

IMPORTANT HOMEOWNER DOCUMENT

Highland Forest

Property Standards & Architectural Guidelines

April 2021

Supersedes all previous publications

**THIS DOCUMENT REGULATES THE DISPLAY OF POLITICAL SIGNS AND THE DISPLAY OF
THE AMERICAN FLAG.**

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I. Introduction

A. What is this document?

In a residential community that has restrictive covenants binding on all owners, the question often arises about how to maintain harmonious development and to sustain quality as the community matures. Highland Forest is a residential community with restrictive covenants and this document is intended to provide a meeting ground between the private interests of the home owner and the broader interest of the entire community.

B. What is the purpose of the *Standards & Guidelines*?

The purpose of the *Standards & Guidelines* is to:

1. promote a peaceful and safe environment for the residents
2. protect and enhance property values, and
3. provide for the architectural integrity of the neighborhoods

C. What is the difference between a *Standard* and a *Guideline*?

The *Standards* are the rules, regulations, and specifications for owners and families living within the Highland Forest community. Derived from the community's foundational document, the *Covenants*, and supplemented by occasional *Bulletins* issued by the Association, the *Standards* are an effort to protect the quality of life and the value of property by establishing some minimum expectations. The *Standards* govern such matters as the physical appearance of properties, the maintenance of the home and yard, parking of vehicles and control of nuisances. Administration of the *Standards* is the responsibility of the Association and is assigned to the Management Company.

The *Guidelines*, also derived from the *Covenants*, describe the process for approval that governs any proposed new construction or any modifications to the exterior of an owner's home or property. The Association has assigned the administration of the *Guidelines* to the Board of Directors and Management Company.

II. Property *Standards*

A. What are the *Standards*?

The minimum “protective covenants” for Highland Forest are referred to as *Standards*. They are the rules, regulations, and specifications for owners and families living within the Association.

B. Who administers the *Standards*?

The Association has assigned responsibility for administering the *Standards* to the Management Company. Any and all violations should be reported to the Management Company.

In the event that the Management Company determines that legal action might be required to enforce compliance with the *Standards*, the Board is the entity responsible for making that decision.

III. General *Standards* (in alphabetical order)

Air Conditioners

No window air conditioning units may be installed except as may be permitted by the ACC, but in no event shall a window air conditioning unit be installed in any dwelling so as to be visible from the front of any Lot or adjoining street.

Alterations to structure or landscaping

No exterior construction, addition, erection, alteration or landscaping shall be made unless and until plans and specifications showing at least the nature, kind, shape height, materials, color, texture and location have been submitting in writing to and approved by the ACC.

Animals (See also pet house, pet yards and pens)

- An owner may have household pets, provided they are not being kept for commercial purposes.
- No animals, other than dogs and cats with a combined total not to exceed three (3) pets, may be kept or maintained at any residence.
- No animal that has caused damage or injury may be walked in the community.
- Owners are responsible for ensuring that household pets are maintained in compliance with all laws and ordinances of the State of North Carolina, Wake County, the Town of Fuquay Varina, and these *Standards & Guidelines*.

- Damage or destruction of property by household pets will be considered a nuisance violation.
- All homeowners are required to pick up after their pets and to keep their yards free of offensive pet odors.
- Excessive dog noise will be treated as a noise ordinance violation and a nuisance.
- Animals which endanger the health, make objectionable noise, or constitute a nuisance or inconvenience to the Owners of any Lot or the owner of a property located adjacent to the Community may be removed by the Board.
- Animals must be leashed whenever they are outside of a fenced yard.

Antennas (See also **Satellite dishes**). No exterior antennae are allowed without prior approval.

Attachments to roofs or buildings. No permanent attachments, other than satellite dishes, may be made to the roof or exterior walls of any residence, unless a request for such attachments has been approved in advance by the ACC.

Automobiles (See **Parking; Vehicles, Inoperable; Vehicles, Repair**)

Barbeque equipment and outdoor cooking equipment. Barbecue equipment must be kept in good repair and stored within the garage or in the rear of the home when not in use.

Basketball goals

- Basketball goals are permitted but are limited to no more than one per house.
- Basketball goals may not be mounted directly on the residence.
- The basketball goal must be located at the rear of the driveway, mounted on a single pole and be cemented into the ground.
- Portable basketball goals are not permitted.

Bicycles (See also **Parking**)

- Bicycles must be stored within the garage or behind the rear of home when not in use.
- Bicycles may not be stored in the common area.

Blanket Approvals. Attachment B provides for some basic exterior modifications which do not require prior approval of the ACC.

Boats, waterborne vehicles. Storage of boats or waterborne vehicles is prohibited on any portion of the owner's property unless fully enclosed in a closed garage.

Building materials

- Building materials used in new construction or in residential renovation must conform

and harmonize with the existing structure and with neighboring structures.

- The use of all building materials requires prior approval of ACC.
- No trade materials or inventories (other than materials used for active construction of approved structures on the property) may be stored where they are visible.

Burning. No outside burning of wood, leaves, trash, garbage or household refuse is permitted in the town limits. Free standing or built-in fireplaces, fire pits, and chimineas, which are designed for residential use and are fire-rated may be used within the community.

Clotheslines. Outdoor clotheslines are prohibited.

