

ARCHITECTURAL CONTROL GUIDELINES

*Introduction, General Information, and
Property Standards for*

**BRIGHTON RIDGE HOMEOWNERS
ASSOCIATION, INC.**

This document outlines the display of political signs and regulates the display of the flag of the United States of America or any national flag, and the State of North Carolina or any state flag.

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A. Purpose of Architectural Control Guidelines

The Architectural Control Guidelines (“Guidelines”) for the **Brighton Ridge** community (“Community”) provide an overall framework and comprehensive set of standards and procedures for the development of the Community in an orderly and cohesive manner. These Guidelines and Standards have been developed to assist in the landscaping, architectural, and exterior appearance of each Owner’s property, sometimes referred to as a Lot or Unit, within the Community (the “Lot”); these Guidelines do not cover the initial construction of Lots within the Community. The Guidelines set forth the criteria for design, style, materials, colors, and location of site additions, improvements, and/or alterations, including but not limited to landscaping, signage, and lighting. In addition, the Guidelines establish a process for review of proposed architectural, landscaping, or exterior additions, improvements, and/or alterations to Lots to ensure that all Lots within the Community are developed and maintained with the consistency and quality that attracted you to Brighton Ridge in the first place.

B. Governmental Permits

To the extent that **Town of Fuquay-Varina** (“City”) and **Wake County** (“County”) ordinances or any local government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Architectural Control Guidelines, the **Declaration of Covenants, Restrictions and Easements** (the “Declaration”), as recorded in **Book 017451, Page 01418-01477** of the **Wake County Register of Deeds**, and the Rules voted on by the Board of Directors (“Board”) for **Brighton Ridge Homeowners Association, Inc.** (“Association”), the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Guidelines (in that order) shall prevail.

C. Preparer

These initial Guidelines have been prepared by **Taylor Morrison of Carolinas, Inc.** (the “Declarant”) and adopted by the Association’s Board pursuant to the Declaration. These Guidelines may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in the Declaration.

D. Applicability of Design Review

Unless otherwise specifically stated in the Declaration or these Guidelines, all plans and materials for major landscaping or exterior architectural additions, improvements, and/or alterations on a Lot must be approved before any construction or installation activity begins. Unless otherwise specifically stated in these Guidelines, no structure may be erected upon any Lot (other than the original residence initially constructed upon such Lot), and no additions, improvements and/or alterations (including staking, clearing, excavation, grading, or any other site work) shall take place without receiving the prior written approval of the Architectural Control Committee (the “ACC”), as described below. Where these Guidelines specifically allow the record property Owner of a Lot to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the specific requirements of the stated guideline.

Owners, and their Residents and Tenants, (“Residents”) are responsible for ensuring compliance with all standards and procedures within these Guidelines. Residents are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplemental or Amendment to the Declaration. Residents should review and become familiar with the Use Restrictions applicable to Brighton Ridge set forth in the Declaration, which address restricted and prohibited activities and conditions within the Community.

These Guidelines shall not apply to the activities of the Declarant, nor to additions, improvements, and/or alterations to the Common Area by or on behalf of the Association. Common Area is any parcel or community feature owned, managed, operated, insured, or maintained by the Association.

Architectural Control Committee

Structure

The powers of the Architectural Control Committee (“ACC”), sometimes referred to as the Architectural Review Committee (“ARC”) or the Architectural Review Board (“ARB”), for Brighton Ridge during Declarant-control of the Community will be assigned to the Board of Directors, unless specifically stated in the Declaration as to an alternative configuration. The powers of the ACC will remain with the Declarant until such time as the Declarant has transitioned control of the Association to the Members (record property owners) of the Association, or until such time should the Declarant delegates all or a portion of its reserved rights to an ACC comprising of Members appointed by the Board or to an ACC comprised of architects, engineers, or other persons who may or may not be Members of the Association.

The ACC appointed by the Board, which need not be Residents of the Community, will consist of at least three (3) but not more than seven (7) persons appointed by the Board. Members of the ACC will serve at the pleasure of the Board and may be removed and replaced at the Board’s discretion.

The ACC will not be required to review any plans until a complete Application submittal package is assembled and submitted by an Owner to the Property Management Company.

The ACC has exclusive jurisdiction over all matters relating to architectural, landscaping, and exterior additions, improvements, or alterations to any portion of the Lot, as set forth in the Declaration. The ACC shall review plans and specifications for all exterior architectural and landscaping additions, improvements, or alterations on any Lot, shall be the conclusive interpreter of these Guidelines, shall monitor the effectiveness of these Guidelines, and may promulgate additional design standards and review procedures consistent with these Guidelines.

APPLICATION SUBMISSION AND REVIEW PROCEDURES

The *Architectural Request Form Application* (“Application”) shall be completed and submitted by the record property Owner of the Lot.

Property Management Company Review

1. Upon receipt of an Application by the Owner, the Property Management Company’s Community Manager, shall conduct a preliminary review of the Application. Incomplete or illegible Application submittal packages will be returned to the Owner. The Property Manager has the authority to Administratively Deny any Application if it is incomplete or illegible. Until a complete and legible Application is received, the ACC Review Period will not begin.

ACC Review

1. After the Application, and the required attachments, has passed the Community Manager’s preliminary review, it will be forward to all ACC members.

2. The ACC will conduct an initial review the Application. An ACC representative may conduct a site visit to aid in the decision process, depending on the type of project proposed. The ACC reserves the right to interview the affected neighbors (adjacent neighbors and those in view of the change) regarding the proposed addition/alteration.

3. The ACC may also determine that the ACC requires additional details before making a final decision on the Application. If so, the Application will be returned to the Owner for revisions and/or the submission of additional information and/or documentation. Thus, placing the Application on hold or Denying the Application as submitted for being Incomplete. Both decisions halt the Review Period of the Application.

