

Johnson's Landing
HOMEOWNERS ASSOCIATION, INC.



***ARCHITECTURAL
CONTROL GUIDELINES
WITH
COVENANT
RESTRICTION
ENFORCEMENT POLICY***

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Architectural Control Guidelines
For
Johnson's Landing Homeowners Association, Inc.

The undersigned, being all of the members of the Board of Directors of Johnson's Landing Homeowners Association, a North Carolina nonprofit corporation ("the Association") and its Architectural Control Committee ("the ACC"), do hereby certify that a joint meeting of the Board of Directors of the Association and its ACC, duly called and held, the following guidelines were unanimously made and adopted:

WHEREAS, the Association, acting through its Board of Directors, and the ACC desire to exercise the authority granted to it by the provisions of the Declarations of Protective Covenants applicable to Johnson's Landing, ("the Declarations", Article VII and Article VIII) to maintain the harmonious and architectural design of the Association in accordance with the provisions of the Declarations; and

WHEREAS, the Declarations empowers the Board of Directors to formulate, amend, publish and enforce reasonable rules and regulations concerning the use and enjoyment of the Property including the Common Area; and

WHEREAS, the Declarations expressly authorizes the ACC for the specific purposes set forth below and is granted the power to specify the requirements set forth below; and

WHEREAS, the Declarations provides that no buildings, additions or modifications of any kind shall be erected or placed on any lot until the construction plans and specifications have been submitted to and approved in writing by the ACC including but not limited to site layout, building location, building materials, colors and elevation; and

WHEREAS, the Declarations further provides that the ACC shall have the discretion to approve or disapprove plans and specifications for buildings, additions or modifications on the basis of color, quality of building materials and harmony of external design with existing structures; and

WHEREAS, the Board of Directors of the Association and the ACC desire to establish guidelines with respect to the type, quality and color of exterior additions and modifications on lots within Johnson's Landing, to be followed by the ACC, so that harmonious exterior design within the Association is consistently maintained; and

NOW, THEREFORE, the Board of Directors of the Association and the ACC hereby adopt the following guidelines relating to the buildings, additions and modifications on lots within Johnson's Landing, which guidelines shall supplement the applicable restrictive covenants set forth in the Declarations:

Definitions

Terms used in this document have the following meanings:

Architectural Committee	The committee will be comprised of at least 3 Board members, one of whom will chair the committee, and may be supplemented with community volunteers.
Association	Johnson's Landing Homeowners Association, Inc.
ACC	Architectural Control Committee of the Association, also referred to as the Architectural Review Board (ARB)
Johnson's Landing	All sections of Johnson's Landing under the jurisdiction of the Association and any future properties annexed into the Association
Board	The Board of Directors of the Association
Declarations	"Declarations of Protective Covenants" and all "Amended Declarations of Covenants, Conditions and Restrictions" applicable to Johnson's Landing
Guidelines	Rules, standards and procedures established by the Board of Directors and ACC pertaining to buildings, additions or other modifications in Johnson's Landing
Property Managers	Professional property management organization contracted and compensated by the Association to provide day-to-day assistance to the Board, ACC as defined in the By-Laws of the Association. Property Managers are identified in Appendix A
Sixty Days	Upon receipt of the application and plan(s) by the ACC

Overview

The purpose of architectural design is to keep the community attractive for the enjoyment of residents, for the protection of property and to maintain the aesthetic quality, as well as the economic value, of the neighborhood. The Declarations authorizes the Board of Directors and ACC to establish rules, standards and procedures for the orderly development of the subdivision and requires homeowners to obtain written approval from the ACC for any buildings, additions or other modifications to their property. This is to ensure that the improvements and or modifications comply with the provisions of the Declarations and the Architectural Control Guidelines. The ACC and the Board have established these guidelines in accordance with the authority granted to them by the provisions of the Declarations and certain grants made by the Declarant.

These guidelines have been established to assure uniform and fair application of the Declarations and are intended to provide all lot owners in Johnson's Landing with information about: the type, color, quality of materials which may be used in the construction of various kinds of improvements; the size and locations of such improvements; and information about the procedures used by the ACC in reviewing applications for proposed improvements.

The ACC reserves the authority to review and approve applications for buildings, additions, or improvements which are not explicitly described by these Guidelines, and to consider additional guidelines in the review process whether published or not. The ACC may amend these Guidelines, as it deems necessary and appropriate, subject to approval by the Board.

A. Application Procedure

1. Submission: All site or building construction, improvements, modifications, alterations or additions thereto require approval in writing from the ACC prior to construction or placement. This covers new construction as well as, but not limited to, additions, fences, patios, storage buildings, play equipment, pools, and changes in house colors. All applications for approval to site or building construction, improvements, modifications, alterations or additions thereto shall be submitted to the ACC in writing by fully completing the application form currently in use by the ACC, a copy of which is attached hereto as Appendix “B”, or such form as may hereafter be adopted by the ACC. Each application must be accompanied by 1 SET of plans/specifications along with the applicable application processing fee defined in Appendix “A”. The plans/specifications must be supported by the following information:

- a. Drawing(s) of the proposed addition/modification showing the top, front, side, and rear exterior views; overall dimensions (length, width, height) of the modification; and the layout and dimensions of supporting structures;
- b. A copy of a plot plan (showing location of easements, existing buildings and structures, the proposed location of the modification and applicable building set back lines); Plot plans must be the official document (or a copy thereof) received from the Town/County, including an official stamp. If any of the required documents are not provided, the application will be incomplete and declined until the application packet is complete.
- c. A description of all materials to be used. Specifically, before exterior colors are used, they must be approved, including but not limited to, brick, siding, roofing material, and paint;
- d. Color samples for all colors involved should be included, if possible. If providing color samples or photographs, please include 2-copies, if possible.

