

Davis Village

HOMEOWNERS ASSOCIATION, INC.

Rules & Architectural Guidelines

Revised 1/13/11

TABLE OF CONTENTS

1.0 Introduction

- 1.1 Applicability
- 1.2 Purpose
- 1.3 Application and Review Process

2.0 General Architectural Standards

- 2.1 Antennas, Satellite Dishes (DBS, MDS, DSS)
- 2.2 Birdbaths, Birdfeeders, Birdhouses, Statuary
- 2.3 Clotheslines
- 2.4 Decks, Patios, Porches
- 2.5 Pets
- 2.6 Exterior Colors, Shutters, Doors, Other Exterior Modifications
- 2.7 Exterior Lighting, Seasonal Decorations
- 2.8 Fences
- 2.9 Flagpoles, Flags
- 2.10 Garage Sales, Garage Sale Signs, Items for Sale
- 2.11 Garbage Containers, Recycle Containers, Garbage
- 2.12 Home-Based Businesses
- 2.13 Hot Tubs, Spas, Saunas, Pools
- 2.14 Outdoor Furniture
- 2.15 Parking, Recreational Vehicles, Campers, Boats, Trailers
- 2.16 Signs
- 2.17 Storm Doors
- 2.18 Window Air Conditioners, Fans
- 2.19 Grading, Drainage and Dirt
- 2.20 Yard Maintenance
- 2.21 Trampolines, gardens, play equipment, basketball goals

3.0 Attachments

- 3.1 *Request for Architectural Approval Form*

Introduction

1.1 Applicability

This guide to Rules and Regulations ("Guide") is adopted pursuant to the *Articles of Incorporation*, and the *Declaration of Covenants, Conditions, and Restrictions*, ("Declaration"). These documents provide for the establishment of reasonable rules and regulations concerning the use of individual lots and common areas. The Architectural Review Committee ("ARC") serves as representatives of the Board of Directors ("Board") while enforcing the Guide. Compliance with this Guide is required, but is not the sole basis for review or approval, nor does it guaranty approval of any application. In reviewing each application, the ARC may consider any factors it deems relevant. Decisions may be based purely on aesthetic considerations. Each owner acknowledges that determinations as to such matters are purely subjective in nature and that opinions may vary as to the desirability and attractiveness of a proposed addition or modification.

1.2 Purpose

This document is not intended to replace the Declaration, but to clarify the process by which homeowners may customize and modify the exterior presentation of their homes and/or lots. The intent is to provide consistent guidance to owners regarding requirements for additions and modifications to property in the community, and matters of particular concern to the ARC when considering applications for approval of such conditions and modifications. Additionally, the Guide sets forth various restrictions on other matters relating to community standards and the overall appearance of property in the community.

1.3 Application and Review Process

Unless otherwise specifically exempted by the Declaration or this Guide, **each and every proposed exterior modification/addition to residential units or lots requires prior approval of the Architectural Review Committee.**

Submit three copies of the *Request for Architectural Approval* form to the address noted on the request form.

Each application must include a copy of the lot survey showing the size and location of the proposed modification/addition as well as a list and description of the materials to be used. Color samples and photographs may assist the ARC in rendering its decision and expedite the review process. The ARC may require submission of such additional information as may be reasonably necessary to consider any application. Review of the application and notification to the applicants shall be conducted as described in the Declaration. The Board and the Committee shall have sixty (60) days to review submitted plans and to approve or disapprove those plans, as provided in the

Declarations, although generally, a decision is rendered much earlier. Where specifically permitted to proceed without prior approval, such permission shall only be effective so long as the Owner complies with every requirement of this Guide. The ARC is not responsible for ensuring structural integrity or compliance with state and local building codes. Homeowners must obtain all necessary building permits and other government approval that may be required for the proposed modification or addition.

Suggestion: It is strongly encouraged that you share and discuss your ARC plan and request with your neighbors on either side of your property and directly behind or adjacent to your property. Their signature on the form only indicates that they are aware and have viewed the planned activities not that they approve, as their approval is not solicited. This notification may prevent any questions or allow the Committee to address an objection surfacing after any installation work has been performed.

