14) days prior to the scheduled Architectural Standards Committee meeting to allow the Board enough time for a through review.

Section 3.1.2 Plans must be submitted to the offices of the Architectural Standards Committee, located at the main office of Monterey Shores, Inc. at Suite 8, Duck Village Shops, Kitty Hawk, North Carolina 27949.

Section 3.2. Schematic Presentation/Architectural Renderings- At the discretion of the applicant, an artist's rendition or a schematic rendering of a proposed improvement may be submitted to the Architectural Standards Committee, in order to determine suitability of a particular style or design for construction in Monterey Shores. The Architectural Standards Committee will render an opinion as to whether or not a particular design would be acceptable. Because an artistic rendering is not always an accurate depiction of a design scheme, the Architectural Standards Committee's opinion will be strictly non-binding and will be offered only in an effort to save an applicant's time and expense in pursuing a design that would ultimately be disapproved.

Section 3.3. Final Plans - Final plans, in complete form, must be submitted in order to gain approval to commence any construction on a building site, including removal of trees with a diameter greater than four (4) inches, measured four (4) feet from the base.

Section 3.3.1 Final plans must include Site plans. All plans should be submitted in consistent scale. Unless otherwise impractical, scale should be 30 feet = 1 inch for all submissions. Site plans must depict:

1. Access street/s and walkway/s, drives and other exterior improvements.
2. Grading drainage plan.
3. Fill plan, if any (indicating run-off and tree preservation method).
4. Foundation plan if other than slab on grade.
5. Exterior lighting plan.
6. Service Yards.
7. Tree survey showing location and species of trees four (4) inches or larger in diameter at a point four (4) feet above ground. Indicate trees to be removed.
8. Site plan to scale, overlay on tree survey indicating all structures and other improvements to be included in the scheme with an indication of trees to remain and trees to be removed (at the same scale as boundary/tree survey).
9. Location of contractor's I.D. sign and portable outdoor toilet facilities.

Section 3.3.2 Architectural Drawings including:

1. Total enclosed heated/air conditioned square footage (stated by floor in case of multi-floored residences).
2. Floor plans, including an exact computation of the square footage of each floor and drawn to a scale of 1/4 inch = 1 foot.
3. Elevation drawings - all sides. Indicate existing grade, fill and finished floor elevation. (Include treatment of building from grade to floor in elevated buildings).



4. Detailed drawings of:

- (a) Typical Wall Section.
- (b) Patio wall section if appropriate.
- (c) Other features desirable for clarification; exterior walls, screens, pools, etc.

Section 3.3.3 Complete identification of colors and materials - Samples of exterior materials including shingles, fascia, soffit, siding and colors must be submitted at the time final plans for construction are submitted to the Architectural Standards Committee.

Section 3.4. Complete Submission - Any submission that does not include all plans, materials, applications, and other items as required by this section, will be rejected by the Administrator and will not be placed on the agenda until all requirements have been met.

Section 3.4.1 Rejected submissions must be resubmitted fourteen (14) days in advance of the next meeting.

SECTION IV - ARCHITECTURAL STANDARDS COMMITTEE MEETINGS

Section 4.1. Initially, the Architectural Standards Committee will conduct regular monthly meetings on the second Monday of each month, in the office of Monterey Shores, Inc. or as otherwise designated by the Chairman.

Section 4.2. All members shall be notified in writing, at least five (5) days prior to a scheduled meeting. The notification will contain an agenda for the meeting.

Section 4.3. The Architectural Standards Committee may conduct special meetings, upon five (5) days written notification of date, time and place, from the Chairman.

Section 4.4. The fourteen (14) day advance submission requirement may be waived, for plans submitted to special meetings, upon approval of the Chairman.

Section 4.5. A quorum requirement will have been met if three (3) members of the Architectural Standards Committee are in attendance at any regular or special meetings.

