

Architectural Control

Architectural & General Guidelines

For

**EDGEMONT LANDING
HOMEOWNERS ASSOCIATION**

*As adopted and approved by the Board of Directors, Developer & Declarant
-January 2008*

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Introduction

A. Purpose of Architectural Guidelines

The Architectural Guidelines ("Architectural Guidelines") for Edgemont Landing provide an overall framework and comprehensive set of standards and procedures for the development of the Community in an orderly and cohesive manner. These standards have been developed to assist in the landscaping and modification of Units within Edgemont Landing; these standards do not cover the initial construction of Units within Edgemont Landing. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage and lighting. In addition, the Architectural Guidelines establish a process for review of proposed modifications to Units to ensure that all sites within the Community are developed and maintained with the consistency and quality that attracted you to Edgemont Landing.

B. Governmental Permits

To the extent that Wendell ordinances or any local government ordinance, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the Declaration of Covenants, Conditions, and Restrictions for Edgemont Landing (the "Declaration"), the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Architectural Guidelines (in that order) shall prevail.

C. Preparer

These initial Architectural Guidelines have been prepared by D. R. Horton, Inc. (the "Declarant") and adopted by the Declarant pursuant to the Declaration. The Architectural Guidelines may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in the Declaration and in these Architectural Guidelines.

D. Applicability of Architectural Review

Unless otherwise specifically stated in Article IX of the Declaration or these Architectural Guidelines, all plans and materials for landscaping or exterior modifications of improvements on a Unit must be approved before any construction activity begins. Unless otherwise specifically stated in these Architectural Guidelines, no structure may be erected upon any Lot (other than the original residence initially constructed upon such Lot), and no improvements (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements) shall take place without receiving the prior written approval of the Architectural Review Committee (the "ARC") as described below. Where these Architectural Guidelines specifically allow an Owner to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guideline.

Owners are responsible for ensuring compliance with all standards and procedures within these Architectural Guidelines. Owners are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplemental Declaration. In particular, Owners should review and become familiar with the Use Restrictions and Rules applicable to Edgemont Landing set forth in Articles IV and V to the Declaration, which addresses restricted and prohibited activities and conditions within the Community.

These Architectural Guidelines shall not apply to the activities of the Declarant, nor to improvements to the Common Area by or on behalf of the Edgemont Landing Homeowners Association, Inc. ("association")

New Structure

Until Declarant transfers control of the HOA to the Homeowners, Architectural control for Edgemont Landing is handled by the Declarant. After such transfer, control shall be transferred to the ARC, whose members shall be appointed by the board of directors of the Association ("Board").

The ARC has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in Article V of the Declaration. The ARC shall review plans and specifications for all modifications and landscaping on any Unit, shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may promulgate additional architectural standards and review procedures consistent with these Architectural Guidelines.

Nothing shall be permitted which constitutes or supports any illegal, offensive or obnoxious activity or disturbance to the community.

Architectural Review Committee

ARCHITECTURAL REVIEW PROCEDURES

Review of Modifications

The review of modifications shall require the submission of an application to the Property Management Company who will forward the application to the ARC for review. Depending on the scope of the modification, the ARC may require the submission of all of the plans and specifications related to the proposed modification. In the alternative, the ARC may require a less detailed description of the proposed modification.

Plans to be Reviewed

The ARC will require a minimum of two sets of any of the following plans for modification, if applicable to the proposed modification, in addition to the submission of an application and pictures.

Plot Plan (Survey)

The ARC requires a copy of the official survey indicating the location of the proposed modification(s). (You should have received a copy of your official survey at your closing.) This plot plan shows your property line, the footprint of your home (indicating distances between structure and property line), and any easements. This should be submitted with plans for landscaping, fencing, sheds, decks, walkways, patios, playsets, basketball goals and any other structure/addition.

Landscaping Plan

Showing location of trees, protection of existing vegetation, use of plants, and other landscaping details.

Elevation View

Front, rear and side elevations showing building materials and finishes, and indicating the maximum height of the proposed structure. An elevation view is required when submitting for fencing, shed, or any other structure.

Roof Plan

Showing slopes, pitches and gables, unless reflected in the other plans.

Exterior Finishes

Showing the exterior color scheme (including samples and color chips, if requested), lighting scheme and other details affecting the exterior appearance of the proposed improvements.

Other

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

Review Criteria: Recommendations Variances

While the Architectural Guidelines are intended to provide a framework for modifications, the Architectural Guidelines are not all-inclusive. In its review process, the ARC may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. The decisions of the ARC may be based on purely aesthetic considerations; provided, the ARC shall not grant approval for a proposed modification that is inconsistent with the Architectural Guidelines unless the ARC grants a variance. Each Owner acknowledges that opinions on aesthetic matters are subjective and may vary as members of the ARC change.

