

NEUSE CROSSING HOMEOWNERS ASSOCIATION

DESIGN REVIEW COMMITTEE

Rules

Guidelines

Procedures

Enforcement

PARKING REGULATIONS

Rules

Enforcement

Enacted October 10, 2006

**THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF
THE FLAG OF THE UNITED STATES OF AMERICA
OR OF THE STATE OF NORTH CAROLINA
-----**

**THIS DOCUMENT REGULATES OR PROHIBITS
THE DISPLAY OF POLITICAL SIGNS**

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I. INTRODUCTION

In a planned community such as Neuse Crossing, it is important to maintain a harmonious, quality, aesthetically pleasing development. The basic system for maintaining the quality and consistency of exterior changes to the property in Neuse Crossing are provided in the Restated Declaration of Covenants, Conditions and Restrictions for Neuse Crossing (the "Covenants") dated June 27, 1990 (provided in all homeowners' closing packages).

The Covenants authorized a committee to be made up of 3 to 5 members appointed by the Board of the Homeowners Association. The "Design Review Committee" ("DRC") is responsible for reviewing and approving all applications for exterior design changes.

The Rules and Regulations of the Design Review Committee provide an outline of the standards to be applied to all applications, and set out the procedure to be followed by the Homeowner in an application and by the DRC in its consideration of each application. The Rules, and the content of the Covenants, maintain a balance between private property rights and the broader interests of the community. They were enacted by the Board on October 10, 2006.

Homeowners may not make exterior changes to a house without prior approval from the DRC. Circumventing the application process is a violation of the Covenants. All homeowners may seek guidance or suggestions regarding whether contemplated changes from the Property Manager or a member of the DRC. Violations of the Rules may also be reported to the Property Manager, who will treat such reports with confidentiality and who will determine if a violation of the Rules exists. If so, the Property Manager will notify the homeowner of the infraction and suggest a course to remedy the situation.

The DRC appreciates the participation and support of each and every homeowner to maintain the quality, consistency, and harmony that will allow each of us to maximize our property values. As you will see in the remainder of this document, the application process is simple and efficient. However, it is important to remember that the DRC members are fellow Neuse Crossing homeowners volunteering their time amidst busy work and home schedules. The requirement for the DRC to review and approve/disapprove an application within 30 days of receipt by the Property Manager is very reasonable.

Please note that you must obtain approval in writing from the DRC before the start of any exterior change. You should not commit labor or materials until written approval is received, or until you have been notified that your change does not require approval. In addition, the approval of an application by the DRC is not a building permit, and does not relieve the Homeowner from the responsibility of obtaining whatever permits are required from the governmental authorities having jurisdiction.

This documents also includes the regulations relating to the parking of vehicles in the development, including those contained in the Covenants and those enacted by the Board in accordance with the parking provisions in the Covenants.

II. RULES OF PROCEDURE

A. Application

Application Forms may be obtained from the Property Manager. Upon completion, the Application Form must be submitted to the Property Manager, who performs an initial review to insure that the form is complete and legible, and that any necessary attachments or exhibits are included. The date of Application is assigned once the Application Form and all required documentation is complete. The Property Manager will provide a dated receipt or copy of the application to the Homeowner.

B. Review by the DRC

The Property Manager shall transmit all complete Application Forms to the DRC within 7 days. The Property Manager or members of the DRC may visit the site as a part of the Review Process or to verify the details any application. The Property Manager or members of the DRC may contact adjoining homeowners for their comments concerning the submittal. While comments both positive and negative will be taken into consideration, the final decision for approval will rest with the DRC.

The DRC shall consider each application at its next meeting, but no later than 30 days after the date of submission. A Homeowner may attend any such meeting and discuss the merits of the application upon notice to the Property Manager, who will place the applicant on the agenda for the next meeting.

The DRC shall consider each application and shall, by majority vote, approve, approve with conditions or disapprove the application.

If the DRC fails to act upon any application within 30 days of its submission to the Property Manager, the application shall be deemed approved as submitted. In such instances, the Property Manager shall will send a notice to the Homeowner indicating that the application has been approved.

Approval of a submittal does not relieve the Homeowner from the responsibility of obtaining all applicable permits from the governmental authorities having jurisdiction.