It is the owner’s responsibility to determine all easements and setbacks that exist upon their property. No construction should occur within these easements or building set back lines. If approved construction is not commenced within six (6) months a new application will have to be submitted. All building permits must be in effect at the time of construction. The ACC has sixty (60) business days from final submittal of plans and permits to approve the plans and authorize commencement of construction.

The ACC reserves the right to request any additional information deemed by it to be necessary to properly evaluate the application. In the event that the ACC requests additional information and such information is not submitted by the applicant in a timely manner (so that the application may be approved or disapproved within sixty (60) business days of its receipt), the application shall be denied. However, the applicant may thereafter submit a new application with the requested information to the ACC for its review.

The complete application form shall be submitted to the Johnson’s Landing Property Manager with plans and specifications as indicated. Failure to obtain ACC approval before construction or modification on the property is subject to application processing fee defined in Appendix “A”.

Any questions pertaining to these standards may be directed to the Property Managers.

2. Residential Plan Standards: All plans and specifications shall be drafted in a professional manner. The changes or additions must comply with all existing requirements and must be harmonious with existing structures within the community. An architect or designer is not required, but recommended for easier interpretation and generally better design results. Our plan standards are as follows:

- a. Site Plan(s): A site or plot plan to show the dimensions of the proposed construction or modification.
- b. Elevations:
- c. Specifications: List all specifications relating to project design, structural framing, quality of exterior materials, colors, textures and shape.
- d. Basis of Approval: Approval of plans and specifications shall be based, among other things, on adequacy of site dimensions, structural design, conformity and harmony with external design and of location with neighboring structures and sites, and conformity to both the specific and general intent of the restrictions.

3. Contractor / Owner Construction Requirements: The property owner has contracted with their selected contractor to provide construction services. It is the property owner's responsibility to ensure the contractor is aware of and understands the requirements of these Guidelines. The owner and contractor acknowledge and accept the authority of the Association to require certain standards. The owner and contractor acknowledge and accept the authority of the Association to enforce adherence to these standards through fines or other legal action. The owner and contractor agree to abide by the following:

- a. The burning of construction material, debris and other scrap on the property is strictly prohibited.
- b. The work site shall be kept clean. The property owner and the contractor are responsible for all trash and debris being picked up and removed promptly. Dumping within Johnson's Landing is not allowed.
- c. Contractors are responsible for keeping mud, dirt, etc. off from the roadway and meeting all E.P.A. requirements regarding movement of silt and other materials from construction site to drainage swales and/or adjacent properties. Contractors will be responsible for repair to any road, road right-of-way, shoulders or drainage swales damaged during the course of construction.
- d. Dumping or cleaning of cement trucks or dumping of construction material is not allowed within Johnson's Landing, common areas and right-of-way (*i.e.*, ditches, parks, and all easements).
- e. Design of roadside drainage swales must not be altered.
- f. Construction access is limited to Applicant's property. Any damage done to Association and/or neighboring property shall be restored to the original condition as determined by the Association and/or neighbor.
- g. No building materials or contractor's equipment shall be left on the street overnight.
- h. Construction signs are not permitted.

4. Compliance Inspection: The ACC is NOT required to perform site inspections, however may elect to as a measure to ensure compliance.

- a. Periodic Inspection: If performed will be by the ACC to assure compliance of utility easement, drainage easements, flowage easements, and setbacks to assure compliance of all building requirements such as disposal of debris, burning of debris and all other requirements made by the contractor/owner.
- b. Final Inspection: If performed will be to review the site after completion of modification(s). Included are but not limited to additions, pools, decking, walkways, painting, landscaping, and other items necessary to present an aesthetic condition on the lot. Final inspection shall not be relied upon by any person or entity as to the sufficiency, suitability, fitness, workmanship or quality of the design or construction of the improvements. Neither the Board of Directors, ACC, Association, Property Managers, nor any of their respective members, officers, directors, shareholders, employees or agents shall be liable because of the approval or non-approval of any modification.
- c. Non-compliance with ACC or ACC approval: If for any reason a structure is deemed not to be in compliance with approved plans, the owner will be notified and a fine may be assessed. Fines for non-compliance will be assessed by the HOA Board in accordance with NC Statutes and the HOA fine structure. The ACC will require the cessation of construction until the item(s) in non-compliance are corrected and or removed. Improvement/modifications made without prior approval are subject to application review fees and or removal at owners' expense. Other permits or approvals may be required from the City, County or other governmental entities. It is the responsibility of the owner to obtain all required City, County or other governmental approval.

FAILURE TO COMPLY WITH THE ABOVE REQUIREMENTS MAY RESULT IN REMOVAL OF STRUCTURE OR MODIFICATION AND/OR LEGAL ACTION.

5. ACC Decisions: ACC Members shall consider each application for compliance with the restrictive covenants of the Declarations and with these guidelines. The decision of a majority of the Members necessary to approve or disapprove an application shall be considered the decision of the ACC.

ACC decisions shall be conveyed, through the Property Managers, in writing, by regular mail to the applicant, postmarked within ten (10) days of determination, subject to the 60-day provision of Section A., "Application Procedure" (Submission), of these Guidelines, and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproving the application. Unless otherwise stated in the ACC's written response, all approved changes, additions or improvements shall be completed within ninety (90) days of the date that construction, installation or erection is commenced unless otherwise provided by the ACC.

6. Appeal of the ACC Decision: In the event that the ACC disapproves an application, the applicant may, within thirty (30) days, submit a written appeal to the Board of Directors, along with any additional information the applicant considers relevant to the original application. The Board of Directors shall review the appeal within thirty (30) days. The decision of a majority of Directors in attendance at a duly held Board meeting shall be considered the decision of the Board and shall be final. Final Board decisions shall be conveyed in writing to the applicant and shall include a statement of the conditions under which the application is approved (if any), or the primary reason(s) for disapproving the application.

