

Woods at Fairbanks

Architectural Guidelines,
Maintenance Standards
&
Rules and Regulations

June 2015

(Revised 11/3/23)

**THIS DOCUMENT REGULATES THE DISPLAY OF POLITICAL SIGNS
AND REGULATES THE DISPLAY OF THE FLAG OF THE UNITED
STATES OF AMERICA OR STATE OF NORTH CAROLINA.**

INTRODUCTION

Purpose of Architectural Guidelines

Woods at Fairbanks is a single family home owner association. Simply stated, this means that the original tract of property was designed and approved as a self contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide and which would provide for the maintenance of all Common Areas and improvements thereon. Restrictions were established so that aesthetics, appearance, and continuity could be defined and written based on the covenants and on precedence established by the Board of Directors. The ACC reviews all architectural requests until an Architectural Control Committee is appointed. These Architectural Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. In addition, these Architectural Guidelines are established to give the homeowner some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values.

The architectural standards and use restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the Woods at Fairbanks. Woods at Fairbanks By-laws and Declaration of Covenants, Conditions and Restrictions (DCCR) supports the Board's ability to adopt and publish from time to time amend written architectural standards and construction specifications.

No improvement of any kind shall be erected, placed or maintained, and no addition, alteration, modification or change to any improvement shall be made without the prior written approval of the ACC. This would include, but is not limited to, any building, wall, fence, patio, deck, driveway, plating, clearing or cutting of trees, color or painting of the exterior, swimming pool, play equipment or screened enclosure constructed, installed or placed prior to the termination of the Declarant control. Nor shall a building permit for such improvement or change be applied for or obtained, nor shall any major landscaping or re-landscaping of any Lot be commenced or made (such construction, alteration and landscaping are hereinafter referred to as the "Improvements") until plans and specifications showing the nature, kind, shape, heights, materials, color and location of same shall have been submitted to and approved in writing by the ACC. Construction must be accomplished in strict conformity with such plans as approved, unless otherwise expressly agreed to in writing by the ACC. The ACC shall have the sole right, authority and complete discretion to approve or disapprove the plans and specifications for any reason, including, but not limited to, exterior colors and appearance, landscaping, location of the structure or structures and aesthetics. In addition to setting standards, the Architectural Guidelines establish a process for review of proposed modifications to Lots and Dwellings to ensure that all sites within the community are developed and maintained with the consistency and quality that attracted you to Woods at Fairbanks HOA.

Government Permits

To the extent that City and County Ordinances or any local government ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the DCCR, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the DCCR and the Architectural Guidelines (in that order) shall prevail.

Review Structure

The ACC of Woods at Fairbanks will handle architectural control and design review for the community. The ACC has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in the DCCR. The ACC shall review plans and specifications for all modifications and landscaping on any Dwelling or Lot, shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may promulgate additional design standards and review procedures consistent with these Architectural Guidelines.

ARCHITECTURAL REVIEW PROCESS

Review of Proposed Modifications

The review of the proposed modifications shall require the submission of an application to the ACC. An application form can be obtained on the Associa H.R.W. Management website at <https://www.hrw.net/> or <https://app.townsq.io/login> or by contacting Client Services <https://www.hrw.net/contact-us> or 919-787-9000. Depending on the scope of the modification, the ACC may require the submission of all or some of the plans and specifications listed below. In the alternative, the ACC may require a less detailed description of the proposed modification.

In accordance with Article 13.01 of the DCCR, “...***The Architectural Control Committee shall have the absolute and exclusive right to approve or disapprove Plans in its sole discretion and may approve or disapprove Plans based on purely aesthetic reasons, which in the sole discretion of the Architectural Control Committee has be deemed sufficient. Absent an approval from the Architectural Control Committee the proposed alteration or improvement may not be commenced...***”

Application Process

The ACC will require a set of modification plans in addition to the submission of an application. The preferred methods of receipt are: Uploading the architectural request (pdf or word format) form and all supporting documents (pdf, word, or jpeg images) on-line by accessing your HOA web portal at <https://app.townsq.io/login> entering your user id and password, then select “Architectural Control” or 2) via email to: architectureadmin@hrw.net. If uploading at the web portal or the e-mail options are not feasible, the application and plans and supporting documents should be submitted to the following address: Associa H.R.W. Management 4700 Homewood Court, Suite 380, Raleigh, NC 27609.

Generally, drawings of the proposed change should be submitted (to scale) which show relationships to existing structures, landscaping, lot lines, and setbacks (distance from property lines) for all proposed improvements. These drawings should include a "site plan" and an elevation plan along with any additional information, which could help the ACC visualize the project. For further descriptions of the five (5) elements that follow [floor plan, elevations, exterior finishes, landscaping plan, and other], please refer to applicable sections of this document.

Floor Plan

Showing decks, patios, related to the residential dwelling, trash enclosures, HVAC equipment and utilities.

Landscaping Plan

Showing location of trees, protection of existing vegetation, use of plants and other landscaping details. For further information see "Landscaping and Site Standards" section of this document.

Other

Such other information, data and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, and other features.

Review Criteria: Recommendations & Variances

While the Architectural Guidelines are intended to provide a framework for modifications, they are not all inclusive. In its review process, the ACC may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography, and finish grade elevation among other factors; however, the ACC will not grant approval for a proposed modification that is inconsistent with the Architectural Guidelines, unless the ACC grants a variance.

Variances may be granted in some circumstances, which include, but are not limited to, topography, natural obstructions, hardship, municipal requirements or environmental considerations. The ACC shall have the power to grant a variance from strict compliance in such circumstances so long as the variance does not

result in a material violation of the DCCR. No variance shall be effective unless in writing and supported by all members of the ACC.

Review Period

Each application and plan submittal shall be **approved or disapproved within 45 days of receipt of all materials required by the ACC. The ACC's decision shall be based upon a majority vote of the ACC and shall be rendered in one of the following forms:**

1. "Approved" - The entire application as submitted is approved.
2. "Approved with Conditions" - The application is not approved as submitted, but the ACC's direction for curing objectionable features or segments are noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The ACC shall specify the particular grounds upon which denial of such application is based.
4. "Request for Additional Information." This response shall be deemed a determination that the information submitted was inadequate, and the forty five (45) day time period for further ACC response shall only commence upon receipt of the requested additional information. .

