

**POLICIES ADOPTED
BY ACTION OF THE
EXECUTIVE BOARD**

5/5/2021

The following policies have been adopted by the Fernbank Executive Board. Policies are not binding rules. Instead, they announce the Board's interpretation of Fernbank's Covenants, Bylaws, or other rules; express standards that the Board intends to use in deciding how to apply those requirements in individual cases as they arise; or state the Board's preferences in certain situations.

1. Unit Owners' Use of Land in the Common Elements

Section 8.7 of the Covenants, "Unit Owners' Easement," states that "Unit Owners have an easement in the Common Elements for purpose of access to their Units and to use the Common Elements and all real estate that must become Common Elements for all other intended purposes."

The Common Elements include a 15-foot strip on either side of the streets in Fernbank, as well as the streets themselves. Because the Board has never considered the meaning of "all other intended purposes" in Section 8.7, the following policy is intended to clarify the meaning of that phrase.

With respect to the portion of the 15-foot strip between each lot and the street, all of the use and occupancy restrictions in Section 10.1 of the Covenants apply. For example, each Unit Owner is responsible for keeping that area in a safe, clean, and neat condition. (Section 10.1(c))

Home construction plans, landscaping plans, and significant changes to those plans must include that portion of the 15-foot strip and must be pre-approved by the Architectural Review Committee and maintained as provided in Section 10.1(o). Maintenance of that 15-foot strip is the responsibility of the Unit Owner.

The nuisance provisions in Section 10.1(d) apply to the Unit Owner's use of the area included in the easement, as do the other requirements in Section 10.1.

2. Satellite Dishes.

The Board strongly suggests that any satellite dish array be located away from the street side of the home.

3. Firearms.

The term "Firearms" as set forth in Section 10.1(i) is interpreted to include pneumatic and CO2 powered rifles and pistols, blowguns, slingshots, BB guns, bows and arrows, and other devices that can kill, wound, or daze.

4. Grass Mowing.

Commercial Lawn Mowers are urged not to mow after 5:00 pm on Friday and Saturday nights and not at all on Sundays. All residents are requested to adhere to these hours.

WAIVERS ADOPTED BY THE ARCHITECTURAL REVIEW COMMITTEE

Under Section 10.1(x) of the Fernbank Covenants, the Architectural Review Committee (ARC) is authorized "to waive and/or grant variances, both temporary and permanent," from the requirements in section 10.1, which sets forth use and occupancy restrictions that apply to each Fernbank Unit Owner.

ARC has approved the following general waivers under this section.

1. Restriction on Hunting.

The restriction on hunting under Section 10.1(i), but solely with respect to any deer hunt specifically authorized by the Board.

2. Buried Storage Tanks.

The requirement in Section 10.1(t) that all storage tanks must be buried in the ground. Storage tanks 120 gallons or less do not need to be buried but may be placed above ground as long as they are screened with lattice and/or vegetation. Storage tanks greater than 120 gallons must continue to be buried.

3. Removal of Certain Trees

Ash trees and Leland Cyprus that are dying may be removed without seeking the approval of the ARC. This action is taken because these trees are in the stage of dying throughout the community. Trees of Heaven, regardless of their condition, may also be removed without the prior approval of the ARC. All residents must ensure that removal of trees under this waiver are in fact Ash or Leland Cyprus trees or Trees of Heaven.

4. Advance Approval of Certain Signs

ARC has waived the approval requirements of Covenants Section 10.1(u) for the following signs, regardless of whether these signs are within the bounds of a Unit Owner's lot, or within the Common Elements as defined in Section 1.7 of the Covenants.

Signs that are automatically permitted without prior ARC approval:

- Signs alerting to electric fence systems for pets. (Not to exceed 12" by 12.")
- Signs that designate a home security system is active.
- Signs signifying commercial work or pesticide application. (Not to exceed thirty days after completion of work or application.)
- Candidate/Political signs during an election cycle but must be removed one week after the election and must not exceed 18" by 24."

- Signs supplied by a respected environmental organization such as PVAS/National Wildlife signs, not exceeding 12" by 12".
- Signs for the sale of a Unit may be kept until the Unit is sold, notwithstanding the 180-day limit in Section 10.1(u)(ii) of the Covenants.

All other signs require prior approval by the ARC.