Common Area

- Owners have the right to enjoy and use the Common Area in and to convey that right to family members, tenants, and household guests.
- Owners are prohibited from making any alterations to the Common Area, including planting, constructing, or removing materials within that area.
- Owners may not store objects in the Common Area.
- Owners are liable to the Association for damage to the Common Area, roadway medians, and/or landscaped rights-of-way that are caused by negligence or willful misconduct of the owner, the owner's family members, tenants or guests.

Compliance with laws, health regulations, police requirements, rules of the Association

- Owners are required to comply with all governmental laws, regulations, ordinances, and other restrictions that pertain to residential property and use of the Common Area.
- Owners are required to comply with all governmental health and police requirements.
- Owners and residential occupants are obligated to abide by the *Standards & Guidelines* adopted by the Association.
- No owner shall permit anything to be done or have any items kept at the residence or in the Common Area which will result in the cancellation of or increase in cost of any insurance carried by the Association, or which would be in violation of any law or any rule or regulation established by the Association.
- Non-compliance with the Association's *Standards & Guidelines* may subject an owner to immediate action by the Association through its Management Company. That action may include the application of all appropriate legal and equitable remedies, including fines and penalties.

Compost. Composting is permitted, providing such activity is kept in the rear of a property, is neatly maintained and is screened from view from any adjoining home or street.

Decks, patios, gazebos, and screened porches

- All decks, patios, gazebos and screened porches must conform and harmonize with existing structures and blend in with the natural terrain.
- Any new deck, patio, gazebo, or screened porch construction requires prior ACC approval.
- Decks, patios, gazebos, and screened porches may not extend past the side of the house and, unless a variance is approved, must be located in the rear of the property.
- The construction of a deck, patio, gazebo, or screened porch may not pose a drainage problem for the owner or the owner's neighbors.
- Building materials must match that of the home.

Dogs (See **Animals**; **Pet houses**)

Drainage

- Catch basins and drainage areas are for the purpose of natural flow of water only. No obstructions or debris shall be placed in these areas.
- No owner or occupant may obstruct or rechannel the drainage flows after installation of drainage swales, storm sewers, or storm drains.

Driveways, parking pads

- Proposed changes in residential driveways, including the addition of a driveway extension, must be submitted for approval.
- Driveways or parking pads must be paved with approved materials.
- Gravel driveways and gravel driveway extensions are not permitted.
- Driveways and driveway extensions must be maintained in good repair.
- All vehicles must be parked in the driveway, driveway extension, or in the garage. No vehicle may be parked on any other portion of the property.

Easements

- Where a residential property includes an easement. This easement is reserved for the installation, maintenance, replacement, use, operation and removal of utilities, drainage facilities, and other impoundments by the Association, government entities, and public utilities.
- Owners may not place a permanent obstruction in the easement

- Owners have the responsibility to keep the easement clean, well-maintained, safe and in an attractive condition.

Exterior maintenance (See also **Lawns: Landscaping: Litter and unsightly materials)**

- Owners are responsible for keeping the natural areas, grass, foliage, mulch and ground cover on their property in good condition.
- Owners with off-site septic repair fields are responsible for all mowing and related maintenance of those areas.
- Owners are expect to keep their home, driveway, and other exterior structures in good condition, repairing damage, removing mold and repainting as necessary.
- Proposed changes in exterior building materials must be approved in advance. Applications for paint color changes must include photos of the two houses on the right and left side of the Applicant, as well as the house directly across the street, to ensure that the proposed color change is not substantially similar to these houses.

Exterior painting

- All exterior painting of the residence must use the existing color, unless a change in color has been approved in advance.
- All exterior paint and stain must be maintained in uniform and good repair, with no peeling, chipping, cracking, or discoloration on the trim or siding.

Fences

- The specifications for approved fences are found herein as **Attachment B**.
- Plans for the construction of a new fence must be approved by the ACC in advance.

Firearms. The discharge of firearms on property is prohibited except where permitted by law for self-defense. The use of firearms, including but not limited to B-B guns, pellet guns, bows and arrows, sling shots and small firearms of all types are prohibited in the Community.

Fireworks. Limited Fireworks are permitted by the Town & State. This means anything that does not produce a projectile or something that lifts off the ground. Bottle rockets, roman candles, etc. are not allowed. If fireworks are prohibited by the Town they will also be prohibited in Highland Forest.

Garage Doors. Garage doors shall be kept closed at all times, except during times of ingress and egress from the garage.

Garbage cans, trash receptacles, and recycling bins

- Garbage cans, trash receptacles and recycling bins must be stored either in the garage or located or screened so as to be concealed from view of neighboring streets and property.
- Garbage cans, trash receptacles, and recycling bins must be kept in clean and neat condition with no offensive odors.

- Garbage cans, trash receptacles, yard waste and recycling bins may be placed at the curb the evening before the scheduled pick up day and must be returned to the storage location the evening of the pick up.

Garden equipment. Garden equipment must be stored in an enclosed garage or shed when not in use.

Gardens

- The home owner is responsible for maintaining established gardens and removing dead plant materials.
- Vegetable gardens are permitted in the rear yard of a home with prior approval of the ACC.