If the ACC fails to respond within 45 days of receipt of a complete application, approval shall be deemed granted.

As a condition of approval under this section, each Owner and all successors- interest, shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.

Approval of plans for any proposed modification shall not set a precedent for future applications.

Appeal

Any Owner who submits Plans to the ACC and disagrees with the finding of the ACC may appeal the decision to the Board by giving written notice of appeal to the President of the Association, [through the Managing Agent] within fifteen (15) days following its receipt of notice of denial. The Board shall review the Plans and hold a meeting to hear the case with the Owner and the ACC or its representative. At such meeting the ACC or its representative shall present to the Board specific reasons why the Plans were denied, and the Owner or his agent may present information challenging the findings of the ACC. The decision of the ACC shall only be overridden by a majority vote of the Board. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted if the Board does not respond within 30 days.

City / County Approval

The review and approval of plans and specifications by the ACC shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the Applicant to obtain any and all necessary permits and approvals.

Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ACC that work completed or in progress on any Dwelling or Lot is not in compliance with these Architectural Guidelines or any approval issued by the ACC or Board, the ACC shall, directly or through the Board, notify the Applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and

continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the DCCR and these Architectural Guidelines and the homeowner (property) shall be subject to a daily monetary fine.

Time to Commence

If construction does not commence on a modification for which plans have been approved within one year of approval, such approval shall be deemed withdrawn unless the applicant requests, in writing, additional time from the ACC.

Time to Complete

The ACC shall include, in any approval, a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, the modification shall be completed within 180 days of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ACC may approve or disapprove.

Changes After Approval

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the ACC prior to implementation of such changes. Close cooperation and coordination between the Applicant and the ACC will ensure that changes are approved within 15 days.

If the City or County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the ACC, the Applicant must notify the ACC of such changes and receive approval from the ACC prior to implementing such changes.

Enforcement, Due Process Hearings, Fines & Fees

Any construction, alteration, or other work done in violation of these Guidelines or the DCCR, shall be deemed to be nonconforming. Upon written request from the Board or the ACC, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the construction, alteration, or other work.

When a violation is determined to have occurred, the following steps shall be taken:

1. The ACC will investigate any reported violation and attempt to bring the owner into compliance. Homeowners will be notified in writing of the violation and are expected to bring the violation into compliance within thirty (30) days.
2. Should the owner fail to act upon the recommendations for corrections, the ACC shall submit the matter to the Board.
3. The homeowner shall be invited to hearing with the Board where the homeowner will have opportunity to be heard and present evidence. Failure to appear shall result in a fine, which will begin to accrue five (5) days after the date of the hearing. However, if the violation is brought back into compliance prior to the hearing, no hearing would be necessary.
4. After the hearing, the Board shall respond to the homeowner with a decision. Any penalties or costs relating to the violation (and the date from which the accrual shall begin, which will be no sooner than 5 days after the hearing date) shall be noted in the letter from the Board.
5. Fines will be levied on a daily basis, up to \$100 per day, per violation, until the violation is rectified. The North Carolina Community Act effective in January 2006 allows planned residential communities the ability to fine at a minimum up to \$100/day to uphold standards that will protect and insure homeowners of maintained property values, with regard to holding all property owners accountable for abiding by the existing covenants.

Fees associated with enforcement. Should an Owner fail to remove and restore as required hereunder, the Board or its designees shall have the right to enter the property, remove the violation and restore the property to substantially the same condition as existed prior to the construction, alteration or other work. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the nonconforming Lot and collected as a special assessment. In addition, the Board shall have the authority and standing, on behalf of the Association to pursue all legal and equitable remedies available to enforce the provisions of the DCCR and Architectural Guidelines and the decisions of the ACC.

ARCHITECTURAL DESIGN STANDARDS

The following specific site criteria shall apply to all proposed modifications within the community unless the ACC or Board grants a variance. These guidelines may be modified from time to time and are not inclusive of all architectural standards which may be adopted by the Homeowners Association, Inc. Applicants are responsible for obtaining all necessary building permits.

Air Conditioning Equipment

Unless other-wise permitted by the ACC, no window-air-conditioning unit (sides or front) shall be installed.

Antennae and Satellite Dishes

In accordance with the *Federal Telecommunications Act of 1996*, installation of a satellite dish does not require prior approval, provided that the dish is: a) no more than one (1) meter (39.37 inches) in diameter, b) has a hidden cable, and c) is not placed in front of a home. The preferred placement is on the rear or side roof of the home. If the only viable location to obtain a signal is in the front of a home, the Owner must submit a letter from the installation company provides a letter confirming that a signal may not be obtained in any other location. In such an instance, the satellite dish must be placed on the roof, not on a free standing pole in the yard.

Awnings

The installation of awnings on the front of the residence or side(s) of the dwelling is prohibited. Other instances of installation are on a case-by-case basis for approval by the ACC.

Basketball goals

The placement of a basketball goal requires prior approval of the ACC. Permanent basketball goals are to be placed on the rear third (toward the house) of the driveway or parking pad and must be mounted on a single pole cemented into the ground. Portable basketball goals 1) may not be stored on common area; 2) must remain upright at all times; 3) must not impede on neighboring lots, traffic or pedestrians in any way; and 4) may not create a noise nuisance.

Boats, Trailers, and Unlicensed, Unregistered or Inoperable Vehicles **Refer to Exhibit B, Woods at Fairbanks Rules and Regulations**

Clotheslines and outside clothes drying

No clothesline or clothes poles shall be erected, and no outside clothes drying is permitted.