4. If the ACC determines that the proposed project is not permitted by the rules and restrictions of the Brighton Ridge Community as reflected in the Declaration and/or these Guidelines, the Application will be denied.
5. Once a complete Application is received by the ACC, the ACC reviews and discusses the Application. Each member of the ACC will have one, equally weighted vote on each Application. The majority of the votes in favor of one of the following decision formats is the final ruling: Approved, Conditionally Approved, or Denied. Each of these are detailed below. ***Note: Conditionally Approved or Denied may be on any grounds. Any details pertaining to such a decision shall be communicated to the Owner by the ACC or Board, in writing.***
6. The ACC will complete a standard response indicating their decision and provide it to the Community Manager for recording and transmission to the Applicant/Owner.
7. Approval of any portion of the Application does not ensure approval of the entire Application as each addition, improvement, and/or alteration will be considered on its own merits.
8. An Application, approved by the ACC, is viewed as a contract to comply with specific details, as outlined in the Application. Variations and/or deviations may result in a violation or require resubmittal.

Review Period

The decision by the ACC of each Application submittal package shall be within **forty-five (45) days** of receipt of fully executed and complete Application with all materials required by the ACC. Any drawings, plans, building or fencing permits, or other attachments to the Application, if requested by the Owner, shall be returned to the Owner, accompanied by the ACC's Decision Notice via First-Class US Mail. A copy of the attachments to the Application shall be retained by the Property Management Company for the Association's records. The ACC's decision shall be rendered to the Owner by the Property Management Company in writing using the structure as follows:

APPROVED – The entire Application, as submitted, is approved. Variations and/or deviations of the project as detailed in the Application may result in a violation or require resubmittal.

CONDITIONALLY APPROVED – The Application is not approved as submitted, but the ACC's suggestions for curing objectionable features or segments are noted. The Owner must correct the plan's objectionable features of segments, and the Owner may be required to resubmit the Application for the Association's records and receive approval prior to commencing the construction or alteration. Variations and/or deviations of the alterations required by the ACC, or in non-compliance with the Community's rules and restrictions, for the project may result in a violation or require resubmittal.

DENIED – The entire Application as submitted is rejected in total. The ACC will provide comments regarding its decision.

If the ACC fails to respond within **forty-five (45) days** from receipt of the Application, the Application shall be deemed **APPROVED** pursuant to the Declaration. Receipt shall be defined as the date stamped on the fully executed Application upon receipt by the Property Management Company. All architectural, landscaping, or exterior additions, improvements, and/or alterations must be consistent with the Declaration, these Guidelines, and the Rules voted on by the Board, unless the ACC has granted a written variance specifically to the Lot Owner.

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, architectural, landscaping, or exterior additions, improvements, and/or alterations. The ACC may require an Owner to

acknowledge such responsibilities in a recordable written instrument.

Appeal

Any Owner shall have the right to appeal a decision of the ACC by resubmitting the information, documents set forth above; however, such appeal shall be considered only if the Owner has altered the plans for the architectural, landscaping, or exterior additions, improvements, and/or alterations or has new information which would, in the ACC's opinion, warrant reconsideration. If Owner fails to appeal a decision of the ACC to the Board of Directors within **fifteen (15) days**, the ACC decision is final. In the case of a disapproval and resubmittal, the ACC shall have **fifteen (15) days** from the date of each resubmittal to approve or disapprove any resubmittal. See Section 2.03 for further information regarding the appeal process.

City/County Approval

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of the City and/or County or other governmental authorities. It is the responsibility of the Owner to obtain all necessary permits and approvals prior to starting construction or installation of the additions, improvements, and/or alterations.

Each Owner and their Tenants/Residents shall comply with the Declaration, these Guidelines, and the Rules voted on by the Board. If the Owner disagrees with any ruling, you may appeal it to the Property Management Company. However, until the situation is resolved all fines will remain in place and the decision will be considered final.

Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ACC that work completed or in progress on any Lot is not in compliance with these Declaration, these Guidelines, and the Rules voted on by the Board or any approval issued by the ACC, the ACC shall, directly or through the Board, 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 stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration, these Guidelines, and/or the Rules voted on by the Board.

Time to Commence

If construction does not commence on any architectural, landscaping, or exterior additions, improvements, and/or alterations for which plans have been approved within **thirty (30) days** of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Owner to resubmit the plans to the ACC for reconsideration. The Owner may request an extension of the commencement time period not less than **three (3) days** prior to the expiration of the time period, which the ACC may approve or disapprove, in its sole discretion.

Time to Complete

The ACC shall include in any approval a maximum time period for the completion of any architectural, exterior, or landscaping additions, improvements, and/or alterations. If no maximum time period is specified in the approval, the approved improvement shall be completed within **thirty (30) days** of its commencement. The Owner may request an extension of such maximum time period not less than **three (3) days** prior to the expiration of the maximum time period, which the ACC may approve or disapprove, in its sole discretion.

Review Criteria; Recommendations; Variances

While these Guidelines are intended to provide a framework for common architectural, landscaping, or exterior additions, improvements, and/or alterations, these Guidelines are not all-inclusive. In its review process, the ACC may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding Lots, topography, and finish grade elevation, among other things. The decisions of the ACC may be based on purely aesthetic considerations; provided, the ACC

shall not grant approval for a proposed Architectural Request Form Application that is inconsistent with these Guidelines unless the ACC grants a variance. Each Owner acknowledges that opinions on aesthetic matters are subjective and may vary as members of the ACC change.

