

Amended and Restated Declaration of Covenants, Conditions and Restrictions for Pine Bay, Section of Country Manor, dated October 22, 2013, as further amended (“Amended Declaration”)

Glossary of Defined Terms Approved by the Architectural Review Committee (ARC) for Use in Exercising its Jurisdiction Under Article II, Clause E of the Amended Declaration

Note:

- The following definitions are used by ARC in implementing its jurisdictional authority under Article II, Clause E of the Amended Declaration, including in interpreting the provisions of Article IV of the Amended Declaration, Restrictions, Conditions and Covenants, and associated Pine Bay Policies, as the same are adopted from time to time by the Board of the Pine Bay Homeowners Association.
- These definitions are inclusive of and are in addition to those definitions found in the Amended Declaration in Article I.
- To the extent the definition of any term below conflicts with the definition of that term or a similar term under the Sussex County Zoning Ordinance or the Sussex County Building Code, ARC shall use the definition of the term provided below in interpreting and applying the provisions of the Amended Declaration.
- Each term that is defined either in the Amended Declaration or in this Glossary has been initially capitalized to note that it is a defined term.

AMENDED DECLARATION – That certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Pine Bay, Section of Country Manor, dated October 22, 2013, and recorded among the land records of Sussex County, Delaware at Book 4188 at Page 161, as further amended.

ARC APPROVAL - The written Approval issued by ARC to an Owner on the Owner's request for proposed construction of Improvements or request for approval to remove Trees on the Owner's Lot. After ARC's Approval has been given to any Owner, any plan changes that affect exterior appearances, structural footprint, additions, fill/drainage, or the basic nature of the project, including the desire or need to remove additional Trees on the Lot, must be re-submitted to ARC for action and its Approval before such changes can be implemented. An ARC Approval may include conditions, requirements or both with which an Owner must comply.

ARC VERIFICATION - The review process used by ARC to confirm that the conditions described in the Owner's request application are accurate and actionable criteria has been met, permitting an Owner to proceed without the need to obtain ARC Approval. Examples of where ARC Verification would be necessary to confirm the maximum Tree size or the maximum distance of a Tree from the Dwelling's Foundation related to an Owner's proposed removal of a Tree without ARC Approval.

ARCHITECTURAL PLANS - The scaled set of drawings of a Building or any other Structure showing Foundation plans or support structure, as applicable, floor plans, roof plans, and elevation drawings (right, left, front and rear).

ASSOCIATION - The Pine Bay Homeowners Association, Inc., its successors and assigns.

ATTACHED OUTBUILDING - Any Outbuilding connected by either a load bearing wall or common roof line to a Dwelling, such as by a breezeway. Any Outbuilding connected to a Dwelling solely by trellises, lattice work, deck, or similar unenclosed Structure shall not be considered as being an Attached Outbuilding. An Outbuilding connected by an "I" beam or similar connection is also not considered to be an Attached Outbuilding.

BOARD - The Board of Directors of the Association.

BUILDING – A Structure on a Lot that is roofed, has one or more rigid walls, is intended to provide shelter, whether for human habitation, as housing (e.g., a Dwelling) or for uses associated with human habitation, such as for property of any kind, and would include, but is not limited to an Outbuilding.

BUILDING CODES – Collectively, the various applicable County building codes from time to time pertinent to proposed construction, including alterations and additions, of an Improvement located or to be located on a Lot.

BUILDING PERMIT – A document issued by the County that permits an Owner or its contractor to proceed with any construction on a Lot, based upon the County's determination that the proposed construction activities would be following applicable Building Codes and other applicable laws, regulations, and ordinances of the County.

CCRs – Those portions of the Amended Declaration under which ARC operates and exercises its jurisdiction, and contains the Covenants, Conditions and Restrictions related to use and development of a Lot.

CERTIFICATE OF OCCUPANCY - A document issued by the County certifying that the completed construction on the Lot is compliant with the applicable County building code and other applicable laws, regulations, and ordinances of the County, and in the case of a Dwelling, indicating its suitability for human occupancy.

CERTIFIED ARBORIST – An arborist certified by the International Society of Arboriculture (ISA), who as of the date of any Certified Arborist Report is then currently certified and in good standing with ISA.

CERTIFIED ARBORIST REPORT - A report provided by a Certified Arborist that contains the name, signature, and certification number of the arborist issuing the report, and provides a detailed analysis of a Tree's health, its structural stability, and the recommendation to ARC regarding a proposed Tree removal.