Curtains/Window Treatments

No Owner shall place on or about any windows any metallic foil or other coating, substance or material which similarly acts as a reflector of light nor shall an Owner place newspapers, towels, or bedsheets in any window. All window treatments must be in keeping with the overall scheme and aesthetic of the Property. Any window treatments deemed not to be in keeping with the overall scheme and aesthetic of the Property shall be removed by the owner at the discretion and at the direction of the ACC.

Exterior Appearance of Home

Statuary such as sun dials, globes, sculptures, wreaths, decorative flags, bird houses, bird feeders and other yard art, is restricted to the front porch or rear yard of a Lot.. All grills must be stored on rear patio only. All furniture must be specifically designed for outdoor use and kept clean and in good condition. Cleaning equipment such as mops, brooms, buckets, or storage boxes, bins, lawn maintenance equipment, etc. may not be stored anywhere on the exterior of the unit.

Refer also to Exhibit B, Woods at Fairbanks Rules and Regulations for additional guidance.

Exterior Lighting

Except for seasonal holiday decorative lighting, all significant exterior lighting changes must be approved by the ACC. The ACC may take into consideration the visibility and style of the fixture and its location. Exterior lighting shall be shielded and must be directed so as not to shine directly on another Lot. Holiday lights should be removed no later than one (1) month after the holiday.

Fences

There are two styles of fencing allowed in the community. **The approved fencing options are located in Exhibit A.**

Fireplaces, Firepits, Firebowls, Contained Fires

Outdoor fires located within an enclosed outdoor fireplace or other similar device specifically designed to hold and contain a fire, shall be permitted along with grills, if located in the rear yard of a home and if utilized in a safe manner. No fires may be left unattended at any time and all such installations must comply with municipal requirements. Barrels may not be used to contain a fire.

Flags

Flag poles must have a maximum height of 20 feet from grade. They must be a satin finish aluminum pole with internal halyard or have a telescoping design that does not require a halyard. A 4' X 6' US flag and NC flag may be flown on the flag pole, in accordance with §47F-3-121 North Carolina Planned Community Act.

Flags may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of the flag displayed does not exceed the standard size cited above.

Gardens, Garden Containers.

Garden plots and/or raised beds do not require prior approval of the ARC, provided that the following criteria are met: 1) the total garden area does not exceed 8 feet X 12 feet; 2) the garden area is located directly behind the home and not visible from the street; 3) the perimeter of the bed is constructed of materials specifically designed for outdoor use; 4) no wire or chain link may be used to enclose the garden; 5) the garden must be properly maintained throughout the growing season and dead plant material removed at the end of the growing season.

Garage Sales

No garage sales or similar activities shall be permitted on any Lot or within the common Areas, except as approved in writing by the Board.

Grills, gas or charcoal

The preferred placement of a grill is at the rear of a home, on a deck with stairs or patio. Owners who choose to store their grill in their garage and place the grill on the driveway for operation must adhere to the following requirements: 1) the propane line must be disconnected from the grill whenever stored in the garage; 2) when in use, the grill must be placed on the rear portion of the driveway, at least 10 feet away from the building and any combustible materials; 3) the grill must be returned to the garage within 4 hours of use.

Hot Tubs and Saunas

The approval of the ACC is required for the installation of any hot tub, sauna or spa. Any hot tub or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs or spas shall be located at the rear of the property and shall be installed in such a way that is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Owners are required to install safety features such as locks or covers for these items when such are not in use. Applicable City and County ordinances govern these requirements.

Mailboxes

All owners shall paint or replace mailboxes so that they are identical to the originally installed mailboxes in the community. All owners must display the assigned street address on their mailboxes, or in accordance with the appropriate governmental entity. Replacement mailboxes and parts may be obtained at Z Box, 919-422-3290, tzaruba@nc.rr.com.

Noise/Nuisance

A nuisance is described as any noxious or offensive activity carried on in or upon any part of the Community or anything which maybe or become an unreasonable annoyance or inconvenience to the residents. This includes unreasonably interfering with the quiet enjoyment of residents.

Please refer to Exhibit D, which includes excerpts from the Town of Morrisville Noise Ordinance.

Parking

There shall be a maximum of four (4) vehicles per household for each Lot. Street parking is permitted only for occasional overflow parking for guests, as long as it does not inconvenience owners of other lots. Owners are subject to sanctions, including fines, for continued parking violations.

For additional parking regulations, Refer to Exhibit B, Woods at Fairbanks Rules and Regulations

Patios/Decks/Screened Porches

The approval of the ACC is required for the construction of patios and screened porches. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio product must be similar to or generally accepted as a color and material complementary to the design and color of the residence. Any decks or screened porches must be constructed of wood, with siding and architectural shingles to match existing house.

Pets

No animals, livestock or poultry of any kind shall be kept or maintained on any portion of the Property or in any home except that dogs, cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes, that they do not create a nuisance (in the judgment of the Board), such as, but without limitation, by number, noise, odor, damage or destruction of property or refuse, and further provided that they are kept and maintained in compliance with all laws and ordinances of applicable governmental authorities relating thereto. In no event shall more than a total of three (3) dogs and/or cats be regularly kept on any Lot except for newborn offspring of such household pets which are under nine (9) months in age. The Board may prohibit or require removal of any dog or animal, which after consideration of factors such as size, breed and disposition of the animal, interference with the peaceful enjoyment by other Owners of their Lots, and the security measures taken by the Owner with respect to such animal, the Board, after affording the Owner of such animal Notice and Opportunity for Hearing, deems to be undesirable, a nuisance or a safety hazard.

Owners shall clean-up after their pets, including without limitation within the Common Areas. No animal, *including domesticated cats*, shall not roam free within the Common Areas and otherwise shall be kept on an overnight basis within homes. This requirement supersedes any other language contained in the DCCR.

The Town of Morrisville utilizes Wake County Animal Control and follows the Wake County Animal Control Ordinance, which regulates that all animals remain physically restrained at all times, whether by leash or fence and requires that pet owners pick up after their pets on private and public property. The contact number for Wake County Animal Control is 919-212-7387.

If you need to report an animal that you suspect to be dangerous, please contact Wake County Sheriff's Office at 919-856-6911.