The ACC shall have the authority from time to time to adopt and revise lists of recommended landscape materials. The ACC 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 when planted in existing Landscaping beds. Alternatively, the ACC may provide that the purpose of the list(s) is merely to provide guidance and that installation of recommended materials does not relieve the Owner from any obligations set forth in these Guidelines to acquire approval prior to installation.

Variances may be granted on a case-by-case basis but only in some circumstances (including, but not limited to, topography, natural obstructions, or environmental considerations) when deviations may be necessary. The ACC shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration, these Guidelines, and/or the Rules voted on by the Board. The granting of a variance to any of these Guidelines for an Owner for an architectural, landscaping, or exterior additions, improvements, and/or alterations on a Lot does not set a precedent for the Community, nor does it allow for any previous violations of the Declaration, these Guidelines, and the Rules voted on by the Board against the Owner to be dismissed. No variance shall be effective unless in writing, signed by the Chair/Liaison of the ACC with the support of a majority of the members of the ACC.

Changes after Approval

Any and all changes to approved plans, including but not limited to additions, improvements, and/or alterations that affect the exterior of any building, fencing, grading, landscaping, or lighting, made after the approval of plans must be submitted to and approved in writing by the ACC prior to implementation. Close cooperation and coordination between the Owner and the ACC will ensure that additions, improvements, and/or alterations are approved in **fifteen (15) days**.

If the City/County, or any other authority having jurisdiction, requires that changes to be made to final architectural, exterior, or landscaping additions, improvements, and/or alterations plans previously approved by the ACC, the Owner must notify the Property Management Company of such requirements and receive approval from the ACC prior to implementing such changes.

An Application, approved by the ACC, is viewed as a contract to comply with specific details, as outlined in the Application. Alterations and/or deviations may result in a violation or require resubmittal.

Each Owner and their Tenants/Residents shall comply with the Declaration, these Guidelines, and the Rules voted on by the Board. If the Owner disagrees with any ruling, you may appeal it to the Property Management Company. However, until the situation is resolved all fines will remain in place and the decision will be considered final.

In the event of any violation of these Guidelines, the Board may take any action set forth in the Declaration, including levying a Specific Assessment pursuant to the Declaration. 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 Board shall be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Lot upon which such violation exists.

When there is a documented violation on any Lot in the Community, no further Architectural Request Form Applications can be submitted to or processed by the ACC for that Lot, unless all previous violations have been corrected for that Lot.

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

Property Management Company:

- a. The Property Management Company, under contract to the Association, shall be responsible for conducting field inspections of Community to identify problem areas and violations. Inspections identifying areas requiring immediate action shall either be acted upon immediately by the inspector, reported to the Property Manager for appropriate action, or the appropriate liaison notified as soon as possible.
- b. The Property Management Company shall receive complaints from any source regarding problem area and violations requiring possible enforcement action in Community. The Property Management Company shall document all complaints received and forward them to the appropriate person(s) for action or act upon them depending upon the nature of the complaint.
- c. The Property Management Company shall perform those functions related to enforcement action as directed by the Board.
- d. The Property Management Company shall keep appropriate ACC liaison informed and keep the Board informed through the Board's President or other designated person(s), and by other appropriate means, of enforcement actions taken and of potential problem areas where enforcement may become necessary.

The Enforcement Process:

- A. Identification and Investigation of Violations: for Architectural Control Violations, the ACC and the Property Management Company are primarily responsible for identification of violations and investigation to determine if an Architectural Control Violation has occurred.
- B. Enforcement Action: Architectural Control Violations
 1. For enforcement action involving architectural, landscaping, or exterior improvements or alterations without ACC pre-approval, the Property Management Company is primarily responsible for initial enforcement action.
 1. For enforcement action involving major architectural, landscaping, or exterior additions, improvements, and/or alterations not consistent with ACC approval or the Rules and Restrictions for Brighton Ridge, the Property Management Company, under the direction of Board, is primarily responsible for issuing a Due Process Hearing notice.

Architectural Control Committee Enforcement the ACC has authority under the Declaration to:

- A. Enter and inspect any Lot for the purpose of determination by the ACC whether there exists any construction of any improvement, which violates the term of any approval of the ACC 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.
- B. Enforce architectural standards as set forth in the Declaration and in these Guidelines.

C. In its discretion, release existing additions, improvements, and/or alterations from restrictions or encroachments they violate in appropriate circumstances.

D. In its discretion, grant waivers for minor deviations and/or infractions if appropriate.

The Architectural Control Enforcement Process:

A. The ACC shall maintain close liaison with the Property Management Company to identify violations and to process complaints in a timely manner. Field inspection reports, related to Architectural Control Violations, are reported to the Board by the Property Management Company in their monthly report. The ACC shall also initiate proactive measures to identify violations and report them to the Property Management Company.

B. All complaints received by the Property Management Company alleging Architectural Control Violations shall be investigated on a Lot inspection; the President of the Board may also be contacted.

C. All complaints received by members of the ACC alleging Architectural Control Violations shall be reported to the Property Management Company.

D. All complaints received by members of the Board alleging Architectural Control Violations shall be reported to the Property Management Company.

E. Upon receipt of information concerning potential or alleged Architectural Control Violations, the ACC shall determine the nature of the violation within the following categories:

1. Architectural, landscaping, or exterior improvements or alterations without ACC approval.
2. Architectural, landscaping, or exterior improvements or alterations not consistent with ACC approval.
3. Architectural, landscaping, or exterior improvements or alterations begun or completed after Application for ACC approval but prior to actual approval.

F. The ACC may investigate alleged violations or may request the Property Management Company to conduct such investigations. In appropriate cases, professional technical assistance, such as engineers, may be used if approved by the Board in advance. The Board's President shall be notified of the initiation of such an investigation as soon as possible. The different categories of violation shall require different investigative responses.