C. Appeal

A Homeowner has the right to appeal an application which has been disapproved or which has been approved with conditions. To perfect such an appeal, the applicant must submit a written "Notice of Appeal" to the Property Manager within 10 days from the date of the notice of the decision of the DRC. The Notice of Appeal must be accompanied by a statement setting out the reasons why the decision of the DRC should be modified. Upon receipt, the Property Manager shall transmit copies of the application and its supporting documents, the decision of the DRC and the Notice of Appeal to the members of the Board.

The Board shall consider all such appeals during its next regularly scheduled meeting, but no later than 30 days following the receipt of the Notice of Appeal. The Homeowner has the right to meet with the Board to discuss the appeal, provided that the Homeowner has notified the Property Manager at least 7 days prior to the next scheduled Board meeting.

Upon Review, the Board may affirm the decision of the DRC, may reverse the decision and approve the application, or may approve the application with conditions.

D. Implementation

A Homeowner whose application has been approved shall begin the approved project within 60 days, unless that time has been extended by the DRC as a condition appropriate to the particular project. Approved projects upon which work has not commenced within 60 days are deemed abandoned, and a new application and approval is required if the Homeowner desires to revive the project.

E. Enforcement

The NCHA shall have the right to enforce, by any proceeding at law or in equity, all rules, regulations, restrictions, conditions, covenants, reservations, liens, and charters now or hereafter imposed by the provisions of the Covenants, including rules and assessments authorized by the Board pursuant to its authority granted by the Covenants. This includes the enforcement under North Carolina law of liens imposed for failure to pay any fines, dues or assessments. Failure by the NCHA to enforce any right in any one instance shall in no event be deemed a waiver of the right to do so thereafter.

For the most part, to the extent they are applicable, violations of the parking regulations are handled in the same manner and pursuant to the same enforcement procedures as violations of those rules and provisions pertaining to architectural control and review.

The NCHA also has the right, at its election, to enter upon any Lot during daylight hours Monday through Saturday to investigate potential infractions of the Rules or Covenants, and to assure itself that a construction project underway is in compliance with the terms and conditions of an application, as approved. This right also applies to a pre-approval site visit related to a pending application.

Notice of entry is not required under this paragraph.

This right not extend to the interiors of houses, garages, sheds and other structures.

III. CONSTRUCTION AND DESIGN RULES AND GUIDELINES

The following Rules and Guidelines are grouped by Category. Within each category, there are noted those uses or those construction projects which require prior approval by the DRC and those which do not. For projects which require application and approval, a list of information which is required to be submitted is provided. In some instances, "Guidelines" are provided to give the Homeowner an indication of those factors which the DRC considers in reaching a decision to approve.

In some categories, uses or projects which are prohibited by the covenants or by the Rules enacted by the Board are noted. All Homeowners may submit any comments, concerns, or proposed revisions to the DRC or to the Board at any time, including submission as an attachment to the Design Review Request Form. These comments, concerns, or proposed revisions will be reviewed and considered by the DRC and by the Board. Due to the nature of this review, the response will take longer than 30 days; in all circumstances, the DRC or the Board will respond within 120 days from the date of receipt of such comments or suggestions.

A. Additions and Structural Changes to Houses

(1) Items Not Requiring DRC Approval:

- (a) Normal maintenance to preserve the structure in its original state.
- (b) Storm windows and storm doors.

(2) Items Requiring DRC Approval:

- (a) All external additions or structural changes, including but not limited to, room additions, porches, garages, carports, vinyl siding, or attached structures of any kind. Also, any changes to primary windows or doors, roofing material type and composition and chimney chases.
- (b) Awnings of all types.

Please Note: For painting requirements, see Painting the Exterior.

(3) Information Required for Submittal:

- (a) Design Review Request Form
- (b) Plot Plan showing the location of the structure and distance from any Lot lines, as well as the location of any existing trees that may need to be removed.

- (c) Elevation drawings showing the planned appearance of the changes.
- (d) Description of materials to be used including siding, paint colors, vinyl siding samples and shingles, as applicable.

(4) Guidelines:

- (a) Additions should match the house in color and style as closely as possible.

Please Note: Approval by the DRC does not relieve the Homeowner from any obligation to obtain any necessary permits and inspections; homeowners must comply with all requirements of the governmental authorities having jurisdiction.