Play Equipment

Play equipment, including trampolines, and play sets requires prior approval of ACC. No such equipment may be placed in the front or side yards.

Pools

No above ground pools (except for wading pools no deeper than 2 feet tall and no wider than 10 feet in diameter, which shall be regulated by the ACC) shall be allowed or approved by the ACC on any Lot. Wading pools shall only be used during appropriate weather and must be emptied and stored when not in use.

Rooftop Equipment

The approval of the ACC is required for all rooftop equipment and accessories, unless specifically accepted in this section. Any installed solar energy equipment may be considered on the rear roof line and shall not be visible from the street. Landscaping or other buffering may be required for solar panels.

Signs

Except as otherwise required by the City, no sign of any kind shall be displayed to the public view on any lot except one sign of not more than nine (9) square feet advertising a Lot for sale, and signs of not more than nine (9) square feet expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general or special election, provided that such political signs shall not be placed on a lot earlier than sixty (60) days before such election and shall be removed within seven (7) days after such election. For Lease or For Rent signs may not be posted on the property.

Storage of Motor Vehicles and Recreational Vehicles

Please refer to Section C. of the Woods at Fairbanks Rules & Regulations, attached as Exhibit B.

Shed, Playhouse or Tree House

Storage shed, playhouse or tree house plans must be in approved in advance before construction can begin. Approved storage sheds and play houses must be no larger in size than eight (8) feet by twelve (12) feet and be constructed of wood and finished with a horizontal siding material which is similar in color and composition to the residence.

The shed/playhouse must have a suitably-constructed flooring system or foundation. (A masonry foundation or slab is permitted, provided that it is completely enclosed by brick, framed lattice or siding to grade level.) The roof must be constructed of architectural shingles that match the color of the home. Additional landscaping or screening plants may be required by the ACC, depending upon location of shed. Sheds and playhouses may not be located in a sewer, landscape or drainage easement. Lastly, owner must obtain all necessary permits and approvals from municipality.

Tree houses do not have a standard design requirement and will be considered on a case-by-case basis.

Solar Panels

The installation of solar panels or other "green energy" improvements to the roof or exterior of a home shall be permitted in accordance with NCGS§22B-20 after approval of the ACC. **See Exhibit E.**

Storm Doors

Storm doors may be installed on the front or rear doors of a home provided that the following criteria are met: 1) door must have full view, single pane of glass with no etchings or tint; 2) frame of door must be the same color as the existing door trim; and 3) the hardware metal on the storm door must match the hardware on the existing door.

Temporary Structures

Temporary structures are prohibited. The approval of the ACC is required for tents other than camping tents that are used for occasional overnight sleeping. Approval by the ACC is also not required for temporary canopies that are erected for special occasions.

Trash, Garbage, Rubbish, Waste

No trash, rubbish, garbage or other waste material shall be kept or permitted upon any Lot or the Common Area, except in sanitary containers located in a garage or in an appropriate area screened and concealed from view of any private rights-of-way or adjoining lots. Trash containers may be placed at the curb the night before the scheduled pick up and must be returned to their storage area within twelve (12) hours after collection.

Examples of approved trash screens may be found in Exhibit C. Other designs may be submitted and will be reviewed on a case-by-case basis.

Trees; Addition and Removal

The Town of Morrisville has designated Tree Save Areas in the community. These areas are also located in the common area and also on individual lots 37-42.

The tree conservation areas located in the common area and on homeowner lots in the community are maintained in their natural state. The HOA will not disturb or maintain these areas in any way, except to address dead, diseased trees which pose a safety hazard for those or adjacent Lots. Lot owners must contact the Managing Agent if there is concern about a tree on or adjacent to their lot. The tree must be inspected by the Morrisville Planning Department, and possibly a certified arborist, before any action may be taken. If the tree is confirmed to be a hazard, the HOA will have the tree dropped into the Tree Save area to decay naturally. If the adjacent owner wants the tree removed from the area, the owner would need to obtain approval for the removal by the municipality and pay the costs associated with the removal.

Additional planting of trees on a Lot requires approval from the ACC. A copy of the plat plan with the proposed location of the plantings, along with the type of planting and size at maturity should be noted on the plat plan.

Utilities

Owners are responsible for any damage to the common area as a result of the installation of the installation of service lines from utility companies other than the electric, water, sewer, and gas. Pipes, wires, and other utility facilities shall be kept and maintained underground. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

Vehicles

All motorized vehicles operating within the Property must be properly muffled so as to eliminate noise which might be offensive to others. All motorized vehicles and motorized bicycles are prohibited from being used or operated anywhere other than on the streets, roads, parking lots and driveways within the Property.

Refer to Exhibit B, Woods at Fairbanks Rules and Regulations

Watering Restrictions

Per the Town of Cary & Morrisville Regulations

- Odd-number addresses - Tuesday, Thursday and Saturday
- Even-number addresses - Wednesday, Friday and Sunday
- Drip irrigation and watering by hand (with cans, wands, hand-held hoses) is allowed any day of the week. You must actually be holding the watering hose, can, etc. Watering by hand cannot occur unattended.
- No automated watering devices allowed on Mondays.

LANDSCAPING AND SITE STANDARDS

Landscaping is an essential element of design in the neighborhood and is also an integral part of maintaining property value and neighborhood continuity. Preservation of existing vegetation must be considered in establishing and maintaining the landscape design.

Grass, hedges, shrubs, vines and mass planting of any type on any Lot or any portion of the Property shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut so as to appear neat and attractive. It shall be each Owner's responsibility to water the lawn and the plants on its Lot at regular intervals. Trees, shrubs, vines and plants which die shall be promptly removed. No leaves, trash, garbage or other similar debris shall be burned.

Changes to the existing landscaping plan of the home require prior approval of the ACC. Requests should be accompanied by a plat plan or landscaping plan illustrating the location of the modifications, including hardscape features, plantings, and other information which may requested by ACC.

Mulch

The intention is to standardize the aesthetic of the neighborhood using designer brown mulch which matches the brown fences and initial design selection of the builder/developer. Any deviations require approval of the ARC review board.