7. Status of Applications during Appeal: During the appeal period, the decision of the ACC on the original application shall remain in effect. Failure of the Board of Directors to respond to a request for reconsideration within thirty (30) business days of the date of its receipt shall NOT automatically result in approval of the original application.

B. General Guidelines

The ACC shall consider the following factors upon the review of each application for all site or building construction, improvements, modifications, alterations or additions thereto:

1. Exposed Lot Restrictions: Special consideration with limitations will be exercised for rear yard improvements and or modifications to those properties that back to any common areas, and all corner lots. Permanent and temporary structures on corner lots shall be placed on the lot farthest from the abutting street.
2. The quality of construction and materials, colors, exterior design (elevation), size (dimensions), and location must be harmonious with existing and other proposed neighborhood structures and locations with respect to topography and finished grade elevation, and must be in compliance with the provisions of the Declarations.
3. The location must not violate the building setback lines, utility or drainage easements as shown on the official recorded plat, nor obstruct drivers' vision at street intersections. Property owner must call 811 and have utilities properly marked prior to work being performed.

NOTE: Neither the ACC nor the Board may grant permission to place a building over, under, upon or across any utility easement. Consent to encroach upon any utility easement must be obtained in writing from the owner of the easement (*i.e.* utility companies). The ACC and the Board may grant permission to place an improvement upon or across a drainage easement subject to the condition that the improvement must not impede drainage of any property served by the drainage easement (*i.e.*, including adjacent lots). If deemed necessary, in its sole discretion, the Association may revoke consent to encroach upon any drainage easement. Removal of improvements (if required by the owner of the easement or the Association) shall be solely the property owner's responsibility, cost and expense.

4. Improvements that are intended for other than single-family residential purposes, or that may become an annoyance or nuisance to the neighborhood are not permitted.
5. Improvements must be located so that their use will not infringe upon the enjoyment of neighboring amenities or place neighboring property at increased risk of damage.

The ACC shall also consider the provisions of the Declarations and of applicable statutes, ordinances and building codes. However, approval of an application shall not be construed as a warranty or representation by the ACC that the modification, addition or improvement, as proposed or as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty or representation by the ACC of the fitness, design or adequacy of the proposed construction.

C. Development Standards

1. Exterior Painting: No exterior surface of any residence, garage or other structures on any lot shall be painted a color different from the original ACC approved color without prior approval of the ACC. This applies to existing and new construction. At least two (2) Color samples or “paint chips” of the proposed exterior color(s) must be included with each application submitted to the ACC. Only colors consistent with the Association standards (earth tone shades defined as; white, tan, brown and gray) will be approved. The color of the brick used on a house and the color of neighboring houses may be considerations in the decision of the ACC.

The following additional guidelines shall also apply:

- a. **Harmonious Colors** – Exterior paints and stains for each residence shall be selected to compliment or harmonize with the colors of the other materials with which they are used. The color scheme for a home may contain one, two or three colors for the base, trim and accent colors. The base color would typically be used on the siding, soffit, pillars and garage door. The trim color would typically be used on window trim, door trim, fascia and gutters. Accent colors would typically be used on shutters and front doors. Siding and Trim – Soffit, fascia boards, window and door trim and rain gutters must also be harmonious colors; however, the shades of trim color may be deeper than the principal color of the residence or garage.
- b. **Gutters** – When rain gutters are painted, their color must match the color of the fascia board trim. When “maintenance free” gutters are installed or replaced, their color must match (as closely as possible) the fascia board trim or previously approved existing gutters.
- c. **Garage Doors** – All doors, including pre-painted metal doors, must be painted to match the house colors.
- d. **Front Doors:** Main residence doors must be maintained. They must be stained a natural wood color or painted to match the house colors.
- e. **Brick:** The brick on homes may not be painted.

2. Exterior Siding: When siding is replaced or added to any existing structure or new modifications on the lot, it must be of the same type, quality, size and color as the existing siding on the main residence (unless all exterior siding is being replaced at one time):

- a. If all exterior siding is being replaced at one time, the type of siding may be changed to any of the following acceptable materials: wood, wood product (e.g., Masonite), hardiboard, vinyl, vinyl coated aluminum or vinyl coated steel. The following guidelines apply to replacement or additional exterior siding:
- b. Thickness, visible width and spacing of siding must be consistent with that of the original exterior siding; each application submitted to the ACC shall specify the thickness, width and spacing of the existing and proposed siding.
- c. Color of all siding (including siding that is not painted) must comply with Guidelines for painting; each application must include at least two (2) color samples of the proposed siding color.
- d. Exterior siding must be installed and maintained to avoid sagging, warping or irregular coloration; the ACC may require the homeowner (at homeowner’s sole responsibility and expense) to repair or replace siding that fails to adhere to these guidelines.

3. Roofing Materials and Accessories: If the replacement shingles are the same grade, type, quality and color as the existing approved shingles, no approval is required from the ACC. If the replacement shingles vary from the originally approved shingles an application must be submitted to the ACC. A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to each application.

- a. Material: The proposed shingles shall be of an acceptable type, quality and color that are harmonious with the residence. Only architectural shingles and 3-tab shingles are approved shingle types.
- b. Accessories: No skylights, roof ventilators, or similar types of additions shall be permitted on the front of the ridgeline and/or gable of a structure. All roof ventilators shall be located to the rear of the ridgeline and/or gable of any structure and shall not extend above the highest point of the structure. The ACC shall have the right to approve exceptions to the foregoing in cases where energy conservation and heating/cooling efficiency require ventilators that, because of a particular roof design, cannot be hidden from public view. All roofing additions, and vents (if any) must be harmonious with the color of the roofing material.
- c. Solar Panels: The following solar panel guidelines apply to panels that are visible to a person on the ground, on the façade of a structure, or the slope of a roof that is visible from the roads or common areas:

Solar Panels are permitted on a roof if they are at the same slope of the roof that they are going to be installed. Solar panels are to be of a low reflectance as to not reflect sunlight that may be an annoyance to other properties within the community. Solar Panels must be harmonious with the color of the roofing material. Solar panel installations do require ARC approval and must have a building permit issued by Angier, NC Department of Public Works. The homeowner will submit with his or her application for review and the contractor's project plan to include the layout of the solar panels on the house.