Gazebos (See Decks, patios, gazebos, and screened porches)

Grading of property (see Drainage). Proposed changes to the topography of an owner's property must be approved. No activity which may create erosion or siltation problems shall be undertaken on any Lot without prior written approval of the ACC of plans and specifications for the prevention and control of such erosion or siltation. The ACC may, as a condition of approval of such plans and specifications, require the use of certain means of preventing and controlling of such erosion or siltation.

Grading of property (See Drainage). Owners considering re-grading of property are responsible for contacting and complying with all appropriate local, state and federal agencies for any changes in buffer areas, wetlands, or floodplains.

Hazardous materials carriers

- No vehicle of any type or size which transports inflammatory or explosive cargo or which stores or transports materials or hazardous or toxic substances may be kept or allowed to remain in or on a property at any time, unless its presence is required to effectuate removal of such prohibited materials and substances.

Home-based business

- Leasing of a lot shall not be considered a business activity.
- A Lot may be used for business purposes so long as such business, in the sole discretion of the Board, does not otherwise violate the provisions of the Declaration or Bylaws, does not create a disturbance and does not unduly increase traffic flow or parking congestion. The Board may issue rules regarding permitted business activities.
- To the extent home occupations are permitted as accessory uses in accordance with the applicable provisions of the Town Zoning Ordinance, such uses shall be allowed provided no signage, advertisement, display or products shall be visible from the street and no objectionable effects shall be produced or created.
- For the purposes of this section, "objectionable effects" shall be determined in the sole discretion of the Association, however, may include, without limitation, excessive noise, odor, traffic and any other noxious effect inconsistent with a residential neighborhood

Hose caddies. Hose caddies may be affixed to the home or enclosed in appropriate container.

Illegal activities. Illegal activities conducted anywhere on the owner's property or in the Common Area by the owner, the family of the owner, or the owner's guests are prohibited.

Improvements. All proposed improvements, including additions to, or changes in, the existing structure on a property, as well as to the construction of new structures or changes in the grounds at an owner's residence, must be approved in advance by the ACC, with the exception of actions identified in **Attachment A**.

Land use

- Each owner's property may be used exclusively for single-family residential purposes.
- No building or other structure may be constructed, placed, or allowed to remain on the property with the exception of one single-family dwelling, an attached or detached garage, an approved outbuilding or storage building and approved play equipment.

Landscaping (See also **Lawn Maintenance; Trees**)

- Changes in the undisturbed natural state of the property, or the area dedicated to grass or other live foliage, or to the areas covered with mulch or other ground cover require approval of the ACC.
- Plants, shrubs and flowers may be planted within ten (10) feet of the front of any structure. Flowers and shrubs may also be planted around trees or the mailbox.
- Natural areas, grass, foliage, mulch and ground cover must be neatly maintained at all times. Pinestraw and/or mulch must be replaced at regular intervals to maintain the aesthetics of the yard.
- Owners are responsible for the maintenance of the trees and shrubs at their residence, as well as the street tree in the easement in front of their residence.
- Turf must be kept mowed, edged and relatively free of weeds in all seasons.

Lawn furniture, Lawn ornaments, Statuaries, Artificial vegetation and similar items.

- Lawn furniture must be kept in good repair and stored within the rear area of the house when not in use and may not be placed or stored in the Common Area.
- No artificial vegetation or plastic animal decorations, such as pink flamingos, etc., shall be permitted on the exterior of any property.

Lawn maintenance

- The lawn area on an owner's property should be fully covered with grass, with brown or bare patches repaired during the spring or fall seeding season.
- Watering of lawns should be done on a regular basis to keep the grass alive, as permitted by any restrictions set forth by the municipality.

- Lawns must be mowed regularly and maintained in a healthy and neat condition. Edging, pruning and weeding shall be done routinely.
- Driveway and sidewalk cracks must be kept clear of grass and weeds.

Leasing

- All leases shall have a minimum term of twelve months. All leases shall require that the tenant acknowledge receipt of a copy of the Declaration, the Bylaws, use restrictions and rules and regulations of the Association. The lease shall also obligate the tenant to comply with the foregoing, and the lease shall provide that the violation of any provision of this Declaration, the Bylaws, use restrictions and rules and regulations of the Association shall be a breach of said lease, subjecting the tenant to termination of the lease and eviction.
- Fines may be levied against Owners when there is an unresolved or recurring violation of the Occupants.

Lighting, outdoor

- The installation of permanent outdoor and/or exterior lighting is permitted with prior approval of the ACC, including but not limited to:
- All lighting originally installed on a lot;
- One decorative post light;
- Seasonal decorative lights are permitted for 30 days prior to a holiday and must be removed within 14 days after a holiday.
- Exterior lighting, including landscape lighting, must be kept in working order.

Litter and unsightly materials

- The owner is responsible for the prompt removal of all litter, trash, refuse and waste on the property and any which also extends or blows into the common area or adjacent properties.
- No unsightly materials of any kind may be stored, regularly placed, or allowed to remain on any owner's property.

Mailboxes and posts. The Community is serviced by a centralized mailbox kiosk. No personal mailboxes shall be located on a Lot.

Mulch and pine straw. Mulch and pine straw shall be maintained in good condition and free of weeds at all times. Mulch and pine straw should be refreshed at least annually.

New construction. Alterations and/or additions to existing structures on a residential property will be permitted only with written approval of ACC.