Important Note: Architectural Review Committee (ARC) approval does not constitute engineering approval. ARC approval is aesthetic in nature. Improvements and consequences are the sole responsibility of the homeowner or person making the improvements.

2.0 General Architectural Standards

2.1 Antennas, Satellite Dishes (DBS, MDS, DSS)

Homeowners who wish to place a satellite dish on the exterior of the residence are encouraged to submit a *Request for Architectural Approval* to the ARC.

Pursuant to FCC Section 207 of the Telecommunications Act of 1996, the Association will not require prior approval for antennas/dishes in the attic, crawl space, garage, or other interior space of the dwelling, or another approved structure so as not to be visible from the exterior of the residence.

Freestanding antennas/dishes (mounted on a pole anywhere on the lot) are **not** permitted.

A maximum of two satellite dishes measuring one meter or less in diameter may be erected on any lot. If installation is required in other than the following approved locations, include a statement from the installer with the ARC application. Standard, approved placement of a satellite dish is:

- Attached to or mounted on a deck or patio in the rear of the residence and extending no higher than the eaves of that portion of the roof of the dwelling directly in front of such antenna; or,
- Attached to or mounted on the rear wall or rear roof of the residence so as to extend no higher than the ridgeline of the residence at a point directly above the position where attached or mounted to the wall.

If installation of the satellite dish antenna meets the foregoing requirements, no ARC approval is required. However, ARC approval is encouraged.

2.2 Birdbaths, Birdfeeders, Birdhouses and Statuary

Birdbaths and all fountains require a *Request for Architectural Approval* application and ARC approval. If approved, birdfeeders and birdhouses must not be larger than one foot in width, one foot in depth, and one foot in height. Any pole on which a birdhouse or birdfeeder is located may not exceed two inches in diameter and six feet in height (including the house and feeder).

Fountains, birdbaths, birdhouses, and bird feeders shall not be placed in the front yard, side yard, or in common areas or wetlands/marshes. Statuary shall require a *Request for Architectural Approval* application and ARC approval.

2.3 Clotheslines

Clotheslines of any type are not approved or will not be allowed to remain on any Lot.

2.4 Decks, Patios, Porches

No indoor-outdoor carpeting, hot tub or pool may be installed. Any furniture on the deck, patio or porch shall be appropriate outdoor furniture and shall be maintained in a neat, tidy and good condition. Personal property such as bicycles and recreational equipment should be stored inside a Dwelling Unit or Garage. Screened porches require ARC approval with a *Request for Architectural Approval* application. Required building permits and placement within the building envelop is mandatory. Any utility easements must not be entered or obstructed.

2.5 Pets

It is required that owners maintain control of pets at all times. Pets must be on a leash, or restrained in the rear yard by use of invisible fencing or an approved fence.

Animal nuisance of any kind will not be tolerated, including noise and improper waste disposal. While outside the confines of the owner's property, animal waste will immediately be collected by the owner and disposed of in an approved waste receptacle. For disease prevention and sanitary reasons violators will be subject to aggressive penalties, including fines.

Other than normal household pets, no other animals, livestock or poultry of any kind shall be raised, bred or kept on the properties. Dogs, cats or other normal household pets may be kept in homes provided that such pets are not kept, bred or maintained for any commercial purpose. It is suggested that homeowners familiarize themselves with any applicable municipal ordinances relating to pets.

2.6 Exterior Colors, Shutters, Doors, Other Exterior Modifications

A *Request for Architectural Approval* application and ARC approval is required for any proposed changes to existing exterior paint and roof color. Repainting using an existing paint color, re-roofing, minor repairs, and the like shall not require the approval of the Committee.

2.7 Exterior Lighting, Seasonal Decorations

Seasonal holiday decorative lights are pre-approved from Thanksgiving through the 15th of January. Seasonal decorations are approved without application two weeks prior to the event until two weeks after the event.