4. Driveway Extensions: All driveway extensions and or repairs shall be performed by a qualified contractor.

- a. Driveway Extensions
 - 1) Driveways may be no closer than three (3) feet to the side property lines.
 - 2) Any concrete work must not be "added" in appearance and must follow the same design configuration (i.e. expansion joints, placement, shape of concrete sections, comparable concrete finish, etc.) as the original driveway. All driveways and walkways must be concrete.
- b. Driveway Accents; Driveway accents will be reviewed on an as submitted basis.

Under no circumstances will painted or stained driveways be permitted.

5. Outdoor Lighting: Outdoor lighting shall be installed in such a way to minimize the amount of spill light on adjacent properties, homes or streets. All lights must be installed on the rear of the home or garage. The only exception are low voltage landscaping lights, lampposts or decorative fixtures of an understated design which complements the architectural style of the residence. Exterior lights must not affect the overall aesthetic appeal.

a. Security Lighting

- 1) Incandescent, reflector, down directed or floodlights are preferred over high-intensity discharge lighting.
- 2) All security lighting shall be mounted behind the back plane of the house or garage. No pole mounted security lights or lights mounted upon fences, trees or structures other than the house or garage shall be permitted.
- 3) No security light fixture shall be allowed above the eaves of the house or garage or more than ten feet (10') from the ground.
- 4) Requests for installation of bright security lights in back yards which significantly spill over into neighboring yards must be accompanied by written approval from the affected neighbor.

b. Landscape Lighting

- 1) Exterior Landscape lighting shall be permitted at ground level so long as the lighting is located at ground level only and restricted within flowerbeds, shrubs and/or trees and all of the wiring is buried.
- 2) Low voltage landscape lighting must illuminate white or amber. Colored filters may be temporarily placed on the lights during holiday periods not to exceed four (4) weeks. The ACC may approve a different color if it complements the house colors.

c. Lamppost: Gas or electric post lights may be in front or back of house. Only one (1) lamppost may be approved for placement in the front yard, it must not be placed in the street right-of-way and must luminate white. Lamppost must not exceed eight (8) feet in height, including the globe(s) and any decorative components. Post must be constructed of metal in one of the following colors: black or earth tone. The ACC may approve a different color if it complements the house colors. The lamppost must harmonize with the architecture of the residence and neighborhood.

d. Holiday Lights: Holiday lighting of a temporary nature may be installed on the structure or around the property. All such lighting, including bulbs, fixtures, wiring, clips, stands, etc. must be removed within four (4) weeks of the end of the holiday.

6. Swimming Pools, Spas and Decks: All pools must be approved by the ACC. All decks, ground level (floating decks) or raised (free standing), must be made of natural treated wood or composite materials. Decks may be painted, stained, or left in natural wood. Paint, clear sealant and stain are permissible and will be reviewed on an individual basis. Paint color must complement the house and each request for paint or stain must be submitted to the ARC for approval prior to deck painting/staining. A plot plan must be included with the application showing the proposed location of the swimming pool, spa or Jacuzzi in relation to the property lines, building lines, existing structures or proposed fences. If any trees are to be removed or relocated, this must also be noted on the Home Improvement Request Form. The application should also include a timetable for completion.

7. Playhouses, Play Structures and Swing Sets: For the purpose hereof, a playhouse, play structure and or swing set shall mean any type of children's play houses, play set, climbing structure, slides, raised play sets, or swing set.

- a. Playhouses, play structures, and swing sets shall be located in the rear yard so they are screened from public and private view to the maximum extent possible by permanent structures (such as the house, garage or wood fences). All playhouses, play structures and swing sets must be a minimum of eight (8) feet from the side and rear property lines. No play equipment shall be approved for construction on easements or may impede the drainage on the lot or cause water to flow to an adjacent lot.
- b. Size: Playhouses, play structures and swing sets must not exceed two hundred twenty five (225) square feet in size. The maximum allowable height for playground equipment is ten (10) feet measured from the ground to its highest peak, including a tarpulin, shade area or safety railing. Standing platforms shall not exceed six (6) feet above natural ground. Swing sets may have a maximum height of eight (8) feet.
- c. Materials: Playhouses and play structures must be constructed of materials resistant to decay, such as pressure-treated yellow pine, redwood, cedar or treated wood painted to be in harmony with the existing residence. Swing sets may be constructed of metal. Tarp roofs, awnings, or covers must be in primary or earth tone colors.
- d. Maintenance: All playhouses, play structures and swing sets shall be maintained in such a fashion as to not detract from the neighborhood, such as, but not limited to: for playhouses and play structures, replacement of torn or discolored tarps, covers and or deteriorated parts: for swing sets, painting of any rusted/discolored parts and or replacement of deteriorated parts.

8. Front Yard Accessories: Front yard accessories shall be permitted under the following conditions:

- a. Location: Accessories must be an integral part of the landscaping and blend in with the existing shrubbery or trees. This includes the lot front of the fence line and any side yards on corner lots
- b. Size: Yard accessories such as statues and birdbaths are not to exceed thirty six (36) inches in height. The exception is decorative landscape planters used for the display of flowers or other approved landscape material.
- c. Materials: Decorative accessories and landscape planters should be constructed of precast concrete, marble, painted cast aluminum, terra cotta, or other durable material.
- d. Maintenance: All accessories shall be maintained in such a fashion as to not detract from the neighborhood. Landscape planters must be maintained with landscape materials at all times.
- e. House Numbers may be placed on the house but not on any type of freestanding structure in the front yard. Numbers should be between three (3) and six (6) inches high and made of metal, tile, wood or molded plastic. House numbers must be kept in good repair.
- f. Birdhouses: Birdhouses are limited to one (1) in the front yard. Additional birdhouses may be placed in the back yard. Birdhouses are prohibited in side yards.