Noise, Nuisance or offensive activity

- Each owner and occupant is subject to the noise ordinances for the Town of Fuquay Varina, included herein as **Attachment C**. In addition, no speaker, horn, whistle, siren, bell amplifier or other sound device, except such devices as may be used exclusively for security purposes, shall be located, installed or maintained upon the exterior of any Lot unless required by law.
- Each owner and occupant is responsible to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on such Owner's Lot. No property within the Community shall be used for the storage of any property or item that will cause such Lot to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing or material be kept that will emit foul or obnoxious odors or that will cause any noise or condition what will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property.
- No noxious or offensive activity shall be carried on within the Community, nor shall anything be done tending to cause embarrassment, discomfort, annoyance, or nuisance to any Person using any property within the Community.
- There shall not be any plants or animals or device or thing of any sort whose activities or existence is in any way noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of the Community.

Outbuildings, Storage Sheds

- No outbuilding or storage building shall be erected, placed, or allowed to remain at any residence, unless it is:
- incidental to residential use,
- constructed of the same, or substantially the same, materials as the residential dwelling,
- architecturally compatible with the residential dwelling,
- located no closer to the front boundary line of the property than the rear wall of the single-family residence located on the property,
- located no closer than ten (10) feet from rear and side property lines for residences not on corner lots and at least twenty (20) feet from the street side property line for corner residences, and approved in advance.
- Storage shed dimensions are limited to 8'X12' on lots that are ¼ acre or less. For lots larger than ¼ acre, the maximum shed dimensions are 12'x16'.

Parking

- Owners and residents are to park their vehicles in the garage or driveway of their home. Short term/temporary parking for guests is allowed on any street within the Community, provided that the manner and location in which the vehicle is parked is not a violation of Town traffic or parking ordinances.

- No owner/resident vehicles may be parked on streets or lawns in community.
- No towed vehicle, trailers, boat, boat trailer, recreational vehicle, motor home, mobile home, bus, truck with camper top, trucks (except pick-up trucks or sport utility vehicles), motorcycle, minibike, scooter, go-cart or similar recreational vehicles shall be permitted on any Lot, except if kept in an enclosed garage, for periods longer than forty-eight (48) hours. The intent of this provision is that the aforementioned vehicles may not be stored on a Lot except if in a garage. Temporary removal of such vehicle from a Lot to break the continuity of the forty-eight (48) consecutive hours shall not be sufficient to establish compliance with this restriction
- No vehicle that is unlicensed or incapable of being operated upon the public highways may be left upon any portion of the Community, except in a closed garage.
- Commercial vehicles, ie. vehicles with commercial lettering and/or tools/ladders on exterior and/or vehicles exceeding 1 ton capacity must be parked in closed garage.

Patios (See **Decks, patios, gazebos, and screened porches**)

Pet houses. No structure for the care, housing or confinement of any animal shall be constructed, placed or altered on any Lot unless plans and specifications for such structure have been approved by the ACC. No such approved house may be visible from a neighboring lot.

Pets (See **Animals**)

Plants, shrubs, and flowers (See **Landscaping**)

Play and leisure equipments

- Trampolines must be placed directly behind a home.
- Playground equipment that is made of wood, wood-look, or metal and is painted predominately dark green and/or brown is permitted, providing it is located at the rear of the house, is at least ten (10) feet from all property lines.

Pools & hot tubs. The construction of all swimming pools, above ground or in ground, or the installation of an exterior hot tub is not permitted without prior written approval.

- Temporary or inflatable pools are permitted, providing that they:
 - are of a size or depth that does not require a ladder to enter,
 - do not have a filtration system, and
 - are maintained in a sanitary manner.
 - a temporary or inflatable pool is erected in a driveway or front yard of a residence, it must be emptied at the end of each day and stored in the garage or in the rear of home.
- Above-ground pools are permitted provided that prior approval is obtained and that they are adequately screened from view of the common area and adjacent lots. Note: Owners who install above-ground pools are also required to install the six (6) foot white vinyl fence or six foot convex wooden fence options to enclose their rear yard.

Propane tanks. The community is serviced by natural gas propane tanks other than those necessary for a propane gas grill are not permitted.

Rain barrels. Rain barrel installation is allowed, provided that the devices are located in the rear of the home and painted to match the main structure. Any rain barrels not meeting this description require prior ACC approval.

Recreational vehicles

- Storage of recreational vehicles (RVs), including, but not limited to RVs, all-terrain vehicles (ATVs), boats, campers, dirt bikes, jet skis, trailers, is prohibited on any portion of the property, unless fully enclosed in a closed garage.
- Short term, temporary, parking of recreational vehicles in the driveway is permitted for a period not to exceed 48 hours.

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:
 - no more than one (1) meter (39.37 inches) in diameter,
 - has a hidden cable, and
 - is placed on the roof of the home, preferably on the rear roof line of the home.
 - If dish cannot be placed on rear roof line of home not placed in front of a home, the installation company must provide a letter confirming that a signal may not be obtained in any other location. If dish must be placed in front of home, screening materials may be required.
 - placed on the roof at the back of the house.