1. Major architectural, landscaping, or exterior improvements or alterations without ACC approval including but not limited to construction of a deck, fence, parking pad, or other dwelling addition or accessory structure; cutting down trees; filling large areas; or similar major additions, improvements, and/or alterations shall require a formal, comprehensive investigation with full documentation in their files relevant to the allegations or verify that no request was submitted. The Property Management Company, the ACC, or both, shall make visual observations of the alleged violation to the extent possible. Photographs should be taken if feasible. Interviews of the Residents involved may be conducted if appropriate in the circumstances, but at least two members of the ACC or Board of Directors or Property Management Company should be present, and no promises should be made during the interview. Other investigative actions may be taken as appropriate. In cases of Minor architectural, landscaping, or exterior improvements or alterations without ACC approval, the ACC shall investigate or refer these cases to the Property Management Company for investigation, at their discretion.

2. Architectural, landscaping, or exterior improvements or alterations not consistent with ACC approval. In these cases, the Property Management Company shall compile a packet for the ACC or Board of Directors of all Applications and other documentation in their files relevant to the alleged violation and forward it to the liaison for and/or members of the ACC or Board of Directors. The ACC or Board shall conduct an investigation or ask the Property Management Company to conduct such an investigation to verify that the improvements were actually not consistent with the ACC approval.

3. Architectural, landscaping, or exterior improvements or alterations begun or completed prior to Application submission for approval but prior to actual approval. The ACC shall investigate or cause the Property Management Company to investigate these allegations as quickly as feasible if the work is still

in progress. If the work has been completed, the investigation shall proceed as determined by the ACC.

B. Notice:

1. The Property Management Company will mail one notice to any Owner in violation, noting the violation and requesting compliance by a certain date to avoid penalties. In the case of pre-approved work in progress, a letter shall be sent by the Property Management Company within 1-3 business days informing the Owner to cease the work immediately, explaining the violation and, in addition, giving the violator a set but reasonable amount of time to correct the violation or to inform the Owner of the Board's decision to schedule a Due Process Hearing.

2. A site inspection will be performed after the date outlined in the notice. If the violation has been corrected, the matter will be closed. A remaining violation will result in further compliance actions. Normally only one notice would be provided, but the ACC, with Board approval may extend the grace period based on individual circumstances or issue subsequent notices if necessary.

C. Enforcement options shall include the following:

1. If the corrective action demanded by the notice 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:

- a. Place a hold on all other pending Application submitted by the Owner.
- b. Impose fines in Accordance with the North Carolina Planned Community Act.
- c. With approval of the Board, seek a temporary restraining order or injunction to stop any continuing work.
- d. Require further corrective action.
- e. Demand that unapproved architectural, landscaping, or exterior improvements or alterations be removed within a specified, but reasonable, period of time and impose fines if not accomplished by the applicable deadline.
- f. With the approval of the Board, hire appropriate contractors to correct the situation and charge the Owner, beyond any fines, for the cost of such corrective action.
- g. 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.
- h. Other corrective actions that may be appropriate in the particular situation.

Disclaimer

The Association, Declarant, ACC, 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 ACC to recover any such damages.***

The purpose of these Guidelines is to provide guidance in preparing requests for approval of the architectural, landscaping, and exterior improvements or alterations on any portion of a Lot and to set forth some of the standards applied by the ACC. **These Guidelines are not all-inclusive, and no inference should be made that the failure to include a particular type of exterior architectural, landscaping, or exterior change somehow exempts that change from the approval process.** Additionally, prior approval of a variance to any Section contained herein does not set precedent for the Association.

If any paragraph, section, sentence, clause or phrase of these Guidelines 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 Covenants, Restrictions and Easements for Brighton Ridge, the Bylaws of the Brighton Ridge Homeowners Association, Inc., and these Guidelines, and other resolutions or rules adopted by the Board, collectively the Governing Documents, the Declaration shall prevail and thereafter, the Board shall determine which shall control and make corrections as needed by a majority vote.

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

Guideline Summary

It is the interpretation of the Association that the provisions of these Guidelines apply to a wide variety of considerations in the Community. Every attempt has been made to include those considerations which have the potential to impact on Lot values and/or the overall aesthetic of the Brighton Ridge Community.

The following are examples of the types of improvements or alterations that would either:

1. **REQUIRE** submittal of an Architectural Request Form Application (page 20),
2. **DO NOT** require a submittal of an Architectural Request Form Application, or
3. Are strictly **PROHIBITED** in the Community.

While every effort has been made to identify all aspects of potential requests, the Owner who has doubt if their situation is adequately addressed as described below should contact the Property Management Company for guidance.

Throughout this Section the term “*additions*,” “*improvements*,” or “*alterations*” shall include any changes to the exterior of the house, structures, yard, or any portion of their Lot visible from the street or seen from neighboring properties.

A. Types of changes which **REQUIRE** approval by the ACC:

1. Changes to the exterior of the house, such as:
 - a. Addition of:
 - i. Awnings.
 - ii. Lighting.
 - iii. Porches.
 - iv. New living/conditioned space/room additions (Garage conversions are prohibited)
 - b. Appearance, such as:
 - i. Colors.
 - ii. Materials (such as siding).
2. Other exterior changes, such as:
 - a. Outdoor Buildings/Accessory Structures
 - b. Decks, Back Porches, and Patios
 - c. Driveway extensions and parking pads
 - d. Screens (Garbage/Recycling Can Screens, Privacy Panels, or other Enclosures)
 - e. Fences
3. Major landscaping, including retaining walls and landscaping edging >3 layers.
4. Play sets, swing sets, playhouses, forts, etc.
5. Permanent recreation or sports equipment
6. Live tree removal