- g. **Flags:** Poles must remain within ten feet (10') of the main residence. Up to two seasonal, holiday, decorative, North Carolina or United States flags may be flown on a pole attached to the house. The maximum length of pole is six feet (6') and the maximum flag size is fifteen (15) square feet. Free standing flag poles are not permitted. Holiday flags must be removed within four (4) weeks of the end of the holiday. Any torn, tattered or noticeably faded flags must be promptly removed or replaced. Poles without a flag must be removed although the wall bracket may remain without a pole or flag.
- h. **Signs:** No signs, billboards, posters or advertising devices of any character shall be erected or displayed to the public view on any lot except for one (1) sign of no more than six (6) square feet advertising the property for sale or for lease. Contractor signs advertising work being done at a property are not permitted. Lost pet signs and/or garage sale signs are not permitted on the common areas. One (1) sign which gives notice of a home security system is permitted if placed at or near the front entrance and are no larger than 144 square inches. In addition (1) window/door sticker may be placed on each side of the house which gives notice of a home security system.

9. Front Porch Accessories: Front porch accessories shall compliment the home and will be permitted under the following conditions:

- a. **Materials:** Each accessory must compliment the other. Decorative accessories and planters must be constructed of precast concrete, marble, painted cast aluminum, terra cotta, or other durable material. Porch furniture shall be permitted only to that style of furniture that is specifically manufactured for outdoor use.
- b. **Maintenance:** All accessories shall be maintained in such a fashion as to not detract from the home and or neighborhood. Landscape planters must be maintained with landscape materials at all times.
- c. **Prohibited Accessories:** Canopy swings designed for lawns, interior furnishings, plastic or metal lawn chairs, hammocks, trash containers and other items not meeting the established guidelines shall not be placed on the front porch.

10. Landscaping: Landscaping is defined as plants, trees, shrubs, flowers, mulch, topiaries, landscape borders and irrigation systems. An irrigation system is defined as a permanent underground watering system approved by the Town of Angier and with an approved backflow preventer. Above ground protuberances must be concealed by a cover that complements the home, such as fake rocks commonly in use as such covers. Landscaping is generally not subject to ACC review except in circumstances wherein such landscaping is intended to accomplish a structural objective (such as a hedge, border or visual barrier), is visually objectionable or not in harmony with the surrounding neighborhood, or is specifically referenced in the Covenants.

- a. **Maintenance:** Landscaping on properties must be maintained to ensure vegetative coverage of the property. Landscaping in the front beds must fully screen the foundation of the house. All trees and bushes must be trimmed so as to provide proper clearance over sidewalks, driveways, and streets. Bushes and trees must be trimmed to allow visibility at all traffic signs. No object shall be planted or permitted to remain (within 25 feet of the intersection in either direction on any corner lot) that obstructs sign lines at the intersection of public streets.

- b. Trees: Trees may not be removed without prior ACC approval, except to remove dead or diseased trees. When tree removal is required for the construction of an improvement, it must be disclosed in the application for that particular improvement.
- c. Trellises, window boxes, arbors and permanent brick borders in public view must have ACC approval.
- d. Landscape timbers, bricks without mortar and other landscape borders do not need ACC approval unless they exceed a height of two feet (2').
- e. All grasses planted on the pond-front lots shall be of the centipede variety or similar to centipede for greatest protection of the discharge of effluents into the pond.

11. Fencing: No portion of any fence shall exceed five feet (5') in height. No fence or wall on any Lot shall extend nearer to any street than the rear of the residence thereon. Except as otherwise specifically approved by the Committee, all streetside side yard fencing on corner Lots shall be set no closer to the abutting side street than the property line of such Lot. Any fence or portion thereof that faces a public street shall be constructed so that all structural members and, unless Committee determines otherwise, support posts will be on the side of the fence away from the street and are not visible from any public right-of-way. Shrubs shall be planted between the fence and the street. Location should allow adequate setback from the property line for fence and yard maintenance. Neighbors should consider and discuss impact on adjacent lots when placing the fence on the property line and plan ahead to avoid 'tunnels' between fences on bordering lots with small setbacks.

- a. Material: Fences must be natural treated wood, wrought iron or black aluminum. Black aluminum not to exceed four feet (4') in height on waterfront only.
- b. Fence Sealant, Paints or Stains: In order to prevent inconsistent color matches with the wooden fences throughout the community, the application of any paints is prohibited. Clear sealant and stain is permissible on wood fencing and will be reviewed on an individual basis. Wrought iron fences shall be painted black and will be reviewed on an individual basis.
- c. Prohibited Fencing: chain link, PVC, vinyl and wire fencing shall not be permitted except that vinyl panels may be installed in the Villas upon request and approval.
- d. 4x4 or 6x6 wooden posts should be set in concrete, posts spaced 8' on center.
- e. Maintenance: Pickets, rails or bars that are broken, warped, bent, sagging, mildewed, infested with termites or which otherwise deteriorated shall be repaired or replaced immediately. All fencing, which is stained, shall be properly maintained to prevent cracking, chipping, fading or mildewing.
- f. See Below for examples of permitted wooden fence style





12. Outbuildings: Outbuildings (*i.e.*, tool or storage shed) are to have an exterior that architecturally compliments the exterior of the main dwelling. The roof of an outbuilding shall conform to the provisions relating to roofing materials set forth in the Declarations and these Guidelines. The placement of said structure shall conform to ACC Guidelines and the Declarations. No used outbuildings may be moved onto the property and no metal or plastic buildings are permitted. All outbuildings must be maintained and function as storage units and no outbuilding may be converted to living space or shall be occupied by an Owner, tenant or other person.