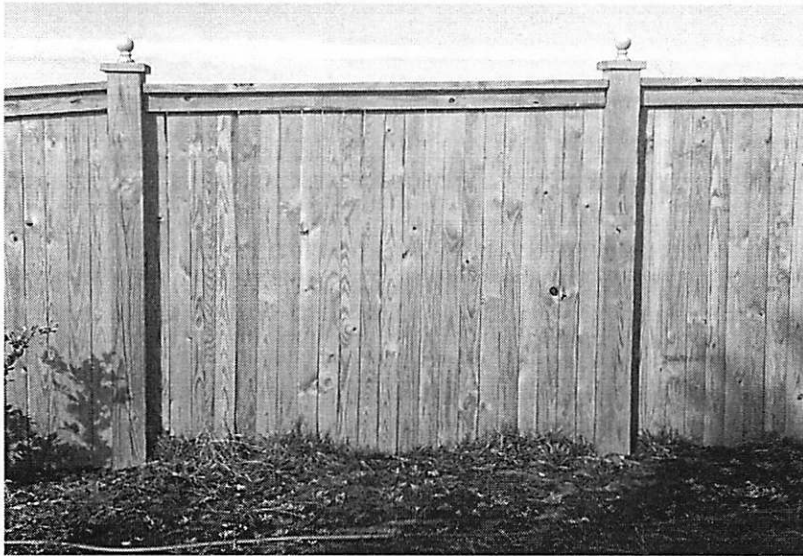
Permanent exterior landscape lighting requires a *Request for Architectural Approval* application and ARC approval prior to installation.

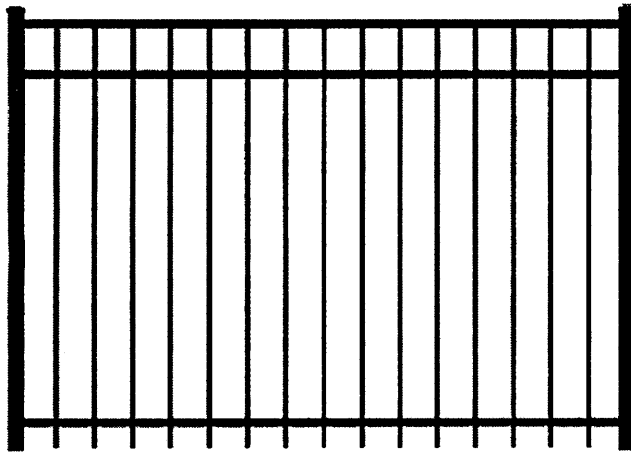
2.8 Fences

No fence, other than the type listed below, shall be constructed or erected on any Lot.

Two approved styles include:

“Type C” fencing: Wooden, closed picket, panel fencing, 6 feet in height, with decorative cap, with at least one gate. (See graphic below).





Black aluminum fencing, Ascot style, 5 feet in height, flat top, with at least one gate. (See graphic above)

Notes on Fencing:

Owners are allowed to 'tie in' their fence with any existing neighbor's fence, and acknowledgement to the affected owner should be reflected in the application. The fence must be placed within the Owner's property. Acknowledgment of the fence application is required of neighboring and affected owners. In the case of townhome owners, once the property is fully enclosed, the HOA will not be responsible for lawn maintenance in the yard.

2.9 Flagpoles, Flags

Freestanding flagpoles are not permitted. Flags, which, in the Board's judgment, tend to incite or antagonize are not permitted. Flags meeting the following criteria are pre-approved.

- One flagpole, not to exceed two inches in diameter and sixty inches (60") in length, may be mounted on the front of a dwelling.
- Flags shall not exceed 5' x 8' in size. Flags must be maintained in good condition and shall not be displayed if mildewed, tattered, or faded.

2.10 Garage Sales, Garage Sale Signs, Items For Sale

It is recommended that Garage sales be limited to a maximum of four times per

year per residence. Each garage sale may last a maximum of 48 hours. Sale items must be kept in the immediate area of the garage area.

Advertising signs may be placed at the residence 48 hours in advance of the sale and must be removed immediately after the conclusion of the sale. Signs placed other than at the residence must follow the guidelines in paragraph 2.16.

Other than garage sales, items for sale such as cars, boats, lawnmowers, etc. may not be displayed at the residence or on any common areas.