B. Specific changes which **DO NOT REQUIRE** a submittal (Please note that when the set specifications are not met, an Application may be required. Please review each relevant Section carefully):

1. Birdbaths, birdfeeders, birdhouses, and fountains (**see specifications, Section 3.01**)
2. Minor landscaping (**see specifications, Section 3.10**)
3. Periodic repainting and re-staining with the existing color for maintenance
4. Non-permanent recreation or sports equipment (to be put away when not in use)
5. Non-permanent children’s play equipment (to be put away when not in use)
6. Portable pools usable only by small children (to be put away when not in use)
7. Replacement of dead trees, grass, or shrubs with similar species or pre-approved materials

8. Potted plants in decorative containers (**see specifications, Section 3.10**)
9. Small, discretely located, landscaping completely contained behind house not seen from street (**see specifications, Section 3.10**)
10. Small statues in the rear yard (**see specifications, Section 3.24**)
11. Decorative/seasonal flags (**see specifications, Sections 3.07 and 3.24**)
12. Full-Lite Storm Door (**see specifications, Section 3.02**)

C. Additions, improvements, and/or alterations which are **PROHIBITED**:

1. Window air conditioning units or window fans
2. Trampolines
3. Artificial vegetation, plants, or flowers
4. Animals other than common household pets or Service and Guide Dog(s)
5. More than 3 pets
6. Chain-link, wire, or mesh fencing material
7. Commercial advertising signs, permanent or temporary
8. Projects that encroach onto property owned by another party
9. Metal or vinyl storage sheds
10. Metal swing sets
11. Parking of any vehicle or trailer on soft surfaces, such as grass, front, side, or back yard
12. Parking trailer on street or driveway
13. Exterior clotheslines
14. Above-Ground Pools (except portable pools usable only by small children (to be put away when not in use))
15. Converting garages to living/conditioned space
16. Screened doors
17. Security Bars on Windows or Doors
18. Rock/Gravel/Stone Mulch or Dyed Wood Mulch in an unnatural wood color, e.g. red or black
19. Foldable, portable, and/or non-permanently affixed Garbage/Recycling Can screens

Each Owner and their Tenants/Residents shall comply with the Declaration, these Guidelines, and the Rules voted on by the Board.

Procedure for Requesting Approval of Architectural Control Committee

Application Instructions**ARCHITECTURAL CONTROL COMMITTEE APPLICATION INSTRUCTIONS**

STEP 1. Obtaining Application: *Prior to any alteration, addition, and/or improvement*, the record Lot Owner (not their Residents or Tenants, and not the contractor, vendor, service provider, or other parties) is to obtain the up-to-date version of the *Architectural Request Form Application* (“Application”) from these Guidelines (on Page 20) or download it from the **Elite Management Professionals** (the “Property Management Company”)’s website (www.elite-mgmt.com) by selecting “Communities,” then “**Brighton Ridge**” and register. If requested, the Property Manager assigned to Brighton Ridge will promptly provide the Application to the Owner. Only the legal Owner of the Lot is authorized to submit an Application.

STEP 2. Completing Application: *Prior to any alteration, addition, or improvement (“Project”)*, the record Lot Owner (not their Residents or Tenants, and not the contractor, vendor, service provider, or other parties) completes the Application and provides all the applicable information and attachments as requested on the Application and/or in these Guidelines. Reference should be made to the Architectural Control Guidelines for specific requirements and restrictions for the proposed Project. All parts of the Application shall be filled out and all pertinent information shall be included in the Application.

STEP 3. Submitting Application: The completed Application with any attachments or supporting documents required by the Application and Guidelines is to be copied or electronically scanned with the required attachments and submitted directly to the Property Management Company for processing via email, First-Class US Mail, facsimile, or the Owner’s account on the Property Management Company’s website for Brighton Ridge (refer to Section 2.02). Applications submitted by any other means, i.e. with a member of the ACC, with a member of the Board, or with any other officer of the Association, will not be processed.

STEP 4. Conducting Initial and Preliminary Review: The Property Management Company will conduct a review of the Application for completeness. If the Application is determined to be incomplete upon initial review by the Property Management Company, for the reasons of, including but not limited to, missing all necessary attachments of supporting documentation, needing signature/initials of Owner, failing to include the Lot’s Plot Plan/Final Survey Map, and/or containing insufficient detailed description of the Project, it shall be deemed Administratively Denied. The Property Management Company will notify the Owner either via email or via telephone of the reason(s) the Application has been deemed Incomplete and Administratively Denied. The timeline of the processing of an Application, including the ACC’s review and decision, will terminate for any Applications that have been Administratively Denied. Any calculation of timeline concerning the processing of an Application will not start to run until a complete Application with its supporting documentation is received by the Property Management Company.

If the Application is determined to be a complete upon initial review by the Property Management Company’s staff, it will be marked with the date it was received by the Property Management Company. The Property Management Company will copy or electronically scan to the Application to the ACC for their review.

The Property Management Company will send the electronically scanned or faxed copy of the Application to the designated representative of the ACC, such as the Chairperson of the ACC, for a preliminary review of completeness. The ACC representative will notify the Property Management Company if the Application requires additional information or attachments. The Owner will be notified by the Property Management Company of the Application’s deficiencies. Otherwise, if the submitted Application is deemed acceptable, it will be immediately forwarded by the ACC representative to the rest of the ACC members for thorough review.

STEP 5. Application Review: ACC members will review complete Applications at a scheduled ACC meeting or by communicating via email to render their decision on the Application within **forty-five (45) days** from receipt of the complete Application by the Property Management Company. The ACC may: (a) approve the Application, (b) conditionally approve the Application, stating the conditions in writing, or (c) deny the Application, stating the reasons for the denial in writing, including the submission of an incomplete Application.