- a. Outbuildings shall be located in the rear yard so they are screened from public and private view to the maximum extent possible by permanent structures (such as the house, garage or wood fences). All outbuildings must be a minimum of five (5) feet from the side and rear property lines. When the rear or side lot lines of a lot is adjacent to a street no outbuildings shall be permitted on that side of the lot. No outbuildings shall be approved for construction on easements, or may impede the drainage on the lot or cause water to flow to an adjacent lot.
- b. Size: Outbuildings shall not exceed ten feet (10) in height measured from ground to roof peak and must not exceed one hundred and twenty (120) square feet in size.
- c. Material: The standard, type, quality and color of the materials used in the construction of an outbuilding must be harmonious with the standard, type, quality and color of the materials used in construction of the main residence. The roof of an outbuilding shall conform to the provisions relating to roofing materials set forth in the Declaration and these guidelines and shall be compatible with the color and type of materials used in the construction of the main structure, provided, however, that corrugated roofs for outbuildings shall not be permitted under any circumstances. Flooring must be a 4" concrete slab or treated wood and foundation screening should be installed.

13. Garage Conversions: Garage conversions are strictly prohibited and shall not be allowed.

14. Patio Covers and enclosures, Sunrooms: The ACC may reject any application to construct a screen enclosure or sunroom on a lot on the basis of its overall design and harmony with existing structures regardless of whether or not the proposed patio cover complies with the technical specifications set forth below.

- a. Applications must be accompanied by a detailed scale drawing or blueprint showing the three dimensional relationship of the patio cover to the existing structure. Applications must also include an original plot plan (or copy thereof) showing the location of the patio cover in relation to all lot boundary lines, the residence, the easements and the building setback lines. Applications must also include a detailed material list and include the name,

address and business telephone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items.

- b. Location: must not encroach on any utility or drainage easement, nor shall it violate the building setback lines applicable to the residential dwelling on any lot. Must not interfere with drainage or cause water to flow onto any adjacent lot.
- c. Material: The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in construction of the main residence. Corrugated roofs shall not be permitted under any circumstances.

15. Storm Doors: Storm Doors shall be permitted provided the style selected compliments the exterior of the home. All storm doors visible from public view must be a full view with clear glass.

16. Solar Screens, Window Tint, and Temporary Window Coverings: Windows play an important role in the visual quality of a residential neighborhood.

- a. Material: The color of all solar screens or window tint shall be harmonious with that of the house. The frames of the screens shall be identical in color to the window frames. Window tint shall be non-reflective. If any window is covered, all of the windows on the same side of the residence shall be covered. The width of the screen frames shall match individual window size (i.e., double-width screens are not allowed). Frames shall have appropriate cross-member support to prevent sagging. A sample must be submitted with application.
- b. Maintenance: Solar screens shall be replaced when determined by the ACC that they no longer are presentable. Window tint shall not be peeling, cracking or discolored. Any such replacement must match the remaining screens or film.
- c. Term: Temporary paper and linen window coverings shall not remain in windows longer than sixty (60) days.
- d. Window decals are not permitted on street-facing windows

17. Portable Basketball Goals: Permanent basketball goals attached to the main residence or garage must be approved by the ACC. No application is required for portable basketball goals, however compliance with these guidelines must be adhered to.

- a. Location: Portable goals must never be located on the street or at the curb.
- b. Maintenance: All goal supports, backboards, rims and nets must be well maintained at all times.

18. Skateboard Ramps: Skateboard ramps are not permitted on public or private streets. When ramps are not in use they must be stored from public view.

19. Trampolines and miscellaneous items: Trampolines must be approved by the ACC. Items such as bicycles, tools, ladders, and toys must be removed from front yards, driveways, sidewalks, and stoops when the items are not in use.

20. Satellite Dishes: To the extent permitted by law, satellite dishes should be located in an inconspicuous location.

21. Clotheslines: Clothes lines are not permitted on any lot in a location where they can be viewed from the street or from an adjacent parcel.

22. Parking: Boats, trailers, campers are not permitted on any lot except in areas where they cannot be viewed from the streets. Residents should not park on the street for extended periods of time. Vehicles parked in the front of the residence must be parked on approved parking surfaces only and not in the yard.

23. Storage Tanks: No exposed above ground tanks are permitted for the storage of fuel, water or any other substance. Tanks must be screened from view from the street or other lots.

See below for example of appropriate screening.



24. Trash and Recycling containers: Trash and recycling containers must be stored away promptly after pickup per Town of Angier Ordinance 15-35 Refuse Containers: It shall be the duty of the occupant of any home to:

1. Remove the empty container from the place of deposit at curbside or otherwise to the storage location not later than 7:00 p.m. on the day of collection.
2. Empty garbage containers must be placed in a storage location behind or at the side rear of the dwelling.

25. Animals & Pets: No animals, livestock or poultry of any kind shall be raised, bred, or kept on any Lot, except that a reasonable number of cats, dogs, and other household pets may be kept provided they are kept within the residence and are not kept, bred, or maintained for any commercial purposes or become a nuisance to the neighborhood. Animals and pets are governed by applicable County and Town ordinances. It is the responsibility of each individual homeowner to understand and abide by the ordinances of the jurisdiction they fall under, depending upon their individual street address.

No person owning or having custody of an animal shall allow the animal to stray or go upon another Owner's Lot without the consent of such other Owner. No animals shall be permitted on or in the Common Area at any time except as permitted by the rules and regulations of the Association or by applicable law. All animals shall be on a leash when off the Owner's property and the Owner shall be responsible for cleaning up all droppings from their animals.