The ARC shall have the authority from time to time to adopt and revise lists of recommended landscape materials. The ARC may, in its sole discretion, provide that the lists of recommended materials constitute "approved materials" and that the installation of such materials requires no approval. Alternatively, the ARC may provide that the purpose of the list(s) is merely to provide guidance and that installation of recommended materials does not relieve the Applicant from any obligations set forth in these Architectural Guidelines to acquire approval prior to installation.

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship, or environmental considerations) when deviations may be necessary. The ARC shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration. No variance shall be effective unless in writing, signed by the chairperson of the ARC. Existing or previous approvals shall not constitute a binding precedent in any other matter or waiver of the right to withhold approval as to any similar applications, plans, or other matters subsequently or additionally submitted for approval.

Review Period

Each application and plan submittal shall be approved or disapproved within forty-five (45) days of receipt of all materials required by the ARC. A formal letter will be submitted to the applicant when a decision is rendered by the ARC. The completed application and plans shall be retained for the Association's records, unless otherwise requested.

Approved – The entire application is approved as submitted.

Conditionally Approved – The application is not approved as submitted, but is approved with the conditions set forth by the ARC. These conditions must be adhered to by the applicant. If the conditions are not followed, this will be considered a violation of the Declaration of Protective Covenants.

Denied (Disapproved) – The entire application is rejected as submitted. The ARC will make every effort to list alternatives to conform to the Architectural Standards for Edgemont Landing.

If the ARC fails to respond within 45 days from receipt of completed application (receipt shall be defined as the date stamped on the application upon receipt or the fax stamp), application shall be deemed approved. All modifications must be consistent with the Declaration or the Architectural Guidelines, unless the ARC has granted a written variance.

As a condition of approval under this Section, each Owner and all successors-in-interest shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration. The ARC may require an Owner to acknowledge such responsibilities in a recordable written instrument.

Appeal

Any Applicant shall have the right to appeal a decision of the ARC by resubmitting the information, documents set forth above; however, such appeal shall be considered only if the Applicant has altered the plans for modification or has new information which would, in the ARC's opinion, warrant reconsideration. If Applicant fails to appeal a decision of the ARC, to the Board of Directors, the ARC's decision is final.

City, County or State Approval

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of County or other governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals.

Implementation of Approved Plans.

All work must conform to approved plans. If it is determined by the ARC that work completed or in progress on any Unit is not in compliance with these Architectural Guidelines or any approval issued by the ARC, the ARC shall, directly or through the Board of Directors, notify the Owner in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same. If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period state in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and the Architectural Guidelines.

Time to Commence

If construction does not commence on a modification for which plans have been approved within 365 days of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Applicant to resubmit the plans to the ARC for reconsideration.

Time to Complete

The ARC may include in any approval a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, the modification shall be diligently pursued to completion and fully completed within 365 days of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ARC may approve or disapprove, in its sole discretion.

Changes After Approval

All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping or signage, made after the approval of plans must be submitted to and approved in writing by the ARC prior to implementation.

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

Architectural Control Enforcement

Section 1.03

Enforcement/Waiver

In the event of any violation of these Architectural Guidelines, the Declarant or the Board may take any action set forth in the By-Laws or the Declaration, including levying a Specific Assessment pursuant to the Declaration. The Declarant or the Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Declarant or the Board shall be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Unit upon which such violation exists.

Approval of plans for any proposed modification shall not be deemed to constitute a waiver of the right to withhold approval as to any similar proposals subsequently submitted for approval.

The Enforcement Process:

1. Identification and Investigation of Violations:

- a. For architectural violations, the ARC and the Management Company are primarily responsible for identification of violations and investigation to determine if an architectural violation has occurred.

2. Enforcement Action:

- a. Architectural Control Violations

- 1) For enforcement action involving Architectural Control Violations, the Management Company is primarily responsible for initial enforcement action regarding minor architectural or landscaping changes without ARC approval and architectural or landscaping changes begun or completed after application for ARC approval but before actual approval.
- 2) For enforcement action involving major architectural or landscaping changes without ARC approval and architectural or landscaping not consistent with ARC approval, the management company is primarily responsible for initial enforcement action as approved by the ARC.

Architectural Control Enforcement

1. The ARC has authority under the Covenants to:

- a. Enter and inspect any lot for the purpose of determination by the ARC whether there exists any construction of any improvement, which violates the term of any approval of the ARC or the terms of the Covenants. This power shall be exercised in a reasonable manner and nonconsensual entries shall not be made without express approval of the Board of Directors.
- b. Enforce architectural standards.
- c. In its discretion, release existing improvements from restrictions or encroachments they violate in appropriate circumstances.

- d. In its discretion, grant waivers for minor deviations and infractions if appropriate.