B. Appearance of Houses

(1) Rules:

- (a) Each Homeowner shall maintain the front yard and the front fascia of the house in a neat, clean and orderly manner so that it presents a neat, clean and orderly appearance.
- (b) No Homeowner shall permit any items to be kept or displayed on the front porch, other than outdoor/lawn furniture and seasonal plants.
- (c) No Homeowner shall permit a front porch to be used for storage.
- (d) No Homeowner shall construct any form of structure in a front yard, including but not limited to, barriers, barricades, and fences, other than planting beds, mailboxes and structural walls that are used to retain moderate to steep grades.
- (e) All electrical, telephone or other cables placed upon the exterior of a house shall be painted the same color as the house.

(2) Guidelines:

- (a) The installation of awnings of any type requires DRC approval, please see **“Additions and Structural Changes to Houses.”**

C. Painting of Exterior

(1) Items Not Requiring DRC Approval:

- (a) Periodic repainting with the existing color scheme for maintenance.

(2) Items Requiring DRC Approval:

- (a) Repainting of the exterior of the house in colors different from the existing colors.

(3) Information Required for Submittal:

- (a) Design Review Request Form
- (b) Color samples of all colors to be used (main color, trim colors and accent colors) of sufficient size to adequately show color and finish.

(4) Rules:

- (a) No brick surfaces of any structure shall be painted.

(5) Guidelines:

- (a) New colors should compliment the neighboring color schemes and the overall aesthetics of Neuse Crossing.

D. Landscaping

(1) Items Not Requiring DRC Approval:

- (a) Landscaping of a minor nature such as naturalizing an area of the yard or adding low growing shrubs and bedding plants provided.
- (b) Low wattage ground or landscape lighting.

(2) Items Requiring DRC Approval:

- (a) Landscaping that has structural elements, which changes the contour of the land, that is adjacent to a property line, or which obstructs a neighbor's view.
- (b) Retaining walls or tiered plant beds.
- (c) The installation of hedgerow or tree line that creates a natural fence line.

- (a) Design Review Request Form
- (b) Plot Plan showing quantity and location of all new landscaping elements.
- (c) Descriptions of all new and existing plants and trees.
- (d) Description of any change in the flow of any drainage or runoff caused by the proposal.
- (e) Elevations showing profile of retaining walls.
- (f) Description and photos of retaining wall material.

(4) Rules:

- (a) No Homeowner shall permit the plaiting of any hedge or screen planting any closer to the front Lot line than the front corners of the house.

(5) Guidelines:

- (a) Hedge or screen plantings which form a barrier between properties should have setbacks to allow for plant growth.
- (b) A maintenance agreement with adjoining landowners for maintenance access should be drawn up.

E. Decks, Patios, Arbors and Screens

(1) Items Requiring DRC Approval:

- (a) All new decks, deck extensions, patios, arbors, screening and under-deck enclosures including associated landscaping.

(2) Information Required for Submittal:

- (a) Design Review Request Form
- (b) Plot Plan showing the location of the deck or patio, in relationship to other structures and property lines.
- (c) Drawings showing the style of deck or patio, including railing, steps, etc.
- (d) Description of materials used, including samples.
- (e) Description of the landscaping/screening of the area underneath the deck or around patio

- (a) Deck materials must be generally pressure treated wood or composite decking material; wood material must be weather resistant.
- (b) Patio Materials must be: (a) Concrete slabs with a broom finish; (b) Brick pavers with sand fill or grout; (c) Stone, with sand fill or grout.
- (c) Arbors may be no higher than 8 feet above the deck surface.
- (d) Screens as part of an arbor may extend to the arbor.
- (e) Patios must be contiguous to and located behind the house, and may not extend around the corners of the house.
- (f) Exterior materials must be comparable to those on existing structures and compatible with the architectural character of the community.

(4) Guidelines:

- (a) Posts may be made of brick, pressure treated wood or other suitable material.
- (b) Decks should be of a reasonable height for their intended purpose.
- (c) Obstruction of the view of adjoining properties should be minimized.
- (d) The Homeowner is required to obtain all required permits and inspections and comply with all requirements of the governmental authorities having jurisdiction.