STEP 6. Decision Notification: The ACC representative shall supply the Property Management Company the details of the ACC's decision on the Application. Upon its receipt of the ACC's decision, the Property Management Company will record the decision on their website to the Owner's account and will then create the formal notification to the Owner ("Decision Notice"). The Property Management Company will provide the Owner of the Decision Notice either via email or First-Class US Mail.

STEP 7. Response to Notification: If the Application was Denied for insufficient information, the required information shall be listed in the Decision Notice and provided to the Owner. The Owner is not to proceed with the Project. Note: Any calculation of time concerning the processing of an Application will not start to run until the submission of a complete Application is made.

If the Application was Denied due to the proposed Project determined to not be in compliance with the Governing Documents for Brighton Ridge or other detailed reasons, the Owner is not to proceed with the Project.

In the case of Approval with Conditions, the conditions shall be listed on the Decision Notice and provided to the Owner via email or First-Class US Mail. The Owner may begin the Project as long as the stated conditions are satisfied.

In the case of an Approval, the Owner can begin the Project immediately, once the Decision Notice has been received in writing by the Owner.

An Owner who is not satisfied with the ACC's decision of an Application may (a) submit another different Application, should the Owner want to resubmit another Application, the **forty-five (45) day** processing timeline starts again with each submittal, or (b) appeal the ACC's decision to the Board (See Section 2.03).

STEP 8. Completion of Project. *After completion of any alteration, addition, or improvement*, the Owner shall provide the Property Management Company with photographic evidence no less than **ninety (90) days** of the date of the Decision Notice that the finished Project is following the Approved/Conditionally Approved Decision.

Architectural Request Form Application

HELPEFUL HINTS: How to determine location of addition, alteration, or improvement: Using a Plot Plan/Final Survey Map of the Lot, the Owner must draw the location of the proposed change in red or blue ink. A Plot Plan/Final Survey Map allows both the Owner and the ACC to be aware of any Landscape Buffers, Sight Distance Triangles, Conservation Areas, Building Setbacks, or Easements located on their Lot that will result in restrictions or conditions for any permanent imposed by the Association or the City/County. As an example, a structure or fencing may not be permitted to be constructed over the Private BMP Access and Maintenance Easement (yellow) on the Plot Plan for Lot 16 nor over the Landscape Buffer Easement (green) on the Plot Plan for Lot 17 pictured below. A current Survey Map may need to be conducted of a Lot by a professional surveyor.



The Appeal Process

An Owner has a right to appeal a decision by the Architectural Control Committee (“ACC”) to the Board of Directors (“Board”). The Board will interpret the Declaration of Covenants, Restrictions and Easements (“Declaration”), Bylaws, Architectural Control Guidelines (“Guidelines”), and the Rules voted on by the Board, or the Association’s other Governing Documents in a judicial manner as they pertain to the Architectural Request Form Application, the ACC’s ruling, and any other evidence or testimony. The Owner must present a written statement, along with relevant evidence. During the appeal hearing, expert testimony may be heard by the Board and the Board has the ability to ask questions of the Owner at this time. After reviewing statements and evidence, and hearing testimony, the Board will confer and rule in private.

A. Notice of Denial

Upon receipt from the ACC of a final decision denying the Owner’s request, the Property Management Company shall forward the Owner a notice of denial of their Architectural Request Form Application (“Application”). The notice shall provide the Owner **fifteen (15) calendar days** to appeal the decision by way of filing a Notice of Appeal of the final ACC decision in writing to the Property Management Company.

Administrative denials pending more information or supporting documentation are not final decisions and are not appealable. Administrative denials are reconsidered by the ACC and not the Board. Once a final decision has been reached, then the time for appeal begins to run.

B. Owner: Notice of Appeal to the Board

Each Owner and their Tenants/Residents shall comply with the Declaration, these Guidelines, and the Rules voted on by the Board. If the Owner disagrees with any ruling, the Owner of the Lot may submit an appeal to the Board through the Property Management Company. However, until the situation is resolved, Owner is not to start or continue additions, improvements, and/or alterations project until the decision is considered final, and the Owner has been granted permission, with or without conditions, to do the project.

When a decision of the ACC is appealed, the Owner must submit the following to the Property Management Company:

1. A Notice of Appeal letter stating a summary of the Application and justification for the appeal.
2. All supporting information (the Application and its attachments). *Note: If any information is withheld by the Owner during the Application or appeal process, it will be grounds for dismissal and will be given no additional opportunity for consideration.*

C. Transmittal to the Board

Owner is to submit the Notice of Appeal, the original Application, and all supporting paperwork to the Property Management Company. Owner is to request confirmation of receipt. The Property Management Company shall provide the Notice of Appeal packet to the Board and the Chair/Liaison of the ACC.

D. Appeal Process/Hearing

The Board has the following duties:

1. Ensure the Application is the same as the one previously presented by Owner to the ACC.
2. Review all information.
3. Schedule a hearing on the appeal, normally in conjunction with a normally scheduled Board Meeting after all supporting information has been reviewed and within **sixty (60) days** of receipt of the Notice of Appeal. The Owner should then be notified of the hearing date and time by the Property Management Company, so that they can be given the opportunity to appear in person, telephonically, or virtually and defend

their Application.

4. The ACC Liaison or Chair, or appointed representative, should be present during the Board meeting. In the absence of the Owner, the ACC Liaison will first present to the Board the reasons the Application was not approved and clearly define the problems, based on all available information.

5. If present, the Owner will then defend their Application in front the Board. The ACC Representative may be present during this time, but they are not allowed to participate in any of the conversations.