Screened porches (See Decks, patios, gazebos)

Signs

- One professionally lettered “For Sale” or “For Rent” sign is allowed per home, provided that sign does not exceed the maximum area of 4 feet square and maximum height of 4 feet above ground level. For Rent signs not permitted until 24 months after purchase of home.
- Professional security signs which comply with the previously stated parameters may also be displayed.
- No more than one political sign, no larger than 4 feet square and a maximum height of 4 feet above ground level may be displayed. The signs may be erected 45 days prior to the election and must be removed within 7 days after the election day.

Seasonal decorations and lights (See Lighting, Outdoor)

Sight lines. All property located at street intersections shall be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge or shrub planting shall be placed or permitted to remain where it could create a traffic or sight problem.

Storage sheds and play houses

- Plans for adding a storage shed or a play house at a residence must be approved in advance before construction can begin.
- Approved storage sheds and play houses must:
 - be situated behind the owner's residence,
 - be no larger in size than 8'X12' for lots less than ¼ acre and 12'X16' maximum size for lots larger than ¼ acre.
 - be constructed of wood and finished with a siding material which is similar in color and composition to the residence,
 - have a suitably-constructed flooring system or foundation. (A masonry foundation or slab is permitted, provided that it is completely enclosed by brick or siding to grade level),
 - be located at least ten(10) feet from all property lines,
 - have a roof with a similar pitch, be made of similar materials and be of a color similar to the residence.
- Approved construction of a storage shed or play house may include instructions to provide buffering landscaping.

Toys. Toys must be stored within the garage or in the rear of the residence when not in use.

Trees

- Owners are responsible for the maintenance of trees on their property, including pruning, the removal of dead or diseased trees and the replacement of removed trees.
- No trees that are more than 4 inches in diameter or 12 ½ inches in circumference at a point of 4 ½ feet above the ground shall be removed without prior written consent of the ACC, except for a) diseased or dead trees.
- No trees shall be planted in the Community without the prior written consent of the ACC.
- Owners are responsible for maintaining any street tree(s) and grass between the sidewalk and curb adjoining their lot lines.

Unsightly or Unkempt Conditions. The pursuit of hobbies or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles and other mechanical devices, which might tend to cause disorderly, unsightly, or unkempt conditions, shall not be pursued or undertaken in any part of the Community except in an enclosed garage.

Vehicles

- The term "vehicles" as used herein, shall include without limitation, motor homes, boats, trailers, tractors, motorcycles, minibikes, scooters, go-carts, trucks, campers, buses, vans, limousines and automobiles.
- No motorized vehicles shall be permitted on pathways or unpaved Common Property except for public safety vehicles and vehicles authorized by the Board.

Window treatment. No foil or other reflective materials shall be used on any windows for sunscreens, blinds, shades or for any other purposes.

III. Architectural (Property) *Guidelines*

What are the *Guidelines*?

The *Guidelines* describe the process for approval that governs any proposed new construction or any modifications to the exterior of an existing home or property in Highland Forest. These guidelines do not necessarily apply to all new home construction, as approval of all new home construction is under the control of the Declarant.

Who administers the *Guidelines*?

The Association has assigned the administration of the *Guidelines* to the Architectural Control Committee (hereafter, ACC)

What is the ACC?

- The ACC is a Committee of the Association, as specified in the *Covenants* and the *Bylaws* of the Association.
- The ACC is composed of homeowners or Board members who are “generally familiar with residential and community development design matters and knowledgeable about [the Association’s] concern for a high level of taste and design standards within the [community]”. Committee members are appointed by, and serve at the pleasure of, the Board.
- The ACC’s responsibility is:
 - to review owner’s requests for changes in the exterior of the home or landscape
 - to ensure that the proposed project complies with the architectural provisions of the *Covenants* and *Standards & Guidelines*, and
 - to rule on these requests.
- The ACC is expected to be responsive to technological advances or general changes in architectural designs and materials and related conditions in future years and to use its best efforts to balance the equities between matters of taste and design and use of private property.
- As conditions and materials change, the ACC may recommend to the Board a new or revised requirement or specification that, if approved, will be published to owners as a *Bulletin*, will supplement the *Covenants*, and will be incorporated within the *Standards & Guidelines*.

What criteria does an Architectural Control Committee use for evaluating a homeowner's request for a change?

- An Architectural Control Committee evaluates each application on the individual merits of the application and the criteria listed below:
- *Validity of concept:* The basic idea of the exterior change must be sound and appropriate to its surroundings.
- *Compatibility of design:* The proposed change must be compatible with the design characteristics of the applicant's home and the general neighborhood setting.
- *Scale:* The three-dimensional size of the proposed change must relate satisfactorily to adjacent structures and their surroundings.
- *Materials:* Continuity is established by use of the same or compatible materials as used in the existing home. Siding materials and shingles must match existing structure.
- *Color:* Color may be used to soften or intensify visual impact.
- *Landscape and environment:* The exterior change must not unnecessarily destroy the natural landscape or the achieved man-made environment.
- *Relationship of structure and adjoining property:* The proposed change should relate harmoniously among its surroundings and to existing buildings and terrain that have a visual relationship to the change.
- *Protection of neighbors:* The interest of neighboring residents should be protected by making provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design, which may have substantial effects on neighboring property. The ACC will consider the various and appropriate criteria and exercise discretion in determining which of these criteria will be governing in each specific application.
- *Workmanship:* The quality of work must be equal to or exceed that of any existing structure.

