

Design Guidelines

And

Deed Restrictions

For

Ellerslie at Delong Neighborhood

Design Guidelines and Deed Restrictions Summary

This document is not intended to replace the “Declaration of Covenants, Conditions and Restrictions of Ellerslie at Delong” but rather to clarify them.

This Summary should be read in conjunction with the “Declaration.”

All questions should be addressed to the Ellerslie Association Manager, Ellerslie at Delong Homeowners Assn C/o EMG Management Services, LLC 141 Prosperous Place, Suite 21B Lexington, KY 40509 or to members of the Board of Directors.

“Article” refers to section of the Declaration.

“Ordinance” refers to the Lexington-Fayette County, Kentucky Code of Ordinances. These guidelines are subject to annual review and potential changes.

PLEASE NOTE:

If a homeowner is renting their home, it is their responsibility to provide a copy of this document to their tenant. If there is noncompliance of these policies by the tenant, the tenant and the homeowner will each receive a letter stating the problem. The process to correct the problem is the responsibility of the homeowner and the same method used for all homeowners will be taken if not in compliance. It is always the homeowner’s responsibility to make sure there is compliance.

Also, if a home is being sold, the homeowner should also provide a copy of these clarifications of the policies to the new owner(s).

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Procedures for Administering the Declaration, Articles and By-Laws

I.

a. The HOA and/or Association Manager reviews the community for compliance with the deed restrictions approximately every two weeks. In response, an initial letter shall be delivered by regular U.S. Mail notifying the homeowner of the violation and of a fine if the violation is not abated by the deadline specified in the letter.

b. A second letter shall be delivered by regular U.S. Mail, if the violation is not abated in response to the first letter, notifying the homeowner of the violation and that an initial fine has been levied against the homeowner in the amount of \$50.00.

c. The final letter shall place the homeowner on notice that an attorney shall be notified and legal action initiated if the violation is not abated by the deadline in the letter. The homeowner shall be responsible for the cost of all legal fees incurred by the HOA in its efforts to enforce the restriction and governing documents.

d. In addition to the legal fees, the homeowner shall continue to be fined an additional amount of \$100.00 each time the HOA finds the homeowner in violation of the restrictions and governing documents.

II. The homeowner has the right to request a hearing with the HOA Board of Directors to appeal the violation and/or the fine or fines, by contacting the property manager or President of the HOA.

Also see Article IX Section 3 of the Declaration of Covenants, Conditions and Restrictions.

Garbage Cans
Article XI Section 6
Ordinance Sec 16-10(b)

All garbage cans, trash, garbage roll containers and yard waste containers shall be screened so as to be concealed from view of neighboring and adjacent property, lots, and streets, as is reasonably practical. Screening must be brick or composite that is compatible with brick or exterior trim of the house. You must request approval by the Board for your garbage can design or seeking a variance on an existing design. The form is available on the HOA website.

A variance may be requested in writing by contacting the HOA Board.

On garbage pick-up days, garbage cans may be placed on curb no earlier than 4:00 p.m. on night prior to pick-up and must be removed from curb no later than 12 midnight on day of pick-up.

No outside structures are allowed near the house or on the property other than those approved such as trash barrel enclosures.

Street Trees
Article XI Section 7
Ordinance Section 17(b) - 8

It shall be the responsibility of the homeowner to maintain street trees in front of their lot, including trimming and pruning as necessary and watering if needed, in order to maintain said trees in a healthy condition.

Said trees shall be trimmed in accordance with the applicable city ordinance, that is 7 feet in height over sidewalks and 12 feet in height over the street.

It is the responsibility of the homeowner to replace dead, substantially dead, or unsightly street trees.

Mail Boxes
Article XI Section 16

Only the original, builder-provided, black mailbox is permitted.

If replacement or repair is required, the mailbox must be restored to the original design specifications. Homeowner is responsible for replacement.

The house number must be clearly visible on the side and front of the mailbox.

A replacement mailbox can be obtained from:

Mel Northey Co. Inc.
303 Gulf Bank
Houston, Tx 77037
800-828-0302
Style: 8123BA Williamsburg Black

Signs

Article XI Section 19

Only “For Sale” signs are allowed. The only exceptions are home alarm or security signs, which are permitted. No “For Rent or For Lease” signs are allowed.

Political signs will follow city ordinances. They can only be the size of a real estate sign.

Exterior Lighting
Article XI Section 13

Seasonal Christmas/Holiday decorative lighting and decorations are permitted, provided:

- (1) Illumination of holiday lighting can begin on Thanksgiving Day and must be removed no later than January 10, weather permitting.
- (2) Loud sounds are not permitted.
- (3) Light shows are not permitted.

Other seasonal lights, such as Halloween lights, shall remain outside for a maximum total period of two (2) weeks.

Landscape exterior lighting is subject to removal by order of the Board if deemed excessive or objectionable.

Fences

Article XI Section 18

Only steel, iron, or aluminum fences as previously approved by Declarant and/or HOA Board are approved, except "Estate Lots" which fences shall be in accordance with Article XI, Section 18 of the Covenants, Conditions, and Restrictions.