6. After conclusion of the appeal hearing with the Owner, the Board should discuss their thoughts and any possible issues with the ACC Representative, in the absence of the Owner. If the Board members do not have the necessary expertise to come to a decision, an outside (unbiased) expert on the subject must be consulted to assist them in their decision. If any neighboring properties are affected by the Application in question, all neighbors may be contacted, informed of the situation, and asked for their input.

E. Decision of the Board

1. No decision shall be rendered at the appeal hearing. The Board shall report their decision within **fifteen (15) days** of the hearing, based on a majority vote, in writing. The Board will provide a ruling, as listed below:

- a. Overturn the ACC's decision;
- b. Overturn ACC's decision but with Conditions;
- c. Uphold the ACC's decision and deny the Appeal; or
- d. Request that the Application be resubmitted to the ACC with changes and/or more information. A clear justification for the final decision must be provided. The Property Management Company shall forward copies of the Board's decision and justification to the Owner and the Liaison of the ACC

F. Conclusion of Appeal:

The ACC has the following duties:

1. Submit debated issues and relevant rule interpretations in written form to the Board.
2. Upon return of an Application to the Owner by the Board, if the decision of the ACC was upheld, the ACC should, if necessary:
 - a. Help the Owner during the implementation process, or
 - b. Help the Owner amend the Application to conform to the Declaration, Bylaws, Architectural Control Guidelines, the Rules voted on by the Board, and the other Governing Documents for resubmission to the ACC.

The Owner has the following duties:

1. Must submit a complete Application.
2. Operate in good faith to adhere to the Declaration, Bylaws, and Guidelines of the Association.
3. Modify Lot according to the outcome of the appeal.
4. Offer truthful disclosure of all issues regarding their Application.

Birdbaths, Birdhouses, Birdfeeders, and Fountains

Appearance:

All birdbaths, birdhouses, birdfeeders, and fountains will be reviewed on an individual basis. Generally, the ACC will review materials, colors, location, scale and other details to determine compliance with the architectural intent of any existing or proposed structures on the Lot.

Location:

All birdbaths, birdhouses, birdfeeders, and fountains shall be located in the rear private area of the Lot and not extend beyond the rear corner of the residential dwelling (“house”) out of street view, nor beyond the Resident’s Lot boundaries. They must be placed in a reasonable location where they blend in with their surroundings. Birdhouses and birdfeeders shall not be mounted or displayed on fences or other areas that are adjacent to Resident’s Lot property lines or the street (e.g. corner lots).

Requirements:

Please be mindful of your neighbors. A maximum number of one (1) birdbath, three (3) birdhouses, three (3) birdfeeders, and one (1) fountain are allowed.

Birdbaths and fountains only need to be approved by the ACC if they are installed in corner lots (where the backyard is facing the street) and/or exceed four feet (4’) in height and/or three feet (3’) in diameter. Residents are expected to display all items in good harmony with the Community. The Association reserves the right to request removal and/or submission of an Application for any number, any size, or any style of birdhouses, birdbaths, birdfeeders, or fountains that exceed or do not meet the above listed criteria.

Building Addition or Exterior Alterations

******NOTE: CONVERTING GARAGES INTO LIVING/conditioned space IS PROHIBITED. ******

Examples of additions, improvements, and/or alterations include but not limited to screened porches, sunrooms, new conditioned living/conditioned space, or storage areas that are physically attached to the main structure of the existing house. Examples of exterior alterations include the addition of storm doors, gutters, shutters, window planter boxes, installation of permanent signs and decorations, or similar exterior additions, improvements, and/or alterations to the main residence.

Appearance:

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

Location:

In general, except for building alteration, the location for building additions will be governed by the maximum building area that is defined by the City/County in respect to the minimum setback requirements from the property line. See Section 3.25 Building Setback and Lot Restrictions. However, the ACC reserves the right to reject Applications, which may meet the City/County setback requirements but fail to meet the objectives of the ACC. The ACC will review each Application on an individual basis and approvals will be granted on this basis. Prior approval of an Application does not guarantee subsequent approval on the same or another Lot.

Materials:

Materials for use on any building additions, improvements, and/or alterations 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/County/State building codes will be considered meeting the **minimum** standards of construction. The ACC reserves the right to require Residents to **exceed** these Guidelines if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ACC seeks to maintain the quality of materials and workmanship present in the original structure.

Requirements:

All building additions, improvements, and/or alterations shall maintain proper drainage on the site and not direct water to adjacent properties. If a building addition, improvement, and/or alteration is planned to any existing structures, which will affect drainage, Residents are required to provide a plan that details drainage patterns and runoff as a result of the /or.

The additions, improvements, and/or alterations specified below DO NOT require approval if accomplished in accordance with the Guidelines provided:

A. Storm Doors: Properly installed storm doors that are full height, single glass pane (full-lite) glass without cross members in white, off-white, black, or brown in color with narrow stiles. Color must match trim or door color. Partial screen doors must be without cross members on the glass portion of the door. Any damaged screens must be replaced within fifteen (15) calendar days of the event causing damage. Full-screen doors are strictly prohibited. Storm doors with glass that is patterned or etched with a design require approval from the ACC.

B. Gutters: When properly installed, white, off-white, black, or brown pre-finished, or color consistent

with the house trim, aluminum gutters do not require approval. Other colors or materials require an Application for ACC approval. In addition, gutters, downspouts, or any downspout extension that cause a change in normal runoff patterns and water quantities sufficient to impact the drainage on adjacent properties is strictly prohibited.

The additions, improvements, and/or alterations specified below DO require approval from the ACC prior to installation/construction:

Awning: Any proposed awning must be approved by the ACC. Awnings will only be approved for the rear of the house to cover a deck or patio. Awnings should be canvas, nylon, or other fabric in the same color as either the sides or the trim of the house. Metal, fold-down awnings and canopies shall not be permitted. A picture of the color swatch of the fabric to be used on the awning is to be taken next to the house trim and siding submitted with the Application.