What is an architectural or landscaping change?

- An architectural or landscaping change is any proposed improvement on the owner's property, including additions to, or changes in, the existing structure, the construction of new structures, or changes in the grounds at an owner's residence.
- Examples of architectural or landscaping changes include the following construction projects or installations: all buildings, storage sheds or areas, roofed structures, decks, patios, parking areas, exterior recreational areas, recreational equipment and facilities, mailboxes, exterior antennae, dishes or other apparatus to receive or transmit television or radio or other microwave or other signals, fences, walls, hedges, mass plantings, poles, driveways, ponds, lakes, changes in grade or slope of a property, landscaping, swimming pools, tennis courts, signs, exterior illumination and changes in any exterior color.
- No change may be initiated until an *Architectural Request* has been submitted and approved.

What is the approval process for an architectural or landscaping change?

- The **general approval process** for an architectural or landscaping change is as follows:
 1. The owner must submit a copy of a completed *Architectural Request* form (See *Appendix*, Section VI), with the necessary signatures and documentation, to the Management Company at least sixty (60) days before the anticipated start of the improvement project.
 2. The Management Company confirms that all necessary information and documentation is included with the *Architectural Request* and, if the application is found to be complete, will initial and date-stamp the *Architectural Request*.
 3. The Management Company forwards one copy of the completed *Architectural Request* to the ACC.
 4. The ACC considers the *Architectural Request* and renders a decision on the *Architectural Request* within sixty (60) calendar days from receipt of a complete *Architectural Request*.
 5. Once the ACC makes a decision, the Management Company will send an *Architectural Request Resolution Letter* to the owner which will include one of the following categories of decision:
 - **APPROVAL:** The application is approved as submitted.
 - **APPROVAL WITH CONDITIONS:** The overall proposal is accepted but with certain specified changes, limitations, or requirements that must be followed.
 - **DISAPPROVAL:** The application is denied. The owner may appeal the decision to the ACC within fifteen (15) business days.
 - **ADDITIONAL INFORMATION REQUIRED:** The ACC has determined that additional information is needed for review of the application. In this case, the entire process begins again once the Management Company receives the requested information. The owner should follow the same submission procedure. The ACC will act swiftly on all re-submissions.
 6. An approved *Architectural Request* is valid for one (1) year from the date of the approval letter.
 7. Once work has begun on an approved *Architectural Request*, the project must be completed within ninety (90) days
 8. The ACC reserves the right to visit the owner's property and inspect the requested improvement project to verify that the specifications described in the approved *Architectural Request* have been followed, to note problems encountered, and to gather "pointers" which might help other residents contemplating similar projects.

Is there an appeal process if my request is modified or denied?

- If the applicant disagrees with the decision, the homeowner may file an appeal. No work on the requested change may take place during this appeal process.
- The appeal process is as follows:
 1. Within fifteen (15) business days after receipt of a notice of disapproval or approval with conditions, the homeowner may file a written appeal to the Management Company.
 2. Upon receipt of the appeal, the Management Company will forward the appeal to the ACC and Board of Directors (or Declarant, as may be the case).
 3. The Board (or Declarant) will then establish a date and the time for the homeowner's appeal to be heard. A majority vote of the Board is required to reverse a ACC decision.

IV. Non-compliance with the *Standards & Guidelines*

What are the penalties for not complying with the *Standards & Guidelines*?

- An exterior architectural or landscaping change made without the owner receiving the required written approval, or non-compliance with the *Standards* set forth in this document, constitutes a violation of the *Covenants* and the *Standards & Guidelines*. A violation may require removal or modification of the work at the expense of the property owner or resolution of a *Standards* violation within a specified period.
- When a violation is determined to have occurred, the following steps shall be taken:
- The ACC will investigate a reported violation and report their findings to the Management Company. The Management Company will communicate in writing with the homeowner identifying the violation, and giving notice of a requirement for compliance and a timeline in which to comply.
 - If the owner fails to correct the violation, the Management Company shall submit the matter to the Board.
 - The Board will invite the homeowner to a hearing, where the homeowner will have opportunity to explain the violation.
 - After the hearing, the Board will communicate its decision, in writing, to the homeowner. Fines of up to \$100 per day may be imposed by the Board, but will not begin any sooner than five (5) days after the hearing date.

V. Contact information

Whom Should I Contact if I have Questions

- A homeowner with questions should contact either the Highland Forest community manager or the *Architectural Request* administrator at Charleston Management Corporation.
 - Phone: 919-847-3003
 - Fax: 919-848-1548 or E-mail: info@charlestonmanagment.com

ATTACHMENT A

BLANKET APPROVALS

Items in this category do **not** require approval, *provided the guidelines mentioned are followed.*

- Planting of seasonal flowers/plants
- Replacement of existing vegetation with the same or similar plantings
- Plants, shrubs and flowers planted within ten (10) feet of home
- Shrubs and flowers planted around trees
- Bedding borders which match the design and color of home and do not exceed 10 inches in height
- Bedding borders, if constructed of common landscaping borders not to exceed 8 inches in height.
- Hose caddies affixed to the home or enclosed in appropriate container
- Removal of trees that are less than four inches (4") in diameter and less than four and ½ feet (4 1/2') above the ground. All other trees must have the approval of the ACC and possible neighbors' signatures.
- Satellite Dishes do not require prior approval, provided that the dish is:
 - no more than one (1) meter (39.37 inches) in diameter,
 - has a hidden cable, and
 - placed on the roof at the back of the house
- Storm doors may be installed on the front or rear doors of a home provided that the following criteria are met:
 - door must have full view pane of glass with no etchings or tint
 - frame of door must be the same color as the existing door trim
 - the hardware metal on the storm door must match the hardware on the existing door
- Exterior painting and maintenance does not require approval if material and color remains the same.