Please Note: Approval by the DRC does not relieve the Homeowner from any obligation to obtain any necessary permits and inspections; homeowners must comply with all requirements of the governmental authorities having jurisdiction.

F. Detached Structures

(1) Items Requiring DRC Approval:

- (a) All detached structures including but not limited to, garages, storage sheds and greenhouses.

(2) Information Required for Submittal:

- (a) Design Review Request Form

- (b) Official plat or survey showing Lot boundaries and existing building with the proposed structure.
- (c) Two elevation drawings of the proposed construction.
- (d) Description of materials to be used including samples.
- (e) Description and location of any trees to be removed.

(3) Rules:

- (a) Metal sheds are prohibited.
- (b) All structures must be properly maintained.

(4) Guidelines:

- (a) Permanent structures should be as inconspicuous as possible and should be placed out of the view of any street, depending on the topography.
- (b) Structures should be located in the rear, directly behind the house.
- (c) Structures should match the house in color and style as closely as possible.
- (d) The DRC may condition approval upon the installation and/or continued maintenance of landscape materials to serve as a buffer or as screening.

Please Note: Approval by the DRC does not relieve the Homeowner from any obligation to obtain any necessary permits and inspections; homeowners must comply with all requirements of the governmental authorities having jurisdiction.

G. Driveways and Parking Pads

(1) Items Requiring DRC Approval:

- (a) Driveway extensions and parking pads

(2) Information Required for Submittal:

- (a) Design Review Request Form

- (b) Plot Plan showing location of existing paved areas, the location of the proposed extensions and/or parking pads and property lines. Please pay close attention to placement to avoid encroachments onto neighboring Lots.

- (c) Description of materials to be used in construction

(3) Rules:

- (a) Motor vehicles may only be parked in Neuse Crossing upon a paved driveway or a paved parking pad.
- (b) Paved parking areas must be constructed of asphalt, concrete or brick pavers.

(4) Guidelines:

- (a) Additions to or extensions of paved parking areas should match the existing paved areas.
- (b) Aggregate base, thickness, reinforcement and finish should comply with generally accepted construction practices.

H. Fences

(1) Items Requiring DRC Approval:

- (a) All new fences
- (b) Any change in appearance or any addition to an existing fence.

(2) Information Required for Submittal:

- (a) Design Review Request Form
- (b) Plot Plan showing the exact location of the fence in relation to the house and property lines.
- (c) Drawings showing the dimensions of the fence, including the height of the fence, the width of slats and spacing, and the top style.
- (d) Description of any landscaping that will be added along the perimeter.
- (e) Description and samples of finishes.
- (f) Description and location of any trees to be removed.

(3) Rules:

- (a) All fences must be the natural color of the wood, white or Black Iron.
- (b) Redwood colored stain is prohibited.

- (c) Wire, chain link and concrete fences are prohibited.
- (d) All fence hardware must be weatherproof
- (e) All fence posts must be set in concrete
- (f) No fence shall exceed a height of 6 feet
- (g) No fence shall be constructed in any front yard.
- (h) The finished sides of any fence must face the adjoining Lots.
- (i) All fences shall be maintained by the owner with regard to both construction and appearance

(4) Guidelines:

- (a) Fences should be in the following styles: Gothic, Picket, Rainbow/Scalloped, Stockade, Shadow Box, Estate-Style Aluminum or Iron.
- (b) Picket fences should have decorative exposed posts and be constructed with a decorative picket design.
- (c) Stockade fences should be constructed in a scalloped or rainbow design with decorative exposed posts
- (d) Fences should be constructed of the following materials: Cedar, redwood or pressure treated pine; Certain types of metal;
- (e) All fences should be constructed at least 6 inches within the property line.
- (f) A maintenance agreement with adjoining landowners for maintenance access should be drawn up.
- (g) Natural finished fences that should be treated annually with an application of wood preservative and/or waterproofing treatment in order to preserve the look of the fence.
- (h) Fences that are painted white should be washed periodically to prevent discoloration. Also, periodic repainting of the fence will be required to maintain the appearance of the fence.

Please Note: Homeowners are cautioned that constructing a fence that infringes on or obstructs an existing easement or right-of-way may result in the eventual removal of the fence. Such construction is done entirely at the risk of the Homeowner.