2. **Enforcement options** shall include the following:

- 1) If the corrective action demanded by a notice from the management company is taken within the specified time and completed in a satisfactory manner, no further enforcement options will normally be appropriate.
- 2) If work is not ceased upon demand, corrective action demanded is not taken within the specified time, or the corrective action taken is not satisfactory, the following actions may be appropriate:
 - Impose fines in accordance with the NC Planned Community Act.
 - With approval of the Board of Directors, seek a temporary order or injunction to stop any continuing work.
 - Require further corrective action.
 - Demand that unapproved architectural or landscaping changes be removed within a specified, but reasonable, period of time and impose fines if not accomplished by the applicable deadline.
 - With the approval of the Board of Directors, hire appropriate contractors to correct the situation and charge the property owner, beyond any fines, for the cost of such corrective action.
 - After notice and opportunity to be heard by the Board, suspend a member's voting rights and/or rights to use Association facilities for noncompliance with published rules and regulations of the Association.
 - Other corrective actions that may be appropriate in the particular situation.

Disclaimer

The Association, Declarant, ARC, or any officer, employee, agent, director or member thereof shall not be liable for damages to any persons submitting plans and specifications for approval by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval or failure to approve any plans and specifications. ***Every person who submits plans and specifications for approval agrees, by submission of such plans and specifications, that it will not bring any action or suit against the Association, Declarant, or ARC to recover any such damages.***

The purpose of the Architectural Standards is to provide guidance in preparing requests for architectural approval and set forth some of the standards applied by the ARC. **These Architectural Standards are not all-inclusive and no inference should be made that the failure to include a particular type of exterior or landscaping change somehow exempts that change from the approval process.**

If any paragraph, section, sentence, clause or phrase of these Standards shall be or become illegal, null or void for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, the remaining paragraphs, sections, clauses, and phrases are severable and shall continue to be in full force and effect. In case of any conflict between the Declaration of Protective Covenants for Edgemont Landing, the By-Laws of the Edgemont Landing Homeowners Association, Inc. and these Standards, and other resolutions or rules adopted by the Board of Directors, the Board shall determine which shall control and make corrections as needed by a majority vote.

These standards supersede all previous guidelines or standards, and shall remain in effect until otherwise rescinded, amended, modified, or repealed by a majority vote of the Board of Directors.

**Procedure
For Requesting
Architectural Approval**

Application Instructions

ARCHITECTURAL CONTROL APPLICATION INSTRUCTIONS

- STEP 1.** *Prior to any alteration, addition or improvement*, the property owner (not contractors or other parties) either requests the *Application Request Form* from the management company.
- STEP 2.** *Prior to any alteration, addition or improvement*, the property owner completes the application form and provides applicable information as requested on the application form. Reference should be made to the Architectural Control Standards for specific information needed for the proposed improvement, addition or alteration. All parts of the form shall be filled out and all pertinent information shall be included in the submittal. Incomplete applications shall be returned.
- STEP 3.** The property owner sends the completed form, along with any attachments or supporting documents required by the Architectural Control Standards to the management company for processing. **Applications must be mailed or faxed directly to the management company.** Applications left at the Sales Office, the Construction Trailer, with a member of the ARC, with a member of the Board of Directors, or with any other officer of the Association will not be processed.
- STEP 4.** The management company will mark the date the application is received in its office. The management company will then copy and distribute the dated application to the ARC for inclusion on the agenda of the next regularly scheduled meeting of the ARC.
- STEP 5.** **Complete Applications:** **Complete applications that are received by the management company will be considered and acted upon by the ARC within 45 days.** An application may be received only on a regular business day.
- Incomplete Applications:** Applications that are submitted without all necessary attachments and supporting documents or with insufficient information shall be deemed administratively denied and returned to the applicant with a request for the missing documentation. Any calculation of time concerning the processing of an application will not start to run until the application is complete.
- STEP 6.** Committee members will review complete applications at the next regularly scheduled ARC meeting and approve or disapprove the application within forty-five (45) days from the management company's receipt of the application, and return the signed application to the management company. The ARC may: (a) determine that an application is incomplete and request additional information, (b) approve the application, (c) conditionally approve the application, stating the conditions in writing, or (d) deny the application, stating the reasons for the denial in writing.
- STEP 7.** Written response will be mailed to applicant. Applicant may proceed as indicated in the response.

**Architectural Review Committee
Application Request Form**

See Attached Pages

OWNER/AGENT APPLICATION FOR ARCHITECTURAL/LANDSCAPING REVIEW

Community		Date	
Owner's Name		Day Phone	
Home Phone		E-mail	
Address		Fax	
City, State, Zip			

If an agent is submitting on behalf of the owner, complete the following:

Name		Company	
Industry		Phone	

In accordance with the Declaration of Covenants, Conditions, and Restrictions for this Community application is hereby made for review and approval of the following described modifications: (brief description)

Submit application to:

CAS Inc. 5915 Farrington Rd., Ste 104 Chapel Hill, NC 27517	<i>For office use only</i>	
	Approved	Date
	Not Approved	Date
	Approved as noted below	Date

It is hereby understood and agreed that approval of this application by the Architectural Committee does not constitute compliance with applicable North Carolina law or and County Ordinances. All permits must be applied for and posted as required and work should be completed by a licensed contractor.