D. Variances: Variances to the design standards and development criteria may be granted at the sole discretion of the full Board of Directors when it can be demonstrated that strict compliance

would create an undue hardship by depriving the owner of the reasonable utilization of the site, or where unusual circumstances or characteristics which affect the site make strict compliance not feasible. No variance shall be granted unless the general purposes and intent of the Declarations and design standards are maintained. Any variance granted shall only be applicable to the specific site and conditions for which the variance was granted and shall not modify or change any design standards as they apply to other sites or conditions.

Failure by the ACC or Board to respond within thirty (30) days to a request for a variance shall operate as a denial of the variance. All variances must be confirmed in writing and signed by the Board of Directors prior to construction of the improvement. No oral variances shall be granted.

ADOPTED by the Board of Directors and to become effective upon the 1st day of January 2020.

Appendix A

Property Managers

Property Managers for Johnson's Landing Homeowner's Association:

HRW, Inc Associa
4700 Homewood Court Suite 380
Raleigh, NC 27609
Phone: (919) 787-9000
Email: customercare@hrw.net

Application Processing Fees

There is no application processing fee for each Home Improvement Request submitted in advance for approval on property modifications and or improvements. The Board may impose fines, per NC Statutes and the HOA fine schedule, and upon written notice of any violations, upon property owners who violate these guidelines or Association Covenants.

If a property owner continues construction without approval legal action against the Property Owner **will be** initiated, including but not limited to, filing a lawsuit for an injunction, for which the property owner will be liable for attorneys' fees and other costs incurred.

Appendix B

JOHNSON'S LANDING HOMEOWNERS ASSOCIATION

c/o HRW, Inc.

4700 Homewood Court, Suite 380

Raleigh, NC 27609

PH: 919-787-9000/Fax: 919-783-9534

architectureadmin@hrw.net (*preferred method*)

REQUEST FOR ARCHITECTURAL REVIEW COMMITTEE (ARC) APPROVAL

Submit all requests for changes or additions to HRW, Inc. to the address listed above. Attach scale drawings and/or sketches indicating location on property of improvement(s) and specifications as to materials to be used and finish color.

PROPERTY OWNERS NAME: _____

ADDRESS: LOT# _____

TELEPHONE: (Main) (Alternate) _____

E MAIL ADDRESS: _____

PERMIT REQUIRED ☐ YES ☐ NO

ESTIMATED COMPLETION DATE: _____

Before submitting a request, please read the ARC Guidelines. Items requiring ARC approval are not limited to the list below, but these are the most common and all require ARC approval. **Many may require Town of Angier (Town) approval and permits.** Once permits have been obtained, a copy must be forwarded to architectureadmin@hrw.net before any work can be performed.

Fencing (if you plan to attach to a fence on another lot you must submit their approval in writing)

Screened porches

Satellite/Cable Dish

Expanded Driveway/Parking pad

Porch/Deck addition

Propane tanks

Change/addition to landscaping (includes tree removal)

Painting (Color sample to be attached)

1. Provide a narrative description of the proposed home and/or landscape improvement change or addition. Cite materials and color(s) to be used. State the similarities to existing structures as appropriate and the reason for the change/addition (use a separate sheet of paper if necessary).

2. Please attach drawings to this request showing all proposed improvements including relationships to existing structures, landscaping and lot lines. Two drawings or more are needed to clearly show proposed improvements including but not limited to:
- A. Plot Plan - "top down view" - the improvement should be drawn on a copy of your lot survey to show where the change will be placed.
 - B. Elevation(s) - "side, front, and rear view(s)"- one or more as necessary.
 - C. Attach paint or vinyl siding samples, if applicable. (This includes black and white).
3. The work will be performed by: _____

I understand that if approval of this improvement is granted, I will be responsible to indemnify the association and hold it harmless from any damages or costs of a lawsuit that are filed due to the installation, removal, construction, or presence of the described improvement. I understand that I am responsible for maintaining the improvement.

By signing below, I/we declare the information submitted is an accurate and a factual representation of the proposed project. If approved, I/we will not modify the approved plan without seeking additional review of the modified plans by the ARC Review Committee before proceeding with the project. I/we understand that the approval is for the plan on the lot without consideration of easements and Town Code of Ordinances and it is my responsibility to make inquiry to the Town and obtain all necessary permits and ensure there are no restrictions.

Signed _____ Print Name _____ Date _____

Your neighbors have the right to comment about your requested improvements and be made aware there may be changes made in their vicinity. Please obtain signatures from all property owners with adjoining lot lines with your property, and all property owners who would reasonably view the improvement from their property, i.e., across the street. If the signatures are missing the request can be denied as incomplete and you would need to resubmit with the required information in order to get the request reviewed for approval.

I acknowledge that the requesting property owner has shown (me/us) the architectural request form for the proposed improvement(s) described on this form. I understand that (I/we) may make verbal or written comments directly to the Architectural Review Committee and the decision to approve/disapprove is at the ultimate discretion of the committee.

DATE	PRINTED NAME	SIGNATURE	ADDRESS
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

FOR THE HRW OFFICE ONLY
ID#: _____ **Date Received:** _____ **Received By:** _____

ALL PROJECTS MUST BE COMPLETED WITHIN 12 MONTHS OF THE ARC APPROVAL DATE.

ARCHITECTURAL COMMITTEE: Approved _____ Conditional Approval _____ Disapproval_____

COMMENTS:

Signed: _____ Date: _____
Signed by a member of the ARC

Appendix C

COVENANT ENFORCEMENT POLICY FOR JOHNSONS LANDING ASSOCIATION

The Homeowner Association is charged under the Association's governing documents to protect neighborhood property values and owners by ensuring that rules, regulations and architectural guidelines are applied uniformly, consistently and fairly. The policy below shall apply to the Johnsons Landing Association property owners who become noncompliant with the Declaration of Covenants and Restrictions.