I. LP Gas Tanks

(1) Rules:

- (a) No LP Gas Tanks shall be placed in any front yard; LP gas tanks are permitted only in side and rear yards only. No DRC approval is required.

(2) Guidelines:

- (a) LP Gas Tanks placed in side yards should be camouflaged or screened so as to make them as inconspicuous as possible from the front street.

J. Mailboxes

(1) Rules:

- (a) Brick mailbox enclosures are prohibited.

(2) Guidelines:

- (a) Mailboxes are to be maintained according to USPS regulations and shall present a neat appearance.
- (b) Planting around the mailbox post is allowed and is encouraged.

K. Play Equipment

(1) Definitions:

- (a) **“Play Equipment”** is fixed or mobile implements used in play activity, including push or ride on toys, jungle gyms, swing sets, trampolines, fixed basketball goals and movable basketball goals.
- (b) **“Fixed Play Equipment”** is any Play Equipment that is attached to the house or permanently installed.

(2) Items Requiring DRC Approval:

- (a) Fixed Play Equipment.

(3) Information Required for Submittal:

- (a) Design Review Request Form
- (b) Plot Plan and elevation sketch showing location of item.
- (c) Picture or description of item.

(4) Rules:

- (a) Play Equipment is permitted in the rear yard of Lots only, with the exception of basketball goals.

(5) Guidelines:

- (a) Play Equipment is not permitted within 10 feet of any side or rear Lot line unless screened.
- (b) Fixed and movable basketball goals are not permitted within 10 feet of public streets and moveable basketball goals are specifically prohibited from all public streets.
- (c) All Play Equipment shall be maintained in good condition.
- (d) Play equipment in disrepair shall be removed from the yard. Disrepair is defined as, but not limited to, noticeable missing parts and/or broken parts, rust and/or peeling paint.

L. Satellite Dishes, DSS Receivers and Antenna Structures

(1) Items Not Requiring DRC Approval:

- (a) Satellite dishes less than 1 meter (39") in diameter or antenna structures less than 12 feet high.

(2) Items Requiring DRC Approval:

- (a) Satellite dishes greater than 1 meter (39") in diameter or antenna structures greater than 12 feet.

(3) Information Required for Submittal:

- (a) Design Review Request Form
- (b) Plot Plan showing location of item.
- (c) Picture or description of item.

(4) Guidelines:

- (a) Before the installation of a new Satellite Dish, please feel free to consult with the Property Manager or members of the DRC if you wish to have help with the choice of a location for your dish.
- (b) Under the Federal Communications Act of 1996, the Association cannot require a pre-approval for the installation of satellite dishes less than 1 meter (39") in diameter.
- (c) However, should the installation of such a dish be in a location deemed to be objectionable by the NCHA, the NCHA may at its expense, arrange for a qualified satellite technician to find another location on the property that provides suitable reception. Should such a location be found, the NCHA may require the Homeowner to move the dish to the new location at the Homeowner's expense.
- (d) Reasonable screening and painting of the dish to match the surroundings is encouraged.

M. Skylights, Solar Collectors and Attic Fans

(1) Items Requiring DRC Approval:

- (a) Skylight(s) and/or attic fan(s) that change the appearance of the roof.
- (b) Solar collectors

(2) Information Required for Submittal:

- (a) Design Review Request Form
- (b) Plan view of the roof showing location of additions.
- (c) Picture or description of items to be installed.

N. Swimming Pools and Hot Tubs

(1) Items Not Requiring DRC Approval:

- (a) Plastic or inflatable baby pools.

(2) Items Requiring DRC Approval:

- (a) All in-ground swimming pools and all above ground swimming pools.
- (b) All hot tubs and spas.

(3) Information Required for Submittal:

- (a) Design Review Request Form
- (b) Plot Plan showing location of item.
- (c) Plans and specifications showing the nature, kind, shape, height and materials.
- (d) Plan for screening (fencing or live screening).

(4) Rules:

- (a) Hot tubs must be screened from view of any street.

(5) Guidelines:

- (a) A permanent above ground pool should be surrounded by wood decking and enclosed below the deck area.
- (b) Any wood support structure should be the same color and design as the house or deck.
- (c) Portable baby pools should be stored inside when not in use.