ATTACHMENT B

Fences

The following fence materials and designs are permitted in Highland Forest:

- A. Wood- six (6) foot scalloped privacy fence
- B. Wood- four (4) foot scalloped picket fence
- C. Black Aluminum-four (4) or five (5) foot black aluminum fencing with a double horizontal top rail. An 18 inch "puppy panel" is permitted at base of fence.
- D. Vinyl- six (6) foot white vinyl privacy fence

Examples of each approved fence designed are attached hereto.

Plans for the construction and installation of a new fence must be approved in advance. Special height, material, location and need considerations will be considered on an *ad hoc*, site specific basis.

A request for approval of a planned fence must include the following:

- 1. A plat map showing fence placement.
- 2. Details about the design of the fence, its height, the material to be used
- 3. A planting plan (for corner lots). Setback on corner lots is 15 feet from back of curb.

Other Fence Requirements Include:

- Front yard fencing is not permitted.
- Fences must begin at the rear corner of the home.
- For wooden fences, the horizontal rails must be on the inside and must be stained with a semi-transparent natural cedar tone stain within three (3) months of installation.
- All fences must be maintained in good condition with an attractive appearance.
- The maximum height of any portion of a fence is six (6) feet.
- Any owner who installs an above-ground pool is required to install a six (6) foot fence.
- Decorative posts are at the discretion of the owner and are preferred, but not required.
- Fence must be located fully within property lines of Lot, no more than 6 inches from property line.
- Fence may not cross or obstruct private or public easements without prior written approval of parties to easement.
- Letter from adjacent neighbor is required if attaching to existing fence.

Note: Corner lots 1, 3, 14, 29, and 32 have special fence requirements. Fences must be at least 5 feet off property line on the exposed side and must be black aluminum fencing on exposed side.

Approved Fencing

Page 1 of 2



Privacy fence with 6 foot scallop at highest point and French Gothic posts.



Picket fence with 4 foot scallop at highest point and French Gothic posts.



Six foot white vinyl privacy fence with top and bottom rail and decorative cap.

Approved Fencing
Page 2 of 2



Four (4) or Five (5) foot black aluminum with double top rail



Same design with 18 inch puppy panel

**Town of Fuquay-Varina
Noise Ordinance
(Pertinent Excerpts)**

Note: If you believe you are witnessing a violation of the noise ordinance, please call the non-emergency number for the Fuquay-Varina Police Department (919-552-3191), who is the proper enforcement authority for such violations.

8-6001 Unnecessary Noises Prohibited. It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the Town. Noises of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

8-6002 Noises Expressly Prohibited (listing a few relevant acts; to read the full list, go to the Town Ordinances)

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

1. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after, or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
2. The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.
3. The use of operation of any piano, manual or automatic, phonograph, radio, loud speaker or any other instrument, or sound amplifying device so loudly as to disturb persons in the vicinity thereof, of in such a manner as renders the same a public nuisance; provided, however, that upon application to the Mayor, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment.
4. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
7. The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
8. The erection, including excavation, demolition, alteration or repair of any building in a residential or business district other than between the hours of 7 a.m. and 6 p.m. on weekdays except in the case of urgent necessity in the interest of public safety and then only with a permit from the Town Clerk, which permit may be renewed for a period of 3 days or less while the emergency continues.
11. The creation of loud and excessive noise in connection with loading or unloading of any vehicle, of the opening and destruction of bales, boxes, crates and containers.
16. The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11 p.m. and 7 a.m.
17. The firing or discharging of squibs, crackers, gunpowder or other combustible substance in the streets or else where for the purpose of making noise or disturbance except by permit from the Board.