COMMON AREAS -Those areas of land designated on the Subdivision Plat or identified in the Amended Declaration by reference as: (1) the roads shown upon the Recorded Plat and therein designated as: Bay Reach, Holly Ridge, Back Bay, Hawk's Nest, and a portion of North Manor Drive; and (2) the areas marked private open space area. All said Common Areas shall be subject to the restrictions, created hereunder, and shall be subject to all easements or rights of way previously granted by Declarant or as may be granted from time to time by the Association or the Board.

CONTRACTOR ACKNOWLEDGEMENT - A form provided by ARC and executed by any contractor undertaking construction activities in Pine Bay and must be submitted to ARC, that provides assurance to ARC that that contractor and each of its sub-contractors performing work within Pine Bay are aware of CCRs, and the policies of the Board and/or ARC that are applicable to all construction activities within Pine Bay, and by which the contractor agrees that it and its subcontractors shall comply with those controls.

COUNTY – The Governing Authority of Sussex County, Delaware.

DECK - A flat surface capable of supporting weight, like a floor, constructed outdoors, often supported on piers and elevated from the ground, connected to a Dwelling, and can be enclosed by a railing for safety. Decks may also be covered by an awning or lattice framework to control sunlight.

DRAINAGE and GRADING PLAN – A plan of the Lot that reflects present and proposed shaping and sloping of the land to direct excess surface and groundwater away from buildings and towards community rights of way, swales, and drainage systems.

DWELLING – A Building on a Lot with one or more rooms designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within for the exclusive use of a single family maintaining a household. The terms “House”, “Dwelling House”, “Main Dwelling”, “Main Dwelling House”, “Main Dwelling Structure” “Private Dwelling House, Single Family Dwelling, Single Family Dwelling Unit and Residence used in the Amended Declaration shall have the same meaning as “Dwelling” for the purposes of application and interpretation of the Amended Declaration and Pine Bay Policies.

EASEMENT, PRIVATE – A grant of a right by an Owner for another Owner to use the granting Owner's Lot for a specified purpose.

EASEMENT, COMMUNITY – As applicable (a) a right reserved to the Association or to the County on a Lot related to (1) the routing for utilities and drainage, or (2) access through a Lot to Common Areas and (b) a right granted to an Owner over and to Common Areas, provided that, where an Owner places Landscaping or Improvements within or on a Community Easement or on Common Areas, the Owner does so at that Owner's own risk and the Owners shall hold the community harmless with respect to any damage it may suffer. Neither the Association nor the County, as applicable, shall have any liability for maintenance, repair, or replacement of any Landscaping or Improvements located in such areas, nor shall the Association or the County be responsible for the results of either the Association or the County exercising its rights in such areas.

ENCROACHMENT - Unlawful or restricted intrusion into (a) an area designated as a Setback on the Lot, (b) an area designated as Common Areas, including any Community Easement, (c) Wetlands, or (d) the Lot of another Owner. Intrusion is established by the unauthorized continued use of such areas or properties without permission.

FOUNDATION - The lowest part of a Dwelling that is in direct contact with the soil of a Lot, which is either (a) enclosed walls, typically made of concrete, block or brick, built on top of the below grade footings and provides a firm and level surface to support the Building's sills, floor joists and beams, or (b) a theoretical line drawn at the outer edge of pilings or footings under portions of the Dwelling that are under the common roof system of the Dwelling.

GAZEBO – An Outbuilding that consists of a platform and roof, with associated supports, but no walls and that is unenclosed except that a wire-mesh bug screen, benches and/or railings around its perimeter. A Gazebo that is not an Attached Outbuilding is prohibited in Pine Bay pursuant to the Amended Declaration.

IMPERVIOUS SURFACE – A surface with low capacity for water penetration or absorption, including the surface of any Building or any other Structure.

IMPROVEMENTS – Any physical modification of or upon the Lot or a Structure located on the Lot that is more than merely the replacement, repair, or restoration of the original condition. Improvements are characterized by modifications that are intended to be incorporated into and become a permanent part of the Property.

IMPROVEMENT, EXTERIOR - Changes to an existing Structure on a Lot that affect its exterior appearance, including a proposed addition or alteration, the proposed construction of or an addition or alteration to an existing Structure (e.g., Outbuilding, Gazebo, trellis, arbor, deck, patio, utilities, fence, Landscaping), or any material and significant modifications proposed to the existing Landscaping of a Lot.