Please Note: Homeowners should use extreme caution when planning to add a pools or hot tubs to an existing deck. The additional weight of the water and people can cause a sudden failure of the deck. All health department and building code provisions must be complied with.

O. Vegetable Garden Plots

(1) Items Not Requiring DRC Approval:

- (a) Vegetable garden plots that are completely located in the rear portion of the Lot and are a minimum of 10 feet from the side and rear Lot lines.

(2) Items Requiring DRC Approval:

- (a) Vegetable garden plots that are in any location other than described above.
- (b) Vegetable garden plots that require the removal of any trees over 6 inches in diameter.

(3) Information Required for Submittal:

- (a) Design Review Request Form

the property lines.

(4) Guidelines:

- (a) Maintenance of the garden plot is required.
- (b) Excess debris, including stakes and any other structural additions required for growing and harvesting the garden, should be removed at the end of each gardening season and the plot returned to a natural state.

P. Clotheslines

(1) Items Not Requiring DRC Approval:

- (a) Temporary exterior clotheslines.

(2) Items Requiring DRC Approval:

- (a) Permanent exterior clotheslines.

(3) Rules:

- (a) Permanent exterior clotheslines are permitted only if they are screened from view from neighboring dwellings by adequate planting or other means approved by the DRC.

**Q. Flags, Yard Ornaments
and Seasonal Decorations**

(1) Items Not Requiring DRC Approval:

- (a) The display of the flag of the United States,
- (b) The display of the flag of the Great State of North Carolina.
- (c) The display of decorative, theme and school flags.
- (d) Ornamental objects.
- (e) Seasonal Decorations and Lighting.

(2) Items Requiring DRC Approval:

- (a) Flagpoles greater than 6 feet in height.

(3) Information Required for Submittal:

- (a) Design Review Request Form

- (b) Plot Plan showing location of item in relation to the house, street and property lines.
- (c) Picture or description of item.

(4) Rules:

- (a) No homeowner shall display a flag, yard ornament or seasonal decoration, or any combination thereof, that is unsightly, unseemly, or which creates a nuisance or disturbance.
- (b) No displayed flag shall be of a size greater than four feet by six feet.
- (c) The Flag of the United States shall be displayed in accordance with or in a manner consistent with the patriotic customs set for the in 4 U.S.C. §§5-10, as amended, which are the provisions of the United States Code governing the display and use of the flag of the United States.

(5) Guidelines:

- (a) The size of a flag should be proportionate to the size of the pole.
- (b) The Rules of NCHA relating to the display of flags shall be considered to be consistent with the provisions of the North Carolina Planned Community Act, as amended. To the extent that these regulations are deemed to conflict with the applicable provisions of that Chapter of the North Carolina Code, the less restrictive provisions shall apply.

R. Signs

(1) Definitions:

- (a) “Commercial Sign” means a sign which advertises any product or service, or which refers to the sale or lease of real estate.
- (b) “Political Sign” means a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot.

(2) Items Not Requiring DRC Approval:

- (a) Commercial Signs and Political Signs.

(3) Rules:

- (a) No Commercial Sign may be displayed unless it is specifically permitted by these Rules.
- (b) No Political Sign may be displayed unless it is specifically permitted by these Rules.
- (c) No Billboard may be displayed at any time.
- (d) "For Sale" or "For Rent" signs may not be larger than 5 square feet.
- (e) Signs or permit boards necessary for construction may be displayed until construction is complete.
- (f) Builder/Developer signs may be displayed only while new homes are being constructed and sold, and must be removed as soon as development/sales phase is complete.
- (g) Individual Homeowner "Yard Sale" signs may be displayed for two days before the sale, provided that such signs contain the date of the sale. Such signs must be removed as soon as the sale is over.
- (h) No more than one political sign may be displayed in a yard at any one time.
- (i) Political signs may not exceed 24 inches by 24 inches in size.
- (j) Political signs may be not be displayed earlier than 45 days prior to the election and not more than seven days after the election.

(4) Guidelines:

- (a) Community Yard of the Month signs awarded by the Beautification Committee may be displayed for one month.
- (b) The Rules of NCHA relating to the display of political signs shall be considered to be consistent with the provisions relating to the display of political signs by a homeowner on private property contained in the North Carolina Planned Community Act, as amended and with any regulatory provisions enacted by any local governmental body having jurisdiction. To the extent that such statutes or provisions are deemed to conflict with the Rules of the NCHA, the less restrictive rules or provisions shall apply.