2.11 Garbage Containers, Recycle Containers, Garbage

Garbage containers must be stored in the following pre-approved location:

- Inside the garage, except on garbage collection days.
- In the rear of the dwelling, fully out of sight from the road and neighboring properties.

If storage in the side yard is desired, a *Request for Architectural Approval* application and ARC approval is required. The application must contain a plan to screen the garbage and/or recycling containers from the street and neighboring lots.

Garbage containers and Recycle Containers may be placed at the curb no earlier than dusk the day prior to collection and must be retrieved and stored back inside the garage before dusk the day of collection.

2.12 Home-Based Businesses

Home-based businesses are permitted provided the following criteria are met:

- It is not evident that home-based business is being conducted.
- No unusual traffic, other than normal residential traffic, is permitted. The Board may have sole discretion as to whether amount of traffic generated is unusual.
- Only removable signs are permitted on vehicles and said vehicles must be parked in the garage or the signs may be required to be removed while in the community.
- No items or equipment related to the business may be stored or otherwise kept on owner's lot outside of the dwelling or garage.

- Business activities must comply with all applicable federal, state and local laws.

2.13 Hot Tubs, Spas, Saunas, Pools

Hot tubs, spas, saunas and pools are not permitted. Kiddie pools, defined as hard plastic pools meant for this purpose, or plastic inflatable pools meant for this purpose are allowed provided that they must be placed in the back yard, out of view from the street. Kiddie pools are to be used only during the season (months of May through September). When not in use for this purpose, they must be stored inside the Dwelling Unit or Garage.

2.14 Outdoor Furniture

No furniture shall be used, stored or kept on the exterior of any residence except on porches, patios, and decks. Furniture not enclosed in a room shall be limited to such types as is designed for outdoor use.

2.15 Parking, Recreational Vehicles, Campers, Boats, Trailers

No vehicle, including recreational, camper, boat, trailer, car or truck, shall be parked on the grass or sidewalk of any lot. Except for occasional overflow parking, curbside parking is not permitted. Provided parking spaces are intended to be for temporary use only by Owners or their guests, or tenants, and for no more than two (2) nights in a two (2) week period.

Recreational vehicles, campers, boats and trailers must be kept in the garage out of view except temporarily in preparation for use if such period does not exceed 24 hours.

2.16 Signs

The placement of any signs on any portion of the Davis Village property requires the submittal of an ARC Application. This includes the following:

- A single "For Sale" or "For Rent" sign which shall be limited to six (6) square feet and must be displayed from the inside window of the dwelling.
- A single garage sale sign as described in paragraph 2.10.
- Such permits as required by legal/government agencies.
- Official community events as approved by the Board.

All signs must comply with all applicable federal, state and local laws and ordinances.

The Declarant, during the Declarant's development period, and the Association's Board reserve the right to deny the request for placement of any Sign on any Lot or Common Area per the Davis Village Covenants.

2.17 Storm Doors

Storms doors are permitted but must be approved by the ARC prior to installation, and require submission of the standard *Request for Architectural Approval* application. Approved storm doors must be full-view glass or glass/screen and must match the existing facade color scheme. Door hardware must also match the existing hardware (brass handle for brass lights, etc.).

2.18 Window Air Conditioners, Fans

Window air conditioning units and window fans are not permitted.

2.19 Grading, Drainage and Dirt

The grading and drainage swales in place at the time of closing are in place to support warranties existing at the time of closing and to prevent any run-off or drainage issues from your property on to any neighboring Lots. Any landscaping changes to an existing Lot after closing must be pre-approved through submission of a Request for Architectural Approval application and ARC approval.

Any homeowner or resident who changes the existing grade or drainages shall be liable for all costs and expenses of repairing such changes, and any costs, liabilities, damages or causes of action arising out of such changes. ARC approval does not constitute approval for a homeowner to change any existing grading or drainages.

All dirt, excavated or brought in, shall have a specific plan for storage in the rear area of each Lot. At no time, shall dirt be stored on any Common Area.

Prior to any digging or excavation in any Lot, it is recommended that "No Cuts" be contacted at 1-800-632-4949.

Important Note: Architectural Review Committee (ARC) approval on landscaping and grading does not constitute engineering approval. ARC approval is aesthetic in nature. Improvements and consequences are the sole responsibility of the homeowner or person making the improvements.