In support of this application, the following items must be submitted:

One set of plans: The plans will show the following: plot plan, floor plan, exterior elevations, roof design, exterior materials and finishes, plant selections, (roof design, floor plan, landscaping plan, where applicable), and such other items as may be needed to reflect the character and dimensions of the modifications. Photos and brochures are great additions.

Summary: Written statement summarizing nature, style, setback, height and square footage of proposed modification, if applicable, and how the dimensions and nature of the proposed modification compare with the site specifications and other requirements set forth in the documents and whether any variance requests are necessary.

If the application is incomplete, the Arch. Committee will notify the applicant and the application will not be further considered until receipt of these materials. The approval process will not begin until all documents have been obtained by the Arch. Committee.

Your neighbors have the right to know of your future plans. Please obtain signatures from all property owners having common lot lines with your property along with property owners who reasonably view the improvement from their property.

Signature of Owner		Date	
Signature or Agent		Date	
Signature of Immediate Neighbors		Date	

Please check the following:

Is your plat plan included?	☐ Yes	Must include!
Is your fence or floor plan included?	☐ Yes	☐ No
Is the elevation plan included?	☐ Yes	☐ No
Are the exterior finish samples included?	☐ Yes	☐ No
Other: Roofing Plan, Landscaping Plans, etc.	☐ Yes	☐ No

Architectural Standards

Bird Baths, Birdhouses, Birdfeeders

Appearance: All bird baths, birdhouses, birdfeeders will be reviewed on an individual basis. Generally, the ARC will review materials, colors, location, scale and other details of the birdbaths, birdhouses, birdfeeders to determine compliance with the architectural intent of the existing structure and the relationship of the proposed.

Location: All bird baths, birdhouses, birdfeeders shall be located in the rear of the house.

Materials: Birdhouses and bird feeders shall be constructed of wood. Bird baths will be reviewed on a case by case basis.

Requirements: None

Section 3.02 - Building Addition or Exterior Modification

(Examples of additions include screened porches, new living space or storage areas that are physically attached to the main structure of the existing house. Examples of exterior modifications include the addition of storm doors, gutters or similar modifications. Generally, anything that alters the appearance of your lot from the outside is an exterior modification.)

Appearance:

All building additions and/or modifications will be reviewed on an individual basis. Generally, the ARC will review materials, colors, location, scale and other details of the proposed addition or modification to determine compliance with the architectural intent of the existing structure and the relationship of the proposed neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style that maintain the scale, detailing, materials, massing, color(s) and design intent of the original structure.

Location:

In general, with the exception of building modifications, the location for building additions will be governed by the maximum building area that is defined by the City or County in respect to the minimum setback requirements from the property line. However, the ARC reserves the right to reject applications, which may meet the City setback requirements but fail to meet the objectives of the ARC. The ARC will review each application on an individual basis and approvals will be granted on this basis.

Materials:

Materials for use on any building addition or modification must meet or exceed the quality of and be consistent with the materials used in construction of the original structure. Compliance with the **current** edition of the City building codes will be considered meeting the **minimum** standards of construction. The ARC reserves the right to require homeowners to **exceed** these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ARC seeks to maintain the quality of materials and workmanship present in the original structure. Requests to use different materials than in the original structure, such as brick or vinyl siding shall be reviewed on a case-by-case basis.

Requirements:

All building additions and modifications shall maintain proper drainage on the site. If a building addition is planned or modification, which will affect drainage, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the addition/modification.

The changes specified below do not require approval if accomplished in accordance with the standards provided:

1. Properly installed storm doors that are full height glass without cross members with narrow stiles. The color of the storm door must be consistent with the existing structure. Other colors or other style doors require submission of an architectural request for approval.
2. Properly installed white pre-finished, or color consistent with the house trim, gutters do not require approval. Other colors or materials require submission of an architectural request for approval. In addition, if the gutters will cause a change in normal runoff patterns and quantities sufficient to impact the drainage on adjacent properties, submission of an architectural request for approval is required.
3. No structure for the care, housing or confinement of any animal shall be constructed, placed or altered on any Unit unless plans and specifications for said lot have been approved by the ARC. No stable, poultry house, rabbit hut or other similar yard structure, with the exception of a doghouse, shall be constructed or allowed to remain on any Lot. The installation, construction or maintenance of other pet houses or pet runs shall be made only with the approval of the ARC.

Section 3.03 - Decks

Appearance:

Decks must remain natural in finish color. Natural colored, translucent stains may be used; however, no painting or solid-bodied staining of the wood will be permitted. Clear sealants are permitted and recommended. Deck height is not restricted but is recommended to be no more than 15' in height from the ground. The size and styling of decks must complement the dwelling and be in proportion to the dwelling.