HIGHLAND FOREST HIGHLAND FOREST

DOG PARK RULES

PARK HOURS: 7 AM TO 10 PM DAILY

- Only Dogs belonging to residents of homes in HIGHLAND FOREST HIGHLAND FOREST are allowed in Dog Park. No “guest dogs” permitted.
- All Dogs shall have on a collar with ID and must display rabies vaccination tags at all times. All dogs must be current on vaccinations and under care of a licensed veterinarian. Dog owner must be able to produce valid and current vaccination record upon request.
- Each adult resident may have a maximum of 2 dogs at a time in the park.
- Any dog with a history of aggressive behavior is prohibited in the park. If your dog shows signs of aggressive behavior after entering the park, you must remove the dog from the park premises immediately.
- Owners are responsible for any injury or damage caused by your dog. Prevent injuries by supervising your dog at all times. **Never leave your dog unattended.** If your dog inflicts an injury, give your name and telephone number to the injured dog owner before leaving. You are at all times solely responsible for your dog's behavior and any damage your dog may cause and under no circumstances shall the HOA of HIGHLAND FOREST, Inc., its officer, directors or managing agents be liable for any injury caused by a dog.
- Pick up poop – Scoop your dogs' poop and dispose of it in the containers provided.
- Female dogs in heat are not allowed on the premises.
- No food (animal food or people food), treats, or bones are allowed inside the fenced area.
- No littering: wrappers and other litter can be eaten by dogs and cause a choking or digestion hazard which can be life-threatening!
- No smoking inside the dog park.
- No strollers, bicycles, tricycles, big-wheels, wagons, roller-blades, scooters, skateboards, etc. are allowed in the dog park, except wheelchairs used by people with physical challenges.
- Shoes must be worn at all times.
- Children 10 and under are not allowed inside the fenced area.
- Dogs under 6 months of age are prohibited.
- Use at own risk. By entering this park, the user agrees that HOA of HIGHLAND FOREST, Inc., nor its officer, directors or managing agents are responsible for any claims, accidents, attacks or other incidents involving dogs in the park and the user waives and releases any and all possible claims against HOA of HIGHLAND FOREST, , its officer, directors and managing agents arising out of or related to user's presence in the dog park.
- **All bites must be reported by contacting the FUQUAY-VARINA Raleigh Police Department at 919-552-3191 as soon as possible. In case of an Emergency call 911.**

Dog Park Guidelines and Tips for Use

Keep walking or playing- this helps keep the off-leash area "neutral" territory for all. 🐾 *Keep your dog on leash until you enter the off-leash areas, and carry a leash on you for each dog at all times while in the park.* 🐾 *Dogs shall be under your visual contact and voice control at all times; stay within close range of your dog.* 🐾 *Be aware that dogs have different play styles. Talk to your veterinarian, talk to other park users and educate yourself on dog behavior.* 🐾 *Ensure each gate closes behind you before you enter the next one.* 🐾 *Fill in any holes your dog digs or make appropriate repairs to disturbed areas.* 🐾 *Do not bring a dog with a known history of biting or fighting.*

DOG PARK USER ACKNOWLEDGEMENT & RELEASE OF LIABILITY **DO NOT USE THE DOG PARK IF YOU DO NOT AGREE TO THESE TERMS**

The HOA of HIGHLAND FOREST, INC. ("Association") Dog Park Rules limit access to children unaccompanied by an adult who are 10 years old or older. The Association makes no guarantee that all dogs or other animals present in the dog park area are licensed or vaccinated against rabies, nor can it guarantee that children younger than 10 will not gain admission nor that children admitted will behave appropriately. Further, the Association has no knowledge about the behavior or temperament of animals using the area. In consideration of receiving dog park privileges, Dog Park Users recognize that unleashing their dog and being present in an area where there are other people, including children, and other unleashed dogs pose risks to themselves, their dog and the property of others. For instance, there is the risk of personal injury or property damage to Dog Park Users and others from aggressive dogs, the unpredictable behavior of dogs and the lack of adequate training of a dog. Dog Park Users further understand and accept that there is a risk that not all dogs present in the dog park are vaccinated. Additional risks to Dog Park Users include, but are not limited to, dog fights, dog bites, dog theft or unlawful capture, dog escape over and under fences, and dog access to vegetation or standing water that may be unhealthy or poisonous if consumed. Further, dogs may be exposed to burrs or seeds that may become lodged in the dogs coat, feet, eyes, nose or ears, and mosquitoes, ticks, chiggers, fleas or other insects and wildlife that might be found in a park such as snakes, raccoons, opossums, etc. Dog Park users understand that use of the dog park is self-directed and not supervised by any agent or employee of the Association.. Dog Park Users assume all risks associated with using the dog park, including its fixtures and equipment, in an unsupervised and self-directed manner.

DOG PARK USERS HEREBY WAIVES AND RELEASE THE ASSOCIATION, ITS DIRECTORS, OFFICERS, EMPLOYEES AND MANAGING AGENTS FROM ANY AND ALL CLAIMS, RESPONSIBILITY OR LIABILITY FOR INJURIES OR DAMAGES TO THEIR PERSON, THEIR PROPERTY OR THEIR DOG DUE TO THEIR USE OF, OR PARTICIPATION IN ACTIVITIES AT OR IN DOG PARK OR OTHER ASSOCIATION COMMON AREA. DOG PARK USERS ALSO AGREE TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE ASSOCIATION, ITS OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, LAWSUITS, LOSS, COST, DAMAGES, EXPENSE AND LIABILITY INCLUDING DEATH, PERSONAL INJURY OR DISEASE AND DAMAGE TO REAL OR PERSONAL PROPERTY RESULTING FROM (1) NEGLIGENT ACTS; (2) THE USE OF THE DOG PARK IN GENERAL AND THE ACTS OR BEHAVIOR OF THEIR DOG, AND (3) ANY INJURY THAT MAY OCCUR TO THEM OR THEIR DOG OR THEIR PROPERTY AS A RESULT OF THE ACTS, CONDUCT OR BEHAVIOR OF OTHER USERS OF THE PARK, INCLUDING OTHER DOGS. DOG PARK USERS ALSO UNDERSTAND AND AGREE THAT NONCOMPLIANCE WITH DOG PARK RULES MAY RESULT IN REVOCATION OF DOG PARK USE PRIVILEGES.