IMPROVEMENT, INTERIOR - A durable upgrade, adaptation, or enhancement of a Dwelling or other Structure on a Lot that involves an interior structural change or renovation.

LAMP POST - A permanent post of at least three feet in height topped by an outdoor lantern providing driveway entrance and adjacent street lighting, hardwired to and powered by electricity.

LANDSCAPING - Living plant material such as, but not limited to, grass, ground covers, bedding plants, flowers, bushes, shrubs, vines, hedges, and trees; and inert durable material, such as, but not limited to, rocks, pebbles, shells, sand, pavers, walls, lighting, and ornamentation arranged in such a manner to beautify a Property and fulfill aesthetic and functional purposes such as screening and erosion prevention.

LANDSCAPE PLAN – Diagram or visual representation of a site using scaled dimensions showing the species and locations of plantings, integration of existing plants and Trees, soil preparation and grading, irrigation systems, edging, ornamentation, lighting, and associated hardscape construction including retaining walls and pathways, with details of the request to be submitted with the Major Landscape Installation Approval Application.

LOT - Any improved or unimproved parcel of land intended and subdivided for development and use as a detached single-family residence (i.e., Dwelling), shown upon the Subdivision Plat. The term "Lot" shall not include any lands identified as "Common Areas" as hereinabove defined and as depicted on the Subdivision Plat.

MAJOR LANDSCAPING PROJECT – Implementation, whether concurrently or sequentially, of Landscaping for a New Dwelling or any appreciable modification of or addition to the existing Landscaping of Lot, but specifically excluding replacement in kind of dead, dying, diseased or overgrown plantings within the footprint of existing beds on a Lot, or replacement in kind of hardscape elements on a Lot within the existing footprint of those hardscape elements. For the

purpose of determining whether a proposed modification or addition to any existing Landscaping of a Lot would be considered by ARC to be a Major Landscaping Project, the term “appreciable” means “of sufficient scope as could be expected to be a readily observable change to the Landscaping of a Lot from a Pine Bay Common Area or an adjacent neighbor’s Property.” Please consult with the Chair or a Co-Chair of ARC concerning whether he or she believes a proposed Landscaping project would be recognized as a Major Landscaping Project requiring ARC review and consideration.

MAJOR LANDSCAPING PROJECT APPROVAL APPLICATION - An application form developed from time to time by ARC that is required to be prepared and submitted electronically by an Owner to ARC related to an Owner seeking ARC Approval for the plans for a Major Landscaping Project.

MAJOR RENOVATION - A project (a) expanding the footprint of a Dwelling, including the addition of any Attached Outbuilding or the expansion of the footprint of an existing Attached Outbuilding, or (b) a project where more than 20 percent of the interior area of the Dwelling, including the interior of any Attached Outbuilding, is undergoing reconfiguration or major upgrade and will require temporary exterior bathroom facilities to be located on the Lot, and/or heavy duty construction equipment to be brought into Pine Bay for the project, and/or multiple deliveries of materials, supplies and equipment to the Lot over the roadways of the Common Areas of Pine Bay.

MAJOR RENOVATION CONSTRUCTION APPROVAL APPLICATION – An application form developed from time to time by ARC that is required to be prepared and submitted electronically by an Owner to ARC related to an Owner in seeking ARC Approval a Major Renovation Project.

MINOR PROJECT - Any Improvement proposed to be installed on the Lot of a fixed or permanent nature including, but not limited to, the replacement of (a) a Roof, (b) a Dwelling Door, Garage Door, or Shutters, (c) any Deck (with or without railing), (d) any enclosure whether or not attached to be attached to a the Dwelling, including a Shower Enclosure or a Trash Receptacle Enclosure, (e) an

above ground Propane Tank, Emergency Generator, or HVAC Unit, (f) any hardscape feature, including Patio, Terrace, Wall, Walkway or Driveway, (g) a Fence Line, Fountain or Flagpole, (h) any detached unroofed Structure, such as an Arbor, Trellis, Pergola, Outdoor Kitchen/Bar or Fireplace, (i) Exterior Free Standing and Elevated Lighting, (j) Solar Array and Wind Turbine, (k) Antenna (attached or free standing), and, (l) inground swimming pools.

MINOR PROJECT APPROVAL APPLICATION – An application form developed from time to time by ARC that is required to be prepared and submitted electronically by an Owner to ARC related to an Owner seeking ARC Approval for the plans for a Minor Project.