Location:

All decking must be confined to the rear of the dwelling and must not protrude past the sides of the building. Decks must be within the minimum setback requirements of the City, however, final placement and approval will be determined by the ARC and may be more restrictive than the Town setback requirements.

Materials:

The deck shall be constructed of #2 or better pressure-treated southern yellow pine with galvanized hardware. A clear water sealant is recommended but not a requirement for approval.

Requirements:

A building permit must be obtained from the City and all required inspections successfully completed. All decks must meet the building requirements for the City in addition to this guideline. Proper drainage must be maintained around the deck and away from the foundation.

Section 3.04 - Drainage

Requirements:

Drainage of the Unit must conform to all City requirements. All drainage and grading must be indicated on the plans approved by the ARC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ARC, subject to such approval of the owner of the Private Amenity as is required pursuant to the Declaration. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Declarant or approved builder prior to (or in some cases, immediately following) conveyance of title from builder to the individual homeowner. Owners may make minor drainage modifications to their Units provided that they do not alter the established drainage pattern or adversely affect a neighboring property.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or against the house foundation. Water should flow fully over walkways, sidewalks or driveways into the street. The ARC may require a report from a drainage engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

Section 3.05 - Exterior Freestanding Detached Structure

Definition:

Examples of exterior freestanding detached structures include storage sheds, gazebos, doghouses, greenhouses, tents, etc.

Appearance:

Generally, the ARC will review materials, colors, location and scale of the proposed structure to determine compatibility of the proposed structure to surrounding structures and sites. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style. This "style" incorporates the scale, materials, details, color and design intent of the original structures. Every application will be reviewed on an individual, case-by-case basis. Doghouses, storage sheds and other building structures must match the existing structure in style and color.

Chain link outdoor dog runs or animal cages are prohibited.

Location:

All exterior freestanding detached structures will be confined to the rear yard. The location for these structures will typically be governed by the maximum building area that is defined by the City in respect to the minimum setback requirements from the property line. However, the ARC reserves the right to reject applications, which may meet the City setback requirements but fail to meet the objectives of the ARC. The ARC will review each application on an individual basis and approvals will be granted on this basis. A prior approval of an application does not guarantee subsequent approvals on the same or other lot.

The placement of doghouses must also take into consideration safety concerns, noise minimization, the possibility of offensive odors, and not be visually offensive to neighbors and public areas. "Visually offensive" shall be judged by the ARC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

Materials:

Materials for use on any detached structure will meet or exceed the materials used in construction of the original structure. Compliance with the "current" edition of the City building codes will be considered meeting the "minimum" standards of construction. The ARC reserves the right to require homeowners to **exceed** these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ARC seeks to maintain the quality of materials and workmanship that are present in the original structure.

Sheds shall be of wood construction.

Applications must include details of the foundation or anchors for such structures.

Requirements:

All exterior freestanding structures shall maintain proper drainage on the site. Homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

If electrical service will be provided to the detached structure, the application must include details of how that service will be run and must comply with all applicable electrical codes and regulations.

Sheds shall be of wood construction, painted the same color as the home, roof must have shingles, use same-color shingles for roof as home, have maximum size of 10 x 12, and be screened from public view by fencing or landscape plans. Manufacturer Alside may be used for conformity, and siding is Conquest and Charter Oaks.

Metal storage structures will not be approved.

All external detached freestanding structures must comply with all applicable City regulations, ordinances, permit requirements and inspection requirements. The City standards are the minimum requirement and the Edgemont Landing standards may be more stringent.

Section 3.06 - Fences

Appearance:

Fences shall remain natural in color and be of picket style. A clear water sealant is recommended but not a requirement for approval. Ornamentals are requested but not mandatory. Preferred style is arched picket or scallop top with French Gothic posts. Shadow box is also acceptable with ornamentation noted above.

Location:

Fences shall follow the natural topography of the land. Existing trees shall not be removed to place the fence without prior approval from the ARC.

Materials:

In order to maintain a uniform style of fencing throughout Edgemont Landing, fences shall be of wood material.

Requirements:

II fencing must be maintained in an aesthetic and safe condition. Fences may have a maximum height of five (5) feet.

Flagpoles

Freestanding flagpoles are not allowed.

Appearance: Decorative or seasonal flags.

Location: Must be mounted on the main residential dwelling and shall not exceed the eaves of the main dwelling. Poles longer than 4 feet require architectural approval.

Section 3.08

Hot Tubs/Saunas/Pools

Appearance:

Individual pools shall not be permitted. All hot tubs and saunas will be reviewed on an individual case-by-case basis. The ARC will place emphasis on screening systems to minimize the visual impact from public view or adjoining property.

Location:

All hot tubs and saunas will be confined to the rear yard. On lots where a rear yard adjoins or is visible from a public way, appropriate screening shall be installed to minimize the visual impact.

Materials:

All hot tubs and sauna will be reviewed individually for materials and color.