Section 4.6. Resolutions, approvals and disapprovals of the Architectural Standards Committee may be passed only upon majority vote of those present or by proxy. Proxies will not qualify to meet the quorum requirements of Section 4.5 hereinabove.

Section 4.6.1 For the purpose of passing a resolution, the Chairman may propose resolutions and vote on any resolutions.

Section 4.6.2 All decisions of the Architectural Standards Committee will be final.

Section 4.6.3 Applicants will be notified, in writing, of all decisions of the Architectural Standards Committee. Oral representations of any decision will not be valid and will not represent decisions of the Committee.

Section 4.6.4 Applicants may have returned to them a copy of plans reviewed by the Architectural Standards Committee with appropriate markings to amplify Committee comments or recommendations. Markings on plans so received will not bind the Architectural Standards Committee to any design indicated therein but are offered only as advisory comments.

Section 4.6.5 One set of plans received will be retained by the Architectural Standards Committee as part of a permanent record, along with color and material samples.

Section 4.6.6 Special visual aids such as models, slides, etc. may be reclaimed by the applicant.

#### SECTION V - STANDARDS OF DESIGN AND CONSTRUCTION

Section 5.1. Building Heights - No structure shall be constructed which has a height exceeding thirty-five (35) feet.

Section 5.2. Minimum Size - All soundfront single family homes constructed on Lots shall have a minimum of two thousand two hundred (2,200) square feet of living space, all interior lot homes of one and one and one half story shall have a minimum of one thousand six hundred (1,600) square feet of living space and all interior lot homes that are two story shall have a minimum of one thousand eight hundred (1,800) square feet of living space.

Section 5.3. Service Yards - Each Owner of a Lot shall provide visually-screened areas to serve as service yards in which fuel tanks, gas and electric meters, air conditioning equipment, and vehicles, materials, supplies, and equipment which are stored outside by Owners must be placed or stored in order to conceal them from view from roads and adjacent properties. Any such visual barrier shall be at least six (6) feet high and may consist of either fencing or landscaping and planting. Landscape material must be at least six (6) feet high at the time of installation.

Section 5.4. Exterior Appearance - No chainlink fences shall be permitted within Monterey Shores, except with regard to maintenance areas within the Common Areas. Also, any unenclosed garages or carports must be adequately screened from street views. Further, no foil or other reflective materials shall be used on any windows for sunscreens, blinds, shades or other purpose, nor shall any window-mounted heating or air-conditioning units be permitted. Except within screened service yards, outside clotheslines or other outside facilities for drying or airing clothes are specifically prohibited and shall not be erected, placed, or maintained, nor shall any clothing, rugs, or other item be hung on any railing, fence, hedge, or wall.

Section 5.5. Landscaping Requirements

Section 5.5.1 Approval for landscaping plans will be granted in accordance with the provisions of Article IX of the Declaration of Protective Covenants, Conditions and Restrictions.

Section 5.5.2 Landscaping plans must include a calculation of the ratio of the area to be covered by grass lawns compared to the area to be left in a natural state.

Section 5.5.3 Grass lawns will be permitted to extend into the road right-of-way; however for purposes of calculating the ratio required in Section 5.5.2 hereinabove, such area grassed in the road right-of-way, will not be considered in the calculation.

Section 5.5.4 The Architectural Standards Committee reserves the right to disapprove any type of grass it feels is unsuitable for planting in a certain location.

Section 5.5.5 No hedge or shrubbery planting which obstructs sight-lines at elevations between two (2) and six (6) feet above streets and roadways within the development shall be placed or permitted to remain on any Lot or Dwelling within the triangular area formed by the street property lines and a line connecting such lines at points fifteen (15) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the extended street property lines.

Section 5.5.6 All of the landscaping of Lots and Dwellings must be completed within ninety (90) days of occupancy or substantial completion of the Dwelling, whichever date shall first occur.