(1) Items Requiring DRC Approval:

- (a) Animal pens or runs
- (b) Doghouses

(2) Information Required for Submittal:

- (a) Design Review Request Form
- (b) Plot Plan showing location of the proposed structure
- (c) Description of materials to be used in construction
- (d) Descriptions of the type, size, and number of animals to be kept
- (e) Description of the screening to be provided

(3) Rules:

- (a) Animal pens, animal runs and doghouses must be located at least 10 feet from all property lines as inconspicuously as possible, unless screened by a privacy fence.
- (b) The height of the pen is not to exceed 6 feet.

(4) Guidelines:

- (a) Doghouses should match the house in color, style, and roofing material as much as possible.
- (b) Screening should be provided as much as is reasonably possible.
- (c) Animal pens and animal runs should be made of pressure treated wood. Vinyl coated link fence may be permitted in the following colors: dark green, dark brown, or black

T. Wood/Storage Piles

(1) Rules:

- (a) No trade materials or inventories may be stored on any Lot.
- (b) Wood/Storage piles are permitted in the front yards of Lots only during construction and are to be removed as soon as practical.
- (c) Firewood storage is permitted in rear yards only.

- (d) Wood/Storage piles are permitted in side and rear yards of Lots provided they are placed as inconspicuously as possible and the view from adjoining lots or public areas is not impacted.

(2) Guidelines:

- (a) Take care not to stack wood against neighboring fences.
- (b) Care must be taken to prevent firewood storage from becoming a vermin/insect problem and allow for access to neighboring fences for preventive and corrective maintenance and proper air flow around structures.

IV. PARKING REGULATIONS

A. Definition:

- (a) A "Motor Vehicle" is any vehicle which is self-propelled or any vehicle designed to run upon the highways which is pulled by a self-propelled vehicle.

B. Rules:

(1) AUTOMOBILES:

The Owner of each Lot shall provide adequate off street parking for all automobiles owned or used by the Owner, his or her family, tenants, guests or contract purchasers.

Off street parking is permitted on driveways, parking pads or other areas as may be designated by the Association.

On street parking for a period in excess of six hours in any one day by Lot Owners, their family members, tenants or contract purchasers is expressly prohibited.

(2) OTHER VEHICLES

- (a) No Member shall park any boat, trailer, popup camper or Recreational Vehicle of any kind in a driveway, nor permit any family member or guest to do so.
- (b) No Member shall store or keep any boat, camper, small trailer or Recreational Vehicles on a "pad" alongside the Lot unless either the pad was approved by the DRC prior to October 1, 2005, or the owner has received approval from the DRC for a pad to be constructed in accordance with the applicable City of Raleigh building codes, after January 1, 2007.
- (c) Upon request, owners who received such approval prior to October 1, 2005, must provide a copy of the approval to the DRC.

(3) LICENSE PLATES

- (a) No member shall park or permit to be parked any motor vehicle on public or private streets or in the Permanent Common Open Space unless that vehicle is registered or licensed, and unless that vehicle displays a valid license plate (or "registration plate") as required by the provisions of Chapter 20 of the North Carolina General Statutes or by the laws of the state in which the vehicle is registered.

(4) REPAIRS

- (a) Motor vehicles may be repaired on the premises of a Lot for a period of time not to exceed 14 days. Vehicles under repair are limited to those owned by Lot owners, their family members, or tenants only.
- (b) Commercial repair of vehicles on Lots or on the Property is prohibited.

(5) INOPERABLE VEHICLES

- (a) No member shall park or permit to be parked an inoperable motor vehicle on the Property unless expressly authorized by the Association.
 - (1) Application for approval to park an inoperable vehicle on the Property shall be made to the DRC in accordance with the procedures set out in Section II of these Rules.

V. ENFORCEMENT

A. Notice Of Infraction

Upon receiving notice or information suggesting that an infraction or violation of the Rules or the Covenants of the NCHA exists, the Property Manager shall conduct an investigation, and shall take the necessary and appropriate steps to verify and document the violation. In those instances where the investigation allows the Property Manager to believe that a violation has occurred, the Property Manager shall send a "Notice of Infraction" to the Homeowner. A Notice of Infraction shall be signed by the Property Manager, shall describe the nature of the violation, infraction or other instance of non-compliance, and shall indicate that the Homeowner must correct the situation within 10 days.