Requirements:

Installation must meet or exceed all applicable codes, regulations, ordinances, permit requirements, and inspection requirements of the City. The City standards are the minimum standards and Edgemont Landing requirements may exceed those standards.

All saunas and hot tubs will maintain proper drainage on the site. If a pool/hot tub is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Water from the pool or hot tub may be drained into the storm sewer system at the end of the season. Care should be taken by homeowner to contain water from spilling over onto adjacent properties.

Owners may be required to install safety features such as locks or covers for these items when not in use.

Pumps and other machinery related to the pool or hot tub shall be concealed in a manner to avoid offensive visual appearance and minimize noise production or transmission of such noise to nearby lots. "Visually offensive" shall be judged by the ARC applying a standard of objective reasonableness rather than just the subjective view of neighbors.

Precautions should be taken to locate saunas and hot tubs away from potential hazards (i.e., electrocution, drowning). All electrical work related to the pool or hot tub shall comply with all applicable electrical codes.

Homeowners should understand that hot tubs increase the intensity of noise and appropriate measures need to be taken to limit this potential conflict with adjacent homeowners. In addition, homeowners must also comply with the City noise ordinance.

Section 3.09 - Landscaping

Definitions:

<i>Natural Area/ Landscaping Bed</i>	Any area with ground cover other than grass.
<i>Flower Bed</i>	Any grouping of flowers not contained in a natural area or landscape bed.
<i>Garden</i>	Any area used to grow vegetables or herbs.
<i>Water Garden</i>	Natural or prefabricated body of water for decorative purposes.

Appearance:

Grass and yards shall be kept in a neat and pleasing appearance, as determined by the architectural committee. Grass shall be kept at a maximum height of four inches (4"). Natural areas and landscaping beds shall be made in proportion to the home and property. All landscaped areas shall be maintained to prevent overgrowth of individual plants or weeds. Landscaped areas shall be mulched to improve appearance and aid in maintenance. Edging around the bed or natural area may be used but is not a requirement, and if used, should be consistent with the existing style and aesthetics of the community.

Vegetable, herb and water gardens shall be maintained regularly to prevent excessive weed growth. All plants located in a garden shall not exceed 5'-0" in height. Screening of these areas should be considered through the use of fencing or shrubs to eliminate views from the street or common areas. These areas should not be visually offensive to neighbors. Trees shall be maintained and pruned to remove debris and damaged limbs due to wind, decay, disease or ice damage.

Location:

Natural areas and landscaping beds may be utilized in the front, rear and side yards. Landscaping beds and natural areas located in the front yards shall not encompass more than 50% of the total area available for the front yard. (Areas are measured from the curb to the nearest point of the house, and from one side yard property line to the other side yard property line.

Landscaping and plantings in utility easements will be reviewed on a case by case basis and normally be permissible, but with the full understanding that any plantings may have to be removed for utility work in that easement without any liability on the part of the Association or the utility company. Bird baths are not allowed in front yards.

Materials:

In the application, provide "common" variety names of plants that are to be used.

Railroad ties are prohibited.

Requirements:

All landscaping will maintain proper drainage on the site. If landscaping is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Plans, which cause excessive runoff to neighboring properties or common areas, will not be approved without modifications that solve the drainage situation.

All tree removal, except emergency removal where the tree(s) present a documented clear and present danger as a result of wind or ice damage or disease or decay (trees posing a danger to life, person, or property), must be approved by the ARC in advance. Photos of the trees to be removed and the reasons for removal must accompany the application prior to tree removal.

ARC approval is not required for the following items:

- Flowers planted in existing beds.
- Shrubs less than 3'-0" in height or diameter at maturity and located within an existing bed.
- Shrubs less than 3'-0" in height or diameter at maturity and used as a cover for the foundation, fence, deck or HVAC equipment.
- Ground cover in existing natural areas.
- Ground cover in existing landscaping beds.
- Mulching with pine straw, hardwood or bark mulch.
- Replacement or existing shrubs, plants, or trees that die or are diseased with the same variety and size shrub, plants or tree in the same location.
- One level of edging consisting of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete edging, black plastic edging, or other commonly used material as long as the edging is natural in color or the commercially available white stone or cast concrete edging material, but painted stones or other materials painted or stained will require prior approval and normally not be approved.
- Flower/plant containers provided they are standard size as can be purchased from any nursery/garden center, with the following conditions:
 - Flower or plant pots may be no larger than five gallons.
 - Finish must be consistent with the exterior house colors or neutral earth tone colors. Custom or oversized or colored containers must have prior approval; each application will be reviewed on an individual basis.
 - **Signs** will be reviewed and on an individual basis.

Lighting (Exterior)

Appearance:

Exterior lighting must be compatible with the architectural character of the neighborhood. Generally, low voltage accent lighting confined to planting beds or along walkways and on decks is acceptable. Other lighting devices, i.e., floodlights, spot lights, lampposts will be reviewed on an individual basis. "Temporary" holiday lighting generally does not require approval from the ARC; however, such "temporary" lighting and any associated wiring must be removed within a reasonable period after such holiday (not earlier than Thanksgiving and must be removed no later than January 15).