Drainage

Drainage of the property must conform to all municipality requirements. All drainage and grading must be indicated on the proposed plans submitted to the ACC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ACC.

The established drainage pattern is defined as the drainage pattern engineered and constructed by the original builder prior to (or in some cases, immediately following) conveyance of title from the builder to the individual homeowner.

No building or other structure shall be placed or permitted to remain on any Lot which may damage or interfere with the use, maintenance, repair or replacement of such drainage facilities and appurtenances and no Lot Owner shall do any work, construct any improvements, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Lots or common area.

Landscaping shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under, ponding near, or against the foundation of the dwelling. Water should flow fully over walkways, sidewalks, or driveways into the street.

CONSTRUCTION GUIDELINES

Inspections

The ACC may perform periodic informal inspections to ensure that work is being performed in conformance with approved plans and the Architectural guidelines. All inspections are observations only and will not relieve the owner's obligation to obtain inspection approvals from the City and or County and other governmental entities having jurisdiction.

Job sites not in compliance with these Architectural Guidelines or approved plans will be issued a Notice of Violation. Further construction is prohibited until the homeowner addresses the violations.

Construction Damages

Any damage to vegetation or common area facilities caused by the Applicant, their contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the Board and the owner of the damaged property. If the damage is not corrected, the Association may repair such damage and assess the costs of repair to the Applicant.

Conduct

The applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in the community. Loud music, profanity and other behavior, which is unbecoming, will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future access to the community.

Site Cleanliness

All **work sites** must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared on a regular basis.

OWNERS SHOULD REFER TO ARTICLE VII, USE RESTRICTIONS AND ARTICLE 13, ARCHITECTURAL CONTROL, IN THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR WOODS AT FAIRBANKS FOR ADDITIONAL INFORMATION.

LIMITATION OF LIABILITY

Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications, neither the Board of Directors, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Association the Board of Directors nor the officers, directors, members employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against the Association, committees, or the officers, directors, members employees, and agents of any of them to recover any damages.

THIS COMMUNITY IS DIVIDED BETWEEN TWO MUNICIPALITIES

Lots 1-11 are located in the Town of Cary
Lots 12-65 are located in Town of Morrisville

Please refer to the proper municipality for any requirements and restrictions with respect to your exterior modifications.

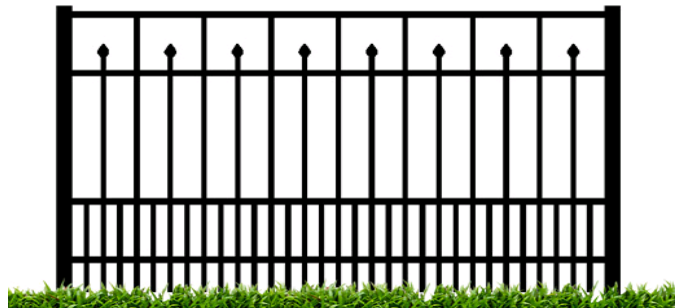
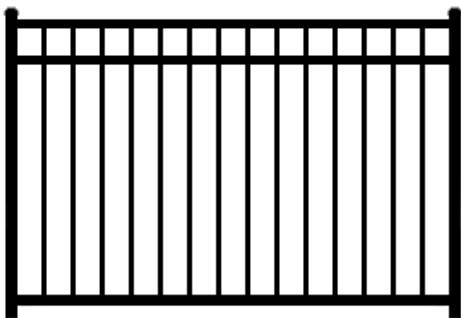
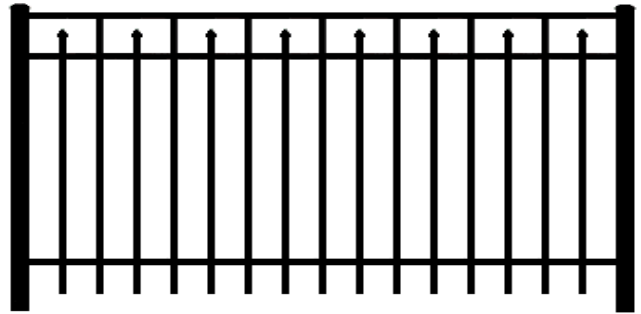
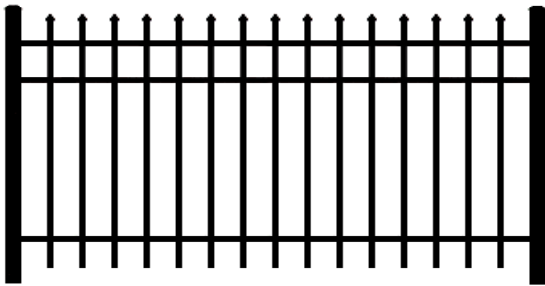
See Attachment F regarding living in an HOA in Morrisville.

EXHIBIT A

FENCING

Aluminum fencing is allowed at a maximum height of 60 inches (5 feet) and must be located wholly within the property lines of the Lot. A copy of the plat plan with the location of the fence denoted must be submitted with the application to the Architectural Control Committee. If any proposed fence line is located within a public easement (sewer, drainage, etc.) of any type, the Lot Owner must submit a letter from the municipality governing this area which authorizes placement of the fence into the easement area. To accommodate the Association's performance of landscaping on the Lot as detailed in the Declaration, any fence installed on a Lot must include a five (5) foot gate on both sides of the rear yard. "Puppy Panels" shall only be allowed on the bottom third of a black aluminum fence. Samples of approved aluminum fencing styles are shown below.

Samples of approved fencing styles:



Example of approved fence with 18" puppy panel

Fencing, Continued.