2.20 Yard Maintenance

All landscaping changes and additions, including the replacement of dead shrubs and trees, or addition of same; installation of mulch; erecting edging devices; changes to the driveway or sidewalk; and other changes of a similar nature shall require the submission of a *Request for Architectural Approval* application and ARC approval prior to installation. Homeowners shall be required to water the grass and plantings on their lots as needed to maintain a healthy lawn and plants, as well as to be responsible for replacing any dead plantings with material similar in nature to the original landscaping. The same color scheme of mulch and/or pine straw utilized throughout the community and in neighboring lots shall be maintained. All landscaping improvements made by the homeowner will be the responsibility of the homeowner to maintain and not that of the Association.

Pertaining to Townhome lots, the Association will be responsible only for the regular mowing, edging, and fertilization of the turf of such lots (based on the contracted scope of work in the landscape maintenance contract). Pine straw or mulch shall be refreshed in the Common Areas and on the planting beds of the Townhome lots per the scope of the Association's landscape maintenance contract. It is noted that Townhome yard areas are not irrigated and watering of turf is the homeowner's responsibility.

2.21 Trampolines, gardens, play equipment, basketball goals

Trampolines are not allowed in any lot in Davis Village.

Play structures are allowed in the single family lots ONLY but require a *Request for Architectural Approval* application and ARC approval. If approved, they must be placed in the rear yard of the Single Family lot and must be out of view or screened from view of the street.

Gardens require a *Request for Architectural Approval* application and ARC approval. If allowed, they are to be located between the rear dwelling line and rear lot line.

Basketball goals are allowed as long as they are moveable. No permanent goals are allowed. The goals must not remain in the street or on the sidewalk, and must be moved to the homeowner's property after play is terminated.

**THIS DOCUMENT MAY BE AMENDED FROM TIME TO TIME BY A
MAJORITY VOTE OF Davis Village HOA BOARD OF DIRECTORS**

Chris Raughley, Board Member **Date**

Randy King, Board Member **Date**

Bob Davenport, Board Member **Date**

3.1 DAVIS VILLAGE HOA
Request for Architectural Approval Form
Please Allow 60 Days for Approval Process

Name:		Phone #:	
Address:			
City:	State:	Zip:	Lot #:
Type of Modification/Addition: ☐ Fence ☐ Landscaping ☐ Satellite Dish ☐ Deck/Patio ☐ Other (specify) _____			
Attach detailed modification/addition description, including the following if applicable: 1. Copy of property survey with proposed modification/addition clearly marked on survey (must be included for all modifications and /or additions). 2. Location 3. Size 4. Color 5. Materials (s) 6. Contractor 7. Plans/Drawings/Photographs Please note: Home owner is responsible for obtaining any necessary permits.			
Estimated Start Date:		Estimated Completion Date:	
By signing below, I acknowledge that 1) I am required to obtain Board/ARC approval prior to making any modifications/additions to my home; 2) I am obligated to allow sufficient time for the processing of my request, 3) I have reviewed the Davis Village Rules and Architectural Guidelines to ensure my request falls within the community's guidelines, and; 4) I understand that any ARC approval is aesthetic in nature and does not constitute engineering approval and I will be responsible for any consequences relating to the approved work performed. Signature: _____ Date: _____			
Optional: I have shown and discussed this request with the following homeowners. Their signature indicates that they are aware of scope of work relating to this plan: Signature: _____ Address: _____ Signature: _____ Address: _____ Signature: _____ Address: _____ PLEASE use the back of this application for additional, if needed			
MAIL ALL APPLICATIONS TO: DAVIS VILLAGE HOMEOWNERS ASSOCIATION c/o HRW, Inc. Mike Talmarkes 4700 Homewood Court, Ste. 380 Raleigh, NC 27609 Please include three (3) complete copies of your request. <i>Requests for multiple changes must be submitted separately.</i>			
Do not write below; for Board/ARC use only. Received by: _____ Date: _____			

☐ **Approved** ☐ **Approved with Requirements** (see attached)

☐ **Denied** (see attached)