Approval is not necessary for the following:

- Approval is not necessary for replacement of current light fixtures of a similar type and style.
- Approval is also not necessary for properly installed low voltage accent lighting along walkways and on the inside of decks if the lights are at least five feet apart. If closer placement is desired, then an application must be submitted. Any low voltage spotlights or lights on the outside of decks require an application if the light may shine onto adjacent property.

Section 3.11 - Mailboxes

Appearance:

All mailboxes located on Lots shall be of a similar style approved by the ARC. Replacement mailboxes may be installed after the type has been approved in writing by the ARC. If mailbox is being replaced with identical model, no prior approval is required.

Requirements:

Generally, all mailboxes must be repainted or replaced if approximately 20% or more of the surface shows signs of rust or paint peeling.

Maintenance**Appearance:**

It is the responsibility of each homeowner to maintain his/her property in such a way that it adds to the overall beauty and harmony of the subdivision. Each homeowner should take this responsibility seriously, as failure to do so can negatively impact the value of your own property, surrounding properties, and the subdivision as a whole.

There are many areas in and around the home, which should be inspected, regularly to insure the property is in good repair. These include, but are not limited to:

- Lawn care
- Trimming of trees and shrubbery
- Landscaping
- Decks
- Fences
- Driveways and sidewalks
- Playground equipment
- Paint
- Roofing
- Garbage can storage
- Debris and trash removal

Deterioration:

If at any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the ARC, a representative of the management company, or a combination of the two will be requested to make a site inspection. The committee will then make a recommendation for action to the Board of Directors. Appropriate action will be taken in accordance with the enforcement policies of the Edgemont Landing Homeowners Association.

Association may impose "self help" or perform owner's responsibility at owner's expense in the owner's failure to comply with requests to maintain or improve property, as described in Article 6.4 of covenants.

Section 3.13 - Painting (Exterior)**Appearance:**

Paint colors on additions and exterior detached structures shall be consistent with the dwelling and surrounding area and shall be reviewed on an individual basis.

Requirements:

Any changes to the original exterior paint colors must have ARC approval. Approval is not necessary if you are re-painting your home using the same paint scheme.

Section 3.14 - Parking

No Commercial vehicles, boats, motor homes, trailers, or recreation vehicles or trailers may be left upon any portion of the Community, for a period longer than two (2) days, unless it is closed in a garage or stored in another area designated or approved by the Board. Vehicles, boats, motor homes, trailers, or recreation vehicles which are either unlicensed or inoperable for a period of three (3) days or more may not be stored upon any portion of the Community at any time unless fully enclosed in a garage.

Section 3.15 - Parking Pads

Appearance:

The layout or design should preserve and compliment the original driveway and walkway. The surface shall be the same color and finish as the existing concrete drive. Depending upon lot configuration, screening with landscaping may be required to visually block the area from adjoining property owners.

Location:

Parking pads (driveway extensions) may be constructed adjacent to and contiguous with the original concrete driveway on the side opposite the front walkway. The parking pad shall terminate in line with the front of the house.

Materials:

Concrete shall be the only allowable material. The preparation of the soil base shall be consistent with sound construction practices to minimize the risks of settling, excessive cracking and improper drainage.

Section 3.16 - Playground and Recreational Equipment

Definitions:

Playground or Play Equipment: Swing sets, sliding boards, sandboxes, and similar items are classified as playground or play equipment for the purposes of this guideline. This guideline does not cover moveable and temporary items such as bikes, wagons and similar items.

Recreational Equipment: Basketball goals, trampolines, horseshoe pits, permanent volleyball courts and similar items are classified as recreational equipment for the purposes of this guideline. This guideline does not cover a temporary volleyball net, badminton net, or similar items.

Appearance:

Playground and recreational equipment should blend with the natural surroundings to the extent possible.

Landscaping or fencing should be planned to screen playground and recreation equipment from being visually offensive and to maintain a safe environment for the children. "Visually offensive" shall be judged by the ARC applying a standard of objective fairness rather than just the subjective views of neighbors.

Location:

Dependent on the configuration of each lot, playground equipment should be placed in the rear yard. The location of lawn areas and of recreational equipment must take into account the impact on adjacent properties, noise concerns, safety concerns, and the minimization of any offensive visual impact on neighbors or public areas.

Potentially dangerous items such as trampolines should be located within fenced areas to prevent access by unsupervised and unattended child users.

Basketball Goals:

Basketball goals, fixed or portable, *shall not* be placed near the street, where the street is intended as the playing surface. No basketball goals shall be permanently erected on any Unit without the prior written consent of the Architectural Review Committee, and any such items must be located within five feet of the dwelling.