Privacy fencing is permitted in the Woods at Fairbanks community, provided that the fence is a wooden convex fence as shown below. This fencing type will require a semi-transparent stain in Olympic Espresso or equivalent and can be a maximum of 72 inches in height (6 feet). Posts shall measure 4" x 4", runners shall measure 2" x 4" and pickets shall measure 1" x 6". A copy of the plat plan with the location of the fence denoted must be submitted with the application to the Architectural Control Committee. If any proposed fence line is located within a public easement (sewer, drainage, etc.) of any type, the Lot owner must submit a letter from the municipality governing this area which authorizes placement of the fence into the easement area. To accommodate the Association's performance of landscaping on the Lot as detailed in the Declaration, any fence installed on a Lot must include a five (5) foot gate on both sides of the rear yard.



EXHIBIT B

WOODS AT FAIRBANKS AMENDED AND RESTATED RULES AND REGULATIONS

A. INTRODUCTION

In order to live harmoniously in a close community, it is necessary to have a few rules. Please keep in mind that each one of these rules is necessary in order to make your day to day life and the day to day lives of your neighbors more pleasant and enjoyable.

By observing these rules, all residents of the Woods at Fairbanks community will have the benefit of living in one of the most pleasant and appealing residential communities in the region. If there are any rules with which we just cannot live, your Board of Directors (the "Board") has the authority to revise them. The following rules were adopted by your Board in accordance with the provisions of Article 8, Section 1(a) of the Bylaws to adopt and publish rules and regulations governing the use of the Common Areas and facilities and the personal conduct of Owners and their guests thereon and in the community. Your Board unanimously approved the following rules.

These rules and regulations are in addition to those covenants, conditions and restrictions for Woods at Fairbanks set forth in the Declaration of Covenants, Conditions and Restrictions for Woods at Fairbanks governing the community, as amended from time to time (the "Declaration"). If there is a conflict between the provisions of the Declaration and these rules and regulations, the provisions of the Declaration shall control. Capitalized but undefined terms set out in these rules and regulations shall have the meanings ascribed to these terms in the Declaration.

B. APPEARANCE

In addition to any restrictions contained in the Declaration:

1. No portion of the Common Areas shall be decorated in any manner by any Owner or occupant without the prior written consent of the Board.
2. Each Owner shall maintain his or her Lot and the improvements and landscaping thereon in good repair.
3. No Owner shall make any alterations or improvements of or to the Common Areas without the prior written consent of the Board.
4. No tables with umbrellas or grilles of any kind shall be located on any front porches of the homes on the Lots.

5. It shall be the responsibility of each Owner to regularly water the grass, plants, trees and landscaping on its Lot.

6. Aluminum fencing is allowed at a maximum height of 60 inches (5 feet) and must be located wholly within the property lines of the Lot. A copy of the plat plan with the location of the fence denoted must be submitted with the application to the Architectural Control Committee. If any proposed fence line is located within a public easement (sewer, drainage, etc.) of any type, the Lot Owner must submit a letter from the municipality governing this area which authorizes placement of the fence into the easement area. To accommodate the Association's performance of landscaping on the Lot as detailed in the Declaration, any fence installed on a Lot must include a five (5) foot gate on both sides of the rear yard. "Puppy Panels" shall only be allowed on the bottom third of a black aluminum fence. Samples of approved aluminum fencing styles are shown on Schedule 1 attached hereto.

7. Privacy fencing is permitted along property lines that are adjacent to the perimeter of the Woods at Fairbanks community, provided that the fence is a wooden convex fence as shown on Schedule 2 attached hereto. This fencing type will require a semi-transparent stain in Olympic Espresso or equivalent and can be a maximum of 72 inches in height (6 feet). Posts shall measure 4" x 4", runners shall measure 2" x 4" and pickets shall measure 1" x 6". A copy of the plat plan with the location of the fence denoted must be submitted with the application to the Architectural Control Committee. If any proposed fence line is located within a public easement (sewer, drainage, etc.) of any type, the Lot owner must submit a letter from the municipality governing this area which authorizes placement of the fence into the easement area. To accommodate the Association's performance of landscaping on the Lot as detailed in the Declaration, any fence installed on a Lot must include a five (5) foot gate on both sides of the rear yard.

C. PARKING AND STORAGE

In addition to any restrictions contained in the Declaration:

1. No bicycles, motorcycles, mini-bikes or similar vehicles or other personal articles shall be stored in the Common Areas or on porches except as approved in writing by the Board.

2. No vehicles belonging to any Owner or to a member of the family or guest, or tenant of an Owner shall be parked in such manner to impede or prevent ready access to the remaining parking areas within the community. Owners, visitors, licensees and the Owners' families will obey the posted parking regulations, and any other traffic regulations published in the future for the safety, comfort and convenience of the Owners.

3. No boat, trailer, recreational vehicle, camper, camper truck or commercial vehicle shall be parked, stored or left on any portion of the Property. The term "commercial vehicle" shall generally exclude government-issued vehicles or automobiles of a type commonly used for family transportation notwithstanding that they may have commercial lettering or logos on their exteriors, provided (i) no objects, signs, tools, tool racks, or other forms of commercial advertising are attached or affixed to the vehicle; and (ii) the Board shall have the authority in its sole discretion to make final determinations as to whether a vehicle is a commercial vehicle on a case by case basis.

4. No inoperable or wrecked vehicles of any type are allowed on the Property, either temporarily or permanently. No repairs to any vehicles or other personal property shall be made in parking spaces or driveways, except in the case of emergency.

5. No vehicles of any type shall be parked or stored on or across any sidewalk in the Property or on any part of a Lot other than in those areas improved for that purpose (i.e., driveway or parking pad), and all parking and storage shall otherwise comply with all governmental and private rules and regulations, including regulations regarding nuisance and on and off-street parking.

6. No garage sales or similar activities shall be permitted on any Lot or within the Common Areas, except as approved in writing by the Board.

D. DISTURBANCES

In addition to the restrictions contained in the Declaration:

1. No Owner shall make or permit any noises that will disturb or annoy the occupants of the buildings or permit anything to be done therein which will interfere with the rights, comfort, or convenience of other Owners. PLEASE BE CONSIDERATE OF YOUR NEIGHBORS. EXCESSIVE NOISE FROM PARTIES, STEREOS, TV's, ETC. CAN FRUSTRATE NEIGHBORS. SPECIAL CARE SHOULD BE GIVEN TO NOISE AND DISTURBANCES EMANATING FROM PRIVATE COURTYARD AREAS, PORCHES AND BALCONIES.