Enforcement of the Declaration of Covenants and Restrictions shall be by proceedings at law against any person(s) violating or attempting to violate any covenant herein and enforcement shall be to either restrain violation and/or to recover damages resulting from such violation. IF THE VIOLATION IS A REPEAT VIOLATION WITH THE SAME HOMEOWNER, THE PROCESS WILL BEGIN WITH THE FINAL STEP (#2).

Step 1: The first offense of a violation shall result in a warning letter giving a date compliance must be obtained. Homeowners will be given adequate time as deemed by the Community Manager to correct the violation.

Step 2: Upon second inspection, if violation has not been corrected and a reasonable effort has not been made to remedy the violation, a Notice of Hearing will be sent and seven (7) days will be given to comply.

Step 3: If property is not brought into compliance after this additional seven (7) days, the Hearing will be conducted and a fine as per the fining schedule or the determination of the Board will be imposed until violation has been remedied.

Step 4: Charges incurred by the Association, as a result of violations by the homeowner, shall be charged to the homeowner for reimbursement to the Association. These charges are in addition to the fines imposed as stated above. If the fines remain unpaid after thirty (30) days, the Management Company, on behalf of the Board of Directors shall file a lien to secure payment of the fine as per the terms of the Johnson's Landing Association's Collections Policy. The Board, in its sole discretion, may elect to foreclose the lien.

Declaration of Covenants and Restrictions for Johnson Landing Association Article XII, Section 1

Enforcement: Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons or other entities violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages, and against the Lots, to enforce any liens created by this Declarant.

Please note that the Board of Directors may waive this policy with just cause.

Appendix D

ASSESSMENT COLLECTION POLICY FOR DELINQUENT DUES AND ASSOCIATED LATE FEES FOR THE JOHNSON'S LANDING HOMEOWNER ASSOCIATION (Adopted 10-29-2007)

DELINQUENCY POLICY

The policy below shall apply to all Johnson's Landing Association property owners who become delinquent in paying their assessments or late fees. Assessments are due on the first (1) of each month.

This Delinquency Policy allows the Community Manager to execute the collection proceedings against any homeowner that falls delinquent under this policy.

Upon a property owner becoming **30 days** delinquent in dues or late fees, the Community Manager shall send a letter reminding them that their payment has not been received, and a late fee of \$20.00 has been assessed and will continue to accrue at a rate of \$20.00 each month until the assessment is paid.

Upon a property owner becoming **60 days** delinquent in dues or late fees, the Community Manager shall send a second late notice.

Upon a property owner becoming **61 days** late (31 days delinquent) in payment in assessments, the Board shall direct the telecom provider to cut off all telecom services provided to that owner under the HOA bulk service agreement. Such services will be restored upon complete debt satisfaction of the delinquency.

Upon a property owner becoming **90 days** delinquent in dues or late fees, the Community Manager shall send a 15-day demand notice to the property owner: 1- informing the property owner of the amount of the delinquent dues and the time period the dues are delinquent: 2- late fees are assessed, the current amount of late fees, and the rate late fees will continue to be assessed: 3- the referenced account is being referred to the Association Attorney for collection.

Upon property owner becoming **105 days** delinquent in dues or late fees, the Community Manager shall turn the account over to Attorney acting on behalf of the Homeowners Association. A letter will be sent to the homeowner advising him or her of the outstanding balance and notifying him or her that a lien will be filed unless the account is paid in full or the homeowner contacts the Attorney within ten days to establish a payment plan. If the homeowner does neither, a lien will be filed.

Upon receiving direction from the Johnson's Landing Board of Directors (also identified as the Board), the Community Manager shall initiate foreclosure proceedings on behalf of the Johnson's Landing Association in accordance with Article IV, Section 10 of the Master Declaration of Covenants Conditions and Restrictions for Johnson's Landing Subdivision.

Approximately ten days later, if there still has been no payment or contact with the attorney, a NOTICE OF INTENT TO FORECLOSE will be sent at the direction of the Board. If the homeowner fails to contact the attorney, foreclosure proceedings may be initiated at the direction of the Board.

Upon request from a Homeowner, the Johnson's Landing Board of Directors may waive late fees based on reasonable cause and only after all delinquent dues are paid in full.

Appendix E

CHANGES TO GUIDELINES SINCE LAST REVISION dated July 1, 2018

(~~Removed in Red~~, Added in Yellow)

1st Change:

3. Roofing Materials and Accessories: If the replacement shingles are the same grade, type, quality and color as the existing approved shingles, no approval is required from the ACC. If the replacement shingles vary from the originally approved shingles an application must be submitted to the ACC. A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to each application.

- a. Material: The proposed shingles shall be of an acceptable type, quality and color that are harmonious with the residence. Only architectural shingles and 3-tab shingles are approved shingle types.
- b. Accessories: No skylights, ~~solar panels~~, roof ventilators or similar types of additions shall be permitted on the front of the ridgeline and/or gable of a structure. All roof ventilators shall be located to the rear of the ridgeline and/or gable of any structure and shall not extend above the highest point of the structure. The ACC shall have the right to approve exceptions to the foregoing in cases where energy conservation and heating/cooling efficiency require ventilators that, because of a particular roof design, cannot be hidden from public view. All roofing additions, and vents (if any) must be harmonious with the color of the roofing material.

- c. Solar Panels: The following solar panel guidelines apply to panels that are visible to a person on the ground, on the façade of a structure, or the slope of a roof that is visible from the roads or common areas:

Solar Panels are permitted on a roof if they are at the same slope of the roof that they are going to be installed. Solar panels are to be of a low reflectance as to not reflect sunlight that may be an annoyance to other properties within the community. Solar Panels must be harmonious with the color of the roofing material. Solar panel installations do require ARC approval and must have a building permit issued by Angier, NC Department of Public Works. The homeowner will submit with his or her application for review and the contractor's project plan to include the layout of the solar panels on the house.

2nd Change:

Added Appendix E