Materials:

Playground equipment constructed of treated natural wood is required. Playground equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing. It is recommended that recreational equipment be "portable", however, fixed in place equipment will be considered on an individual basis. Recreation equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing.

Requirements:

Detailed drawings shall be presented to the ARC for approval **prior** to the installation of any equipment.

A. Equipment in a fixed location for an extended period of time must be submitted. All playground and recreational equipment must be maintained in a safe condition and kept visually pleasing to the community and surrounding environment.

Section 3.17 - Playhouses

Appearance:

Must match color of main residential dwelling.

Location:

Shall be in the rear of the main dwelling.

Materials:

Must be constructed of wood.

Requirements:

A playhouse shall be considered an accessory building if it measures more than 24 square feet, is more than 6 feet in height from peak to ground, or is constructed on a concrete slab or footing.

Retaining Walls

Appearance:

Generally, the ARC will consider for approval “natural” materials for use in the construction of retaining walls. All retaining walls will be considered on an individual basis. The ARC will review materials, colors, location, scale and massing of the proposed wall to determine compatibility with the architectural intent of the existing structure and relationship to the surrounding site.

Location:

Locations for retaining walls must be clearly specified on the plot plan submitted with the application. Applications for retaining walls will be reviewed on an individual, case-by-case basis. Consideration will be given to changes in the natural topography and existing drainage patterns.

Materials:

“Natural” building materials such as stone, slate, brick and pressure treated timbers will be considered as acceptable materials. Railroad ties are prohibited. Materials and colors chosen should complement the existing structure on the site.

Requirements:

All retaining walls will maintain a proper drainage on the site. If a wall is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

All retaining walls will be properly secured to prevent collapse and must meet all applicable City requirements. There is no height limit, but the compatibility with the surrounding area and the dwelling will be considered. Any request for a retaining wall over three feet in height shall include in the application detailed specifications on anchoring the wall.

Section 3.19 - Roofing/Roof Accessories & Equipment

Requirements:

Roof pitches and overhangs may vary as dictated by architectural design. The approval of the ARC is required for a roof-material color change.

Satellite Dishes and Antennas

Satellite dishes are requested to be installed in the least conspicuous yet feasible area of the roof or lot so that it is as unseen from the street as possible.

Section 3.21 - Setbacks & Yards

Set back requirements from property lines are established by the Declarant and ordinance and are subject to public utility easements, drainage easements, right-of-way, and landscape easements depicted on the recorded plats.

Section 3.22 - Siding

Owners shall seek the approval of the ARC before installing or replacing siding which differs from original material.

Section 3.23 - Signs

No sign whatsoever shall, without the ARC's prior written approval of plans and specifications therefore, be installed, altered, or maintained on any Unit or on any portion of a structure visible from the exterior thereof, except: one temporary sign per Unit that advertises property for sale, which has a maximum face area of four square feet, and which is conservative in color and style; such permits as may be required by legal proceedings; such permits as may be required by governmental entity. "For Rent" or "For Lease" signs should be posted within ten feet of the unit and shall be removed within ten (10) days of sale or lease. One sign is permitted to be posted per unit.

In no event during approved modification of any structure permitting shall more than one job identification sign be approved by the ARC. No vendor or subcontractor sign will be posted at any time before, during, or after construction.

Section 3.24 - Statues

The approval of the ARC is not required for the rear-yard installation of any statue, which, including any pedestal, stands no more than three feet tall. All other statues or yard orientation is subject to approval by the ARC.

Walkways and Patios

Appearance:

Patios and walkways shall be created in scale with the site and existing structures. Slope of the patios and walkways and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

Location:

Patios shall be confined to the rear yard while walkways will be confined to the side and rear yards. The patio and walkway size, design and set backs to adjacent property lines shall be kept in proportion to the existing structures and site. All walkways and patios shall be a minimum of 18" from property lines. Lot size and configuration may permit reduction of the 18" set back in particular instances, but specific approval of the ARC is required for a set back less than 18".

Materials:

Generally, brick, concrete, concrete pavers, flagstone and slate will be considered as acceptable materials. Materials and color chosen shall complement the existing structures. All patios and walkways shall be reviewed on an individual basis for material, color and location.

Requirements:

All patios and walkways must maintain proper drainage on the site. If a walkway or patio is planned, homeowners are required to provide a plan that details drainage patterns and runoff.

Limitation of Liability

Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications neither the ARC, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Declarant, the Association, the ARC, nor the officers, directors, members, employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against Declarant, the Association, the ARC, or the officers, directors, members, employees, and agents of any of them to recover any damages and hereby releases, remises, quitclaims, and Covenants not to sue for all claims, demands, and causes of action arising out of or in connection with any judgment, negligence, or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands, and causes of action not known at the time the release is given.

If Architectural Guidelines have been prepared by the Declarant for _____ and are hereby adopted on this _____ day of _____, 20____.

DECLARANT: D. R. Horton Inc.-

By: _____
Name: _____
Its: _____