2. No discharge of firearms or fireworks shall be permitted.

3. No excessive idling of vehicles shall be permitted.

4. Owners shall ensure that alarm systems associated with their homes and automobiles are in good working order and repair in order to avoid unwarranted disturbances to neighbors.

E. GARBAGE AND UTILITIES

1. All garbage and refuse from homes shall be deposited with care in containers provided for such purposes, shall be transported by each Owner for collection to such location as is required by the garbage service, and shall be retrieved by each Owner and appropriately screened from the view of any private rights-of-way or adjoining Lots within twelve (12) hours after garbage collection. All waste should be bagged and tied before depositing in receptacles.

2. No Owner shall interfere in any manner with any portion of the common lighting apparatus in or about the buildings. No Owner shall install exterior lighting on the Property, except as approved in writing by the Board.

3. No Owner shall dispose of any paint, oil or other similar materials in storm drains or other portions of the Common Areas.

4. Garbage and recycle bins must be stored in an Owner's garage or in an approved enclosure screened from the view of the street and adjacent Lots.

F. SAFETY

1. Each Owner shall maintain in a prominent place within his or her home a general purpose fire extinguisher.

2. No outdoor fires, except within enclosed outdoor fireplaces or other decorative fire rated devices, shall be permitted other than grilles located within private courtyard areas or within the Common Areas specifically designated for such use by the Board.
3. Owners shall exercise reasonable care in the enjoyment of fireplaces located within their homes.
4. Each Owner shall secure access to their home and each private courtyard area.

G. PETS

In addition to any restrictions contained in the Declaration:

1. No animals, livestock or poultry of any kind shall be kept or maintained on any portion of the Property or in any home except that dogs, cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes, that they do not create a nuisance (in the judgment of the Board), such as, but without limitation, by number, noise, odor, damage or destruction of property or refuse, and further provided that they are kept and maintained in compliance with all laws and ordinances of applicable governmental authorities relating thereto. In no event shall more than a total of three (3) dogs and/or cats be regularly kept on any Lot except for newborn offspring of such household pets which are under nine (9) months in age. The Board may prohibit or require removal of any dog or animal, which after consideration of factors such as size, breed and disposition of the animal, interference with the peaceful enjoyment by other Owners of their Lots, and the security measures taken by the Owner with respect to such animal, the Board, after affording the Owner of such animal Notice and Opportunity for Hearing, deems to be undesirable, a nuisance or a safety hazard.
2. Owners shall clean-up after their pets, including without limitation within the Common Areas. Pets shall not roam free within the Common Areas and otherwise shall be kept on an overnight basis within homes.

H. USE OF COMMON AREAS

In addition to any restrictions contained in the Declaration:

1. No climbing or horseplay on or near retaining walls located within the Common Areas shall be permitted.
2. No disturbance of any creeks, storm water detention areas or landscaping areas located within the Common Areas (except by the Declarant or the Association) shall be permitted.
3. No decorations of any kind shall be installed in the Common Areas except for any decorations approved in writing by the Board.
4. No garage sales or similar activities within the Common Areas shall be permitted, except with the prior written consent of the Board for each occasion that any such activity takes place.

Exhibit C

Approved Garbage/Recycle Bin Screens

A screen to hide trash and recycle bins from the street and the adjacent home can be made by constructing two or more pieces of wooden fence panels at right angles against your house or garage. Two panels may be necessary to adequately screen two large bins from adjacent homes. The preferred placement of the street-facing screen is at the front corner of the garage/house, but other locations will be considered. Wood panels may be painted to match the house trim or may have a clear sealant or natural cedar stain applied and refreshed on a regular basis. Finials on corner posts are permitted, but not required. Shrubs or a combination of screens and shrubs can also be used to achieve the “screen effect,” as well. The shrubs must be at least 48” tall from the top of the root ball at the time of installation and must be planted in such a manner that the trash cans will be fully screened within one growing season. The recommended shrubs to be used are Chindo Viburnum, Cleyera, Ligustrum, and Wax Myrtle, but other plantings can be submitted for approval. Several fence panel samples, available locally, are listed below, but other designs will be considered. Other designs may be submitted and will be reviewed on a case-by-case basis.

The panels below are examples of what you can find locally at Home Depot. There are also several other similar designs that you may prefer on the same site: <http://www.homedepot.com/b/Lumber-Composites-Fencing-Wood-Fencing-Wood-Fence-Panels/N-5yc1vZc3pk/Ntk-Extended/Ntt-fence+panels?Ntx=mode+matchpartialmax&NCNI-5>.



[fence+panels?Ntx=mode+matchpartialmax&NCNI-5](http://www.homedepot.com/b/Lumber-Composites-Fencing-Wood-Fencing-Wood-Fence-Panels/N-5yc1vZc3pk/Ntk-Extended/Ntt-fence+panels?Ntx=mode+matchpartialmax&NCNI-5).



An example of a combination of painted wood screen and plantings to screen trash cans from view of street and adjacent home.

EXHIBIT D

Morrisville Noise Ordinance Sec. 18-45. Sounds impacting residential life.

(a) The following acts and activities shall be unlawful in any residentially zoned area of the town or within 1,000 feet of any occupied residential structure in all zoning districts of the town:

(1) Operating a front-end loader or other truck for refuse collection except on Monday through Saturday between the hours of 7:00 a.m. and 8:00 p.m. The violator is the CD18:7Supp. No. 7.3 operator of the front-end loader or truck, the employer of the operator or the person which possesses or controls the front-end loader or truck used by the operator.

(2) It is unlawful to construct, demolish, alter or repair any building or other structure in the town other than between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday. Commercial construction on Sunday is prohibited except where permitted by the Town Manager. The Town Manager may permit emergency work, whether commercial or residential, at any time in order to preserve the public health and safety at any time. Private/Homeowner residential construction is permitted on Sundays from 12:00 PM until dusk. Permit requirements/restrictions for residential areas would include:

No loud music,

No land clearing,

No grading or other use of earth moving equipment,

Commercial construction limited to interior work only except for projects less than 1,000 sq.ft.