NEW DWELLING CONSTRUCTION APPROVAL APPLICATION – An application form developed from time to time by ARC that is required to be prepared and submitted electronically by an Owner to ARC related to an Owner seeking ARC Approval of the plans for construction of a new or replacement Dwelling on a Lot.

OUTBUILDING – A Structure, attached to or unattached to a Dwelling, which is roofed and walled, or supported by columns, is used for the shelter, housing, or enclosure of persons, animals, or property of any kind on the same Lot as the Dwelling and used for a purpose that is incidental and subordinate to the Dwelling's use. A structure considered an Outbuilding would be, but is not limited to, a garage, carport, Gazebo, storage sheds, or greenhouse. An Outbuilding, which is not an Attached Outbuilding, is not permitted in Pine Bay pursuant to the Amended Declaration.

OWNER - The record owner, whether one or more persons or entities, holding a fee simple title to any Lot, provided that a mortgagee or subsequent holder of a mortgage shall not be deemed an Owner, unless and until such mortgagee or holder has acquired legal title to the Lot pursuant to foreclosure or any proceeding in lieu of foreclosure.

PERGOLA – A Structure with an unroofed horizontal or approximately horizontal grille or framework and associated vertical support Structure and of which the area in the horizontal projection of its solid portions does not exceed 25% of the total area thereof and is open to the sky.

PINE BAY - The lands shown on the recorded Subdivision Plat as Lots, and Common Areas, including the roads and community recreation areas, being all of the land described on Exhibit "A" to the Amended Declaration.

PROPERTY - the Lot and any improvements located there, including but not limited to any Dwelling.

RIGHT-OF-WAY – Those portions of the Common Areas, sometimes referred to as “streets and ways” in the Amended Declaration and identified on the Subdivision Plat, designated for use as thoroughfares within Pine Bay for public vehicular and pedestrian travel, utility easements and community drainage as have been dedicated to the Association by deed or reserved by plat within Pine Bay's geographical limits and boundaries. Rights-of-Way are generally 50 feet in width and include 30 feet of paved roadway bordered by a 10-foot utility easement and drainage swale on each side.

SETBACK - Areas within a Lot where no Building or other Structure may be located, except that driveway, walkways, and those Improvements such as lamp posts, mailboxes, boundary fences and some Landscaping elements, such as plantings, but specifically excluding hardscape Landscaping elements, such as patios and terraces.

SITE PLAN - A set of dimensioned and scaled construction drawings that a builder or contractor uses to make improvements to a Lot. Please see the Site Plan requirements, as applicable, in the New Dwelling Construction Approval Application, the Major Renovation Construction Approval Application, the Minor Projects Approval Application, and the Major Landscaping Project Approval Application, each of which may be found on the Pine Bay website.

SHRUB - A shrub in botany is defined as a perennial woody plant that has multiple main stems usually produced from or near the soil line and is typically less than 25 feet tall. Shrubs can be deciduous or evergreen. Typical shrubs include crape-myrtle, witch hazel, boxwood, and hawthorn and are often used for hedging or screening.

STRUCTURE - Anything constructed, erected or installed on a Lot, including any part thereof, the use of which requires permanent connection to the ground, or attachment to something having a permanent location or attachment to the ground, for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. A Structure would include, but is not limited to: a Dwelling, any Outbuilding, and any feature built or constructed on a Lot, any element on the Lot which rises more than six (6) inches above the surrounding grade, including but not limited to fence, deck, porch, outdoor shower enclosure, patio, terrace, solar array, wind turbine, free standing antenna, emergency generator, railings, steps, driveway, walkways and other hardscaping, outdoor fireplace or fixed fire pit, outdoor fixed grills/kitchens/bar, Pergola, walls, free-standing exterior lighting, in-ground pools, playground equipment, trash receptacle enclosure, above ground fuel tank, HVAC unit, compost bin, trellis, flag pole, statues or sculptural elements, pond, fountain and any other Improvement considered of a fixed or permanent nature on a Lot.

STRUCTURE, PERMANENT – A Structure with Foundation or footing and which cannot be readily removed from the Lot without some form of demolition or deconstruction activity.

STRUCTURE, TEMPORARY - A Structure without any Foundation or footings and which can be removed when the designated time, activity or use for which the Temporary Structure was erected has ceased. Examples of Temporary Structures would be movable trampolines, basketball hoops, benches, self-contained water features, deer fencing, free standing fire pit, etc.