Section 5.6. Signs - As provided in Section 3.3.1 herein, signs must be indicated on a site plan in the final submission. Signs

may only be placed on the Lot in a form, size and location to be designated by the Architectural Standards Committee.

Section 5.6.1 Signs may not be emplaced on any Lot which constitutes advertisements of any kind, unless expressly approved by the Architectural Standards Committee.

Section 5.6.2 Signs may only be placed on a building Lot upon receipt of Architectural Standards Committee approval to commence construction. Signs may indicate the name of the contractor and architect provided that such information is contained on the same sign face.

Section 5.6.3 Signs may be placed on a Lot fifteen (15) feet recessed from the front line along the midline of the Lot (half the distance between the side property lines).

Section 5.6.4 Only one sign may be placed on a Lot.

Section 5.6.5 Signs shall be single-faced only and must be placed with the sign face parallel to the roadway.

Section 5.6.6 Signs must be removed promptly upon completion of construction.

Section 5.6.7 Subcontractors, including landscaping firms, will not be permitted to place their signs on a building site.

Section 5.6.8 No rental signs will be allowed on Lots or dwellings in Monterey Shores.

Section 5.7. Portable Outdoor Toilet Facilities - Portable outdoor toilet facilities must be provided during construction. They may not be emplaced prior to final construction approval of the Architectural Standards Committee and must be removed promptly upon completion of construction.

Section 5.7.1 Facilities may be placed only in a location approved by the Architectural Standards Committee, as provided in Section 3.3.1, herein.

Section 5.7.2 Facilities must be painted a dark non-reflective green color or white.

Section 5.7.3 Effluent removed from the facilities may not be disposed of in the Monterey Shores sanitary sewer system.

Section 5.8. Architectural Standards - All construction must comply with minimal esthetics standards, as established by the Architectural Standards Committee and set forth in the "Architectural Standards Guidelines", amended hereto.

Section 5.9. Care of Specimen Trees During Construction

Section 5.9.1 All specimen trees, as designated by the Architectural Standards Committee or the Administrator, will be protected from damage during construction.

Section 5.9.2 Batter boards will be erected and maintained around each tree so designated by the Architectural Standards Committee.

Section 5.9.3 Excavations and installation of underground utilities will be performed in such a manner as to avoid damaging the root system of specimen trees.

Section 5.9.4 If, in the judgment of the Architectural Standards Committee, a specimen tree is damaged or destroyed due to carelessness or avoidable activities on the part of the owner or contractors, the Architectural Standards Committee may require landowner to purchase and install suitable replacement specimens, subject to such expenditure being reasonable.

Section 5.10. Garden Walls

Section 5.10.1 Garden walls and fences may be approved by the Architectural Standards Committee. Fences of any type, other than service yard enclosures, are discouraged.

Section 5.10.2 Walls must be integrated with and attached to a home.

Section 5.11. Mailboxes - Mailboxes will be constructed by Monterey Shores, Inc. described in the Architectural Guidelines amended hereto.

Section 5.12. Nameplates - Nameplates will only be permitted to be mounted on the front wall of the house and may be no larger than eighty-four (84) square inches.

SECTION VI - PAYMENT OF FEE

Section 6.1. The Architectural Standards Committee has established a submission fee of two hundred dollars (\$200.00) for each separate improvement submitted for review.

The fee will be payable at the time of a first plan submission.

Section 6.2. The fee may be increased or decreased from time to time at the sole discretion of the Architectural Standards Committee.

Section 6.3. If major modification of an approved plan is voluntarily submitted by applicant/owner, an additional fee of one hundred fifty dollars (\$150.00) will be required by the Architectural Standards Committee.

#### SECTION VII - INSPECTIONS

Section 7.1. The Architectural Standards Committee will perform periodic inspections at the building site to insure that all construction activity is in accordance with plans approved by the Architectural Standards Committee.

Section 7.2. Prior to any clearing, excavating or filling on a Lot for construction, a string stake-out inspection must be performed.