(3) Operating any garage or service station so as to cause unreasonable loud, disturbing sound to be emitted between the hours of 9:00 p.m. and 7:00 a.m. on any day.

(4) Operating electric and gas lawnmowers and other motor-driven domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m. Monday through Saturday and between the hours of 9:00 p.m. and 9:00 a.m. on Sundays; except the mowing of golf course greens is additionally permitted on any day year-round between the hours of 6:00 a.m. and 9:00 p.m.

(5) Creating or causing any sounds to be created or emitted which sounds register more than 60 db(A) at any point on or within the nearest complainant's property line.

(Ord. 2008-106, 12-17-08, Ord. 2011-040, 05-24-11 Ord. 2011)

Sec. 18-46. Amplified sound.

(a) It shall be unlawful to:

(1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between the hours of 9:00 a.m. and 9:00 p.m., or 50 db(A) or greater between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town. To determine if this limit is being exceeded, sounds may be measured from any point on or within the property line of the nearest residentially occupied property...

Exhibit E

Deed Restrictions, Covenants, and Other Agreements Prohibiting Solar Collectors.

§ 22B-20. Deed restrictions and other agreements prohibiting solar collectors.

(a) The intent of the General Assembly is to protect the public health, safety, and welfare by encouraging the development and use of solar resources and by prohibiting deed restrictions, covenants, and other similar agreements that could have the ultimate effect of driving the costs of owning and maintaining a residence beyond the financial means of most owners.

(b) Except as provided in subsection (d) of this section, any deed restriction, covenant, or similar binding agreement that runs with the land that would prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property on land subject to the deed restriction, covenant, or agreement is void and unenforceable. As used in this section, the term "residential property" means property where the predominant use is for residential purposes. The term "residential property" does not include any condominium created under Chapter 47A or 47C of the General Statutes located in a multi-story building containing units having horizontal boundaries described in the declaration. As used in this section, the term "declaration" has the same meaning as in G.S. 47A-3 or G.S. 47C-1-103, depending on the chapter of the General Statutes under which the condominium was created.

(c) This section does not prohibit a deed restriction, covenant, or similar binding agreement that runs with the land that would regulate the location or screening of solar collectors as described in subsection (b) of this section, provided the deed restriction, covenant, or similar binding agreement does not have the effect of preventing the reasonable use of a solar collector for a residential property. If an owners' association is responsible for exterior maintenance of a structure containing individual residences, a deed restriction, covenant, or similar binding agreement that runs with the land may provide that (i) the title owner of the residence shall be responsible for all damages caused by the installation, existence, or removal of solar collectors; (ii) the title owner of the residence shall hold harmless and indemnify the owners' association for any damages caused by the installation, existence, or removal of solar collectors; and (iii) the owners' association shall not be responsible for maintenance, repair, replacement, or removal of solar collectors unless expressly agreed in a written agreement that is recorded in the office of the register of deeds in the county or counties in which the property is situated. As used in this section, "owners' association" has the same meaning as in G.S. 47F-1-103.

(d) This section does not prohibit a deed restriction, covenant, or similar binding agreement that runs with the land that would prohibit the location of solar collectors as described in subsection (b) of this section that are visible by a person on the ground:

(1) On the facade of a structure that faces areas open to common or public access;

(2) On a roof surface that slopes downward toward the same areas open to common or public access that the façade of the structure faces; or

(3) Within the area set off by a line running across the façade of the structure extending to the property boundaries on either side of the façade, and those areas of common or public access faced by the structure.

(e) In any civil action arising under this section, the court may award costs and reasonable attorneys' fees to the prevailing party. (2007-279, s. 3; 2009-553, s. 3.)

Exhibit F



Homeowners Associations in Morrisville

Purpose of an HOA

Homeowners Associations (HOAs) are typically formed to enhance the value of their communities by providing budget guidance for maintenance or repair of common space and other amenities, and organization of resident participation in neighborhood programs and events, and to enforce covenants drawn up by the developer. They often hold monthly board meetings to discuss issues and initiatives specific to the community. Committees are usually formed to review changes to architecture, plan events, and distribute information.

What laws do they follow?

All homeowners within Town limits are subject to the Morrisville Code of Ordinances, which outlines rules for noise, abandoned vehicles, parking, business licenses, etc.

HOAs are subject to the Town's ordinances, as well federal and state laws. Beyond that, HOAs are required to publicly record CCRs (Covenants, Conditions, and Restrictions) which may include maintenance standards that require a higher standard of upkeep than the Town's Code.

For example, covenants may require front yard landscaping for individual properties to have certain species or a certain number of plants while the Town just requires that the grass on any property does not reach a certain height.

Many covenants are very simple and are meant only to protect a neighborhood from homeowners destroying trees or historic things or otherwise directly harming property values. Some can be more specific and strict, outlining acceptable colors to re-paint the home, exactly when holiday decorations are allowed up, automobile placement or repair on property, satellite placement, etc.

When does the Town get involved?

Occasionally, a resident will approach the Town staff or elected officials regarding an issue they have with their HOA's covenants. More often than not, the Town has no authority to override the HOA's decision. This is because North Carolina cities and towns gain their authority by General Statutes made by the Legislature. In Chapter 160A (relating to Cities and Towns) there is no authority for the Town to regulate homeowner associations.

The Town would, however, respond to complaints from residents that observe a violation of our code of ordinances. We do not have the legal authority to directly enforce covenants in a neighborhood, but we can act if it has been determined that a direct violation has been made to the Town Code.

Disputes between homeowners

Another area in which the Town is not authorized to act is in private disputes between homeowners. For example, your neighbor may build a fence that you believe crosses over your property line. The Town would not be able to intervene in this matter, even if you had a survey that showed that the fence was built over the property line. It is up to the homeowners to resolve the dispute.