SUBDIVISION PLAT – The certain Subdivision Plat for Pine Bay Section of Country Manor, Sussex County, Delaware, approved February 6, 1990, recorded February 13, 1990, among the land records of the County, as further amended.

SURVEY - An accurate, detailed land survey depicting the Lot as currently built (both surface and subsurface) prepared and sealed by a Registered Surveyor and/or Engineer indicating information such as, but not limited to boundaries, dimensions, elevations, and locations of the Lot and any Structures and their components, utilities, roads, swales, sewers, or other infrastructure and facilities after construction has been completed. A survey may also show all Setbacks, build lines, Easements, Wetlands, and any other lines that impact the siting or development of a Lot. Different ARC reviews for ARC Verification or ARC Approval may require an Owner to submit with a request to ARC a specific type of Survey that the specific request form and associated instructions will identify.

Types of Survey:

Boundary Survey (for vacant land) – would show the boundary of the Lot only, and might also show Easements, lot encroachments, and applicable Setback.

Location Survey (for improved property) – in addition to showing the boundary of the Lot, it would depict the location of Buildings on the Lot, including Setbacks.

Site Plan Survey (used in development of a Lot with new Improvements or of an addition to existing Structures on a Lot) – combines elements of a boundary survey with a topographic survey and would show applicable Setbacks, Easements and Encroachments.

Topographic Survey (also used in development of property) -- fixes the natural and man-made topographic features on a Lot.

As-Built Survey (the most comprehensive of surveys) – shows all Improvements on a Lot.

TREE - A Native Tree, an Ornamental Tree, or a Shade Tree. A Tree is not a Shrub.

TREE CANOPY - For forestry, the upper layer or habitat zone, formed by mature Tree crowns that includes the layer of leaves, branches, and stems of Trees that cover the ground when viewed from above and that can be measured as a

percentage of a land area shaded by Trees. Shrubs, hedges, and ornamentals are not considered part of the Tree Canopy.

TREE, NATIVE - An indigenous species Tree that occurs naturally in Sussex County, Delaware and has evolved in natural balance with other local species, is acclimated to the local climate, weather, soils, and ecosystem of that area, is not disruptive of local plant communities or ecosystem, and is an acceptable Tree species listed on the Pine Bay website from time to time.

TREE, ORNAMENTAL- A Tree grown for decorative purposes and aesthetic features including flowers, color, scent, unusual foliage texture, fruit, stem and bark, and shape. Sometimes called accent Trees, they are usually of smaller size and do not contribute appreciably to the Trees canopy and shade.

TREE PROTECTION PLAN - A Tree Protection Plan delineates Tree and root protection areas and measures to be taken to ensure the safety and survivability during construction activities, grading or drainage changes, trenching, heavy equipment use or any temporary construction access drives and materials storage. The plan includes erecting protective barriers surrounding the trunks marking a no-entry zone.

TREE REMOVAL REQUEST APPLICATION – An application form required to be prepared and submitted electronically by an Owner to ARC related to all proposed Tree removals on a Lot. The form specifies the type (category) of removal, a description of subject Trees, reasons for the requested removal, and a diagram of Tree locations.

TREE, SHADE - A large Tree with a spreading canopy and crown that gives shelter from sunlight. A Shade Trees is at least 35 feet tall at maturity, although most range from 50 to 80 feet in height.

UTILITY AND DRAINAGE EASEMENT – One of the Community Easements reserved for the benefit of the Association, being a 10' wide area along the entire perimeter of and within and bounded in part by the Lot Line of a Lot on and encumbering legal title to each Lot for utilities and drainage purposes, as provided for in Article V, Section 1. (b) of the Amended Declaration.

USE - The purpose or activity for which a Lot, and the Improvements and Structures located thereon are designed, arranged, or intended to be used, or for which a Lot and Buildings or other Structures located thereon are to be occupied or maintained.

VARIANCE – A discretionary action by the Board, taken upon recommendation of ARC, that, for the purpose of aesthetics and providing for a systematic development of Pine Bay, to waive, modify or vary those restrictions of the Amended Declaration establishing minimum setback requirements, front, side and rear lines, and the minimum footage required for any Dwelling on the Lot.

WETLANDS - Environmentally sensitive low-lying or shoreline areas as defined by the (Tidal) Wetlands Act whose activity is regulated by the Delaware Department of Natural Resources and Environmental Control (DNREC). No activity including dredging, draining, filling, bulk heading, dumping upon, storage upon, excavation, altering or construction is allowed without a permit from DNREC.