Please use form on HOA website for submitting fence request to Board.

Parking of Cars, Trucks, Trailers, Campers, RVs, Boats and Other Recreational Vehicles

Vehicles and motorcycles shall be parked in driveway or garage only, to the extent practical. Owners should try not to block sidewalks in parking their vehicles, but in any case only temporarily or for a short time.

Inoperable vehicles shall only be parked in garage. This applies to operable vehicles that are seldom or infrequently used. At no time shall they be parked on the street.

No car covers or tarpaulins are allowed on any vehicle that is parked outside.

All commercial vehicles must be stored in a garage. These include trucks, cars, trailers or any other vehicle used for commercial use by the residents.

Recreational vehicles, campers, boats, and trailers must be stored in the garage, except they may be parked in driveways temporarily in preparation for imminent use for a period not to exceed 48 hours.

Satellite Dishes

Satellite dishes are limited to one per lot.

For other requirements, see Article XI Section 8 of the Declarations of Covenants, Conditions and Restrictions.

Basketball Goals and Other Playground Equipment

Article XI Section 6

Basketball goals and other playground equipment must be approved by the Board prior to installation. Re-approval every six (6) years is required.

Goals must be installed professionally and kept in like-new condition.

Use is prohibited after dark, i.e. no lighting. If use becomes a nuisance, the Board may require that it be removed.

Portable goals may not be set up in the street or near enough that playing takes place in the street.

Goals must be kept in like-new condition. If deteriorated, they must be removed immediately or repaired. Repairs must be approved by the Board.

Swing sets must not be allowed to deteriorate. If they do, they need to be repaired or removed from the property.

Exterior Maintenance

See Article IV Section 3, Article XI Section 7, Article IX Section 3, and Article XII Section 2.

It shall be the responsibility of each owner to prevent the development of any unclear, unhealthy, unsightly, or unkempt condition of his or her property.

Residents are required to mow and weed their yard as necessary to present a neat and uniform look to the neighborhood. This includes periods of low rainfall when dry patches appear and weeds overcome the lawn. Grass will not be permitted to grow over curbs, sidewalks, or driveways. Regular watering to present a lush, green lawn is recommended, but not required.

Maximum height of lawn vegetation: Year-round, any lawn vegetation should be no more than six (6) inches in height as measured from the top of the soil. This includes the areas of the lawn that adjoin surface structures, or adjoin hardscape, are next to utility boxes and underneath and around fences. Therefore, residents should take care to trim lawn vegetation that might not easily be cut by a conventional lawn mower.

General appearance: The appearance of the lawn during the growing season should be predominantly green in color. Residents should water frequently enough to encourage greening of lawns, unless government authorities have issued watering restrictions. "Bald" areas or dry spots must be treated by the resident to facilitate growth. At no time during the growing season should a lawn be more than 50% brown or yellow unless watering restrictions are in place, or unless unseasonably cold weather has prevented greening.

Weeds: At no time should a lawn be more than 10% weeds. Residents must take care to either pull weeds by hand or apply chemical treatments to reduce the area of weed coverage.

Landscape trimming: Landscape shrubbery, including trees, will be neatly trimmed so as to be visually appealing, symmetrical, and proportionate to the property.

All exterior maintenance of the house should be kept in top physical condition – no peeling paint or rotting wood, including decks, windows, garage doors and all entrance doors. Colors of doors including garage doors should be neutral and complimentary to the house trim, such as earth tones. Decks must be kept safe and very good condition.

At any street intersection, any fence, wall, hedge, shrubbery, tree or any other installation, shall not block line of sight.

Dead trees must be removed from any lot.

Decks must be painted or stained in earth tones and shall not be allowed to naturally age. Decks may be a composite material.

Garage doors shall be color matching the trim of the house or shall be stained in a natural wood tone.

All mowing of lawns should be completed by 8:30 PM during summer months. No after dark mowing of any lawn.

Pets and Animals

Article XI Section 5

Only cats, dogs, and other household pets (domestic pets traditionally recognized as household pets in this geographic area) are permitted, provided they are not kept, bred, or maintained for any commercial or breeding purposes.

Pets must be on a leash and restrained whenever they are outside of the owner's property lines and in all common areas.

Owners should not allow pets to urinate in neighbors' yards, but restrict it to strip between sidewalk and street or common areas.

Animal food must be kept indoors.

Owners must clean up any waste left by their pets, especially outside the owners' property lines, especially in all common area.

Pet owners are responsible to ensure their pets do not inconvenience or disturb other residents. If any pet becomes offensive to other residents, the owner must correct the problem immediately.

No vicious or aggressive dogs may be kept at any time.

HOA Board of Directors Meetings

All homeowners shall be notified of regularly scheduled meetings of the Board of Directors by notice on the Ellerslie at Delong website or emails, and signage at the entrance as decided by the Board.

Such notification shall be given at least seven days prior to said meeting in order to allow any homeowner the opportunity to request to attend said meeting and be placed on the agenda.

NO ADS WILL BE PLACED ON THE ELLERSLIE HOA WEBSITE.