Section 7.2.1 Applicant must string out the Lot lines and building lines; all trees to be removed must be clearly indicated. Upon the request of the applicant, the inspector will review the string stake-out for conformity to Architectural Standards Committee approved plans and will certify his findings to the Administrator of the Architectural Standards Committee.

Section 7.2.2 The Administrator will notify applicant of findings and whether or not construction may proceed. At such time as approval is granted by the Administrator, applicant may commence site preparation work.

Section 7.3. Prior to emplacement of permanent improvements; e.g. footings, pilings, slabs, etc., applicant must receive a batter board inspection approval.

Section 7.3.1 Applicant will place batter boards indicating all building areas.

Section 7.3.2 The inspector, upon the request of the applicant, will review the batter boards for conformance with the Architectural Standards Committee approved plans and will certify his findings to the Administrator.

Section 7.3.3 At such time as the Administrator is satisfied as to the conformity of the batter boards and construction plans to Architectural Standards Committee approved plans, he will notify applicant or applicants contractor that construction may commence.

#### SECTION VIII - ENFORCEMENT OF ARTICLE X OF THE DECLARATION OF PROTECTIVE COVENANTS

Section 8.1. The Architectural Standards Committee, through its Administrator and staff, will have the responsibility of

enforcing all provisions of Article IX, whether or not they are specifically included herein.

The Administrator will inform the Architectural Standards Committee, from time to time, of any enforcement activities, regarding Section 8.1 hereinabove.

#### SECTION IX - APPEALS OF ARCHITECTURAL STANDARDS COMMITTEE DECISIONS

Section 9.1. An applicant receiving a negative decision from the Architectural Standards Committee is advised to revise the plans in accordance with recommendations and resubmit them to the Committee for approval.

Section 9.2. If the applicant is unable to comply with the requirements of the Architectural Standards Committee, he may request a hearing before the Appeal Board. The request must be made in writing and directed to the Administrator of the Architectural Standards Committee.

The Administrator shall convene a meeting of the Appeal Board within fifteen (15) days of receipt of request.

Section 9.3. The Appeal Board will, initially, consist of three (3) members to be appointed by the Chairman of the Architectural Standards Committee and is not to include current members of the Architectural Standards Committee.

The Appeal Board may request consultation of other professionals as it deems necessary.

Section 9.4. The Appeal Board will conduct a review of the most recently disapproved plans of the applicant.

The applicant will be given an opportunity to speak before the Appeal Board; using whatever visual aids or consultants he feels appropriate.

Section 9.5. All Appeal Board members must be present for a quorum. The majority vote of the Appeal Board will carry a decision.

Section 9.6. All decisions of the Appeal Board will be final.

#### SECTION X - CONTRACTOR DEPARTMENT

Section 10.1. Article IX of the Declaration of Protective Covenants prohibits noxious or offensive activities. Contractors, subcontractors, material delivery men and any other agent of the Owner doing business in Monterey Shores will be required to conduct themselves accordingly.

Section 10.2. Contractors may work only during daylight hours, during the week in the summer season of May 15 through September 15. At all other times of the year construction may take place seven days of the week during daylight hours. No other construction, other than on an emergency basis, may be conducted on Saturday or Sunday during the period of May 15 through September 15.

#### SECTION XI - AMENDMENT

Section 11.1. The foregoing rules and regulations may be amended at any time by majority vote of the Architectural Standards Committee at a duly constituted meeting.

Section 11.2. No prior notices or announcements will be required to amend these rules and regulations.

Section 11.3. Any preliminary or final plan, marked received, shall be subject to the rules and regulations applicable at that time.

#### SECTION XII - SEVERABILITY

Section 12.1. This document shall not be rendered invalid or unenforceable should any of the provisions of this document or the application or effect thereof be invalid or unenforceable for any reason and to any extent. Those provisions which are not invalid or unenforceable shall be enforced to the greatest extent permitted by law.