The Property Manager shall send a copy of the Notice of Infraction to the Board, together with all relevant supporting materials from the investigation.

B. Order To Correct

If, at the end of the 10 day period specified in a Notice of Infraction, the Property Manager is not assured that the Homeowner has corrected or is correcting the violation, the Property Manager shall so notify the Board.

Upon receipt of such notice, the Board shall cause an "Order to Correct" to be delivered to the Homeowner. An Order to Correct must be signed by the President of the Board, must indicate that the Property Manager believes that a violation exists which has not been corrected after notice, and shall indicate that the Board will conduct a hearing should the violation not be corrected within 10 days.

The Order may indicate, if appropriate, that the NCHA may cause the violation to be corrected at the Homeowner's expense; or may indicate other fines or enforcement actions which are possible or appropriate.

C. Notice of Hearing

In accordance with the provisions of the N.C. Planned Community Act, should the violation not be corrected within 10 days from the delivery of an Order to Correct, the Property Manager shall notify the homeowner that the Board shall conduct a hearing to determine if the homeowner should be fined or to determine if NCHA privileges or services should be suspended. The Notice of Hearing shall inform the homeowner of the nature of the violation, and shall state that the homeowner has the opportunity to be heard before the Board and to present evidence.

At a hearing, the Property Manager, the property owner and any other interested homeowners may present evidence relating to the alleged violation.

D. Remedies

The NCHA is empowered under §§47F-3-102(12) of the N.C. General Statutes to impose reasonable fines for violations of the covenants, the by-laws or the Rules and Regulations enacted by the NCHA. If the NCHA is able to correct the problem by itself, it may do so and bill the Homeowner for all expenses incurred in correcting a problem described in an Order to Correct which the Homeowner has not corrected within 10 days of receipt of the Order.

After a hearing, the Homeowner shall be given notice of the decision of the Board. If it is decided that a fine should be imposed, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation and without further hearing, for each day more than five days after the decision that the violation occurs.

The costs of correction and the amount of imposed fines, if not paid within 30 days of being assessed, will be recorded as a lien against the property, which may be enforced by appropriate legal proceedings.

In the event that the Property Manager believes that a violation is in progress, the Property Manager shall notify the homeowner to stop work upon the project and seek DRC approval in accordance with the procedures herein. In the event that the homeowner does not cease work upon the project, the NCHA may seek injunctive relief from the Courts of North Carolina. Reasonable fines imposed under this section include the legal and other costs incurred by the NCHA in the enforcement of its Rules. Unpaid fines shall be recorded as a lien upon the property.

In appropriate circumstances, the NCHA may also impose a sanction of the suspension of privileges or services provided by the association, but not including the suspension of access to lots, for a reasonable period commensurate with the violation.

Fines imposed for violations of these rules are not to exceed \$100.00 per day per infraction.

VI. WAIVER

Under Art. X, §12 of the Covenants, the Board or the DRC may waive the strict application or enforcement of any of the provisions of the provisions of Article X of the Covenants “upon a showing that such waiver is necessary to prevent undue hardship and that such waiver would not adversely affect adjacent Lots.”

An application for such a waiver shall be made in the first instance to the DRC in the same manner as, or as a part of an application for a permitted use under these rules. Any Homeowner may appeal a grant of waiver to the Board, and any applicant may appeal a denial of a waiver to the Board within the time limits set out in Section III hereof relating to applications.

In addition, the Board, upon its own initiative, may, within 30 days of a grant of waiver, review a grant of waiver and may reverse the grant, or may modify it with conditions.

VII. REVISIONS AND AMENDMENTS

Any Homeowner having a suggestion for revision or a concern with any item in these Rules, Guidelines or Procedures may submit any comments, concerns, or proposed revisions as an attachment to the Design Review Request Form. These comments, concerns, or proposed revisions will be reviewed by the DRC and the Board. Due to the nature of this review a response cannot always be made in 30 calendar days but under no circumstances will the response exceed 120 calendar days from the date of receipt.