Shutters: Permanent and fixed shutters are permitted. The design, location, and color of the shutters must be approved by the ACC.

Permanent Barbecues and Outdoor Cooking Areas (“Barbecue”): Permanent barbecues and outdoor cooking areas must be constructed in the rear private area of the Lot and not extend beyond the rear corner of the house out of street view. Each barbecue feature may be permitted but should not be a dominant feature on the landscape and should be located so they will blend as much as possible with the surrounding area. Corner lot Residents are to screen the barbecue area using shrubbery on the side street view of the structure. Supplemental planting should be provided to soften the visual impact of the barbecue, particularly when little or no natural background or screening is available. No permanent barbecue or cooking area may be installed without prior ACC approval, unless included in the original construction of the house by Declarant or Builder.

Animal Housing: 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 said Lot have been approved by the ACC. No chain link fencing or dog kennels are permitted. 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. No installation, construction, or maintenance of other pet houses or pet runs shall be made.

A Plot Plan/Final Survey Map that reflects the Lot property lines, easements, landscape buffers, and structures, must contain a drawing of the location of the proposed addition/alteration (in blue or red ink), and a complete set of construction plans (dimensions, elevation/design, materials, colors, etc. must be included with any Application. The ACC reserves the right to interview the affected neighbors (adjacent neighbors and those in view of the change) regarding the proposed addition/alteration.

Decks, Back Porches, and Balconies

Materials:

All decks, back porches, and balconies shall be constructed of #2 or better pressure-treated lumber with galvanized hardware. A clear water seal or natural-colored stain is recommended but not a requirement for approval for a wooden decks, back porches, and balconies Deck post may be made of brick, pressure treated wood, or other suitable structural material.

Appearance:

Deck height is not restricted but is recommended to be no more than fifteen feet (15') in height from the ground. The size and styling of decks, back porches, and balconies must complement the dwelling structure and be in proportion to the dwelling structure. Decks, back porches, and balconies must remain natural in finish color. Clear or natural-tone sealants/protectants should be applied at the Resident's discretion to natural wooden materials to protect the material. Stains may be applied without prior approval of the ACC if in compliance with the below listed brand, transparency, and color restrictions. All other colors must be pre-approved by the ACC prior to application of the paint or stain. A color picture of the existing dwelling must be submitted with the Application so that the stain or paint selected matches the existing color scheme of the house (picture must include the house trim and siding).

Other materials, such as composite lumber (e.g. Trex), may be considered as alternatives to wood, in which case color coordination with the color scheme of the house is required.

Only the following **Sherwin Williams SuperDeck Stains** may be used on wooden decks, back porches, and balconies in the Brighton Ridge Community:

**Banyan Brown (Sherwin Williams #3522);
Charwood (Sherwin Williams #3542);
Moss Olive (Sherwin Williams #3530); and
Blue Shadow (Sherwin Williams #3531).**

If not using Sherwin Williams SuperDeck Stains as listed above and Owner wishes to **use another brand of stain** on the wooden material with an equivalent color and equivalent transparency of an above-listed Sherwin Williams colors and stains, approval must be obtained from the ACC prior to the application of the stain. A sample/swatch of the Sherwin Williams color and a sample/swatch of the requested color in another brand must accompany the Application.

The handrails, spindles, framing/trim (back porch and balcony), and steps of the deck, back porch, and balcony may be painted to match the trim color of the main house. Painting or solid-color/solid-bodied/non-transparent/opaque staining of any other wood materials will be considered on a case-by-case basis.

When submitting an Application pertaining to staining or painting, a color picture of the existing dwelling (picture must include the house trim and siding) must be submitted with the Application so that the ACC determine if the color selected matches the existing color scheme of the house.

Location:

All deck, back porches, and balconies must be confined to the rear of the dwelling structure and must not protrude past the sides of the building. However, when there is a patio on the side of the building (facing the side and not the back of the Lot) as installed by the Declarant or Builder. Size and appearance (see above) will be significant factors for the ACC to make such an exception. Decks and back porches must be within the minimum building

setback requirements of the City/County as shown in the Plot Plan/Final Map Survey; however, final placement and approval will be determined by the ACC and may be more restrictive than the City/County setback requirements. See Section 3.25 for Setback and Lot Restrictions.

Requirements:

A building permit must be obtained from the City/County and all required inspections successfully completed. All decks, back porches, and balconies must meet the building requirements for the City/County/State, in addition to these Guidelines. Proper drainage must be maintained around the deck or back porch and away from the foundation. The area under the deck or back porch must be properly maintained (e.g. grass). Otherwise, if the deck or back porch is low on the ground, the area under the deck or back porch must be treated with weed and grass killer and covered with landscape fabric and mulch or gravel.

Note: It is a violation to use the space under the deck or back porch (without the installation of a pre-approved privacy screening around it) as a storage area! The space under the deck must be clean, well-organized, and not visible from the street or any neighboring properties, if used for storage of outdoor items, such as garden hoses and materials, toys, etc. A lattice (wood or vinyl) or other fencing material (See Section 3.06) may be an option to be used as screening for under the deck or back porch, but it needs to be included with the Application for approval. Color/material coordination with the deck or back porch and the house will be a significant factor in approving this type of screening. In addition, shrubs are recommended to be planted around the deck or back porch to soften its appearance.

Prior approval of a variance to this Section does not set precedent for the Association.

A Plot Plan/Final Survey Map that reflects the Lot property lines, easements, landscape buffers, and existing structures, must contain a drawing of the location of the proposed addition/alteration in red or blue ink and a complete set of construction plans (dimensions, elevation/design, materials, colors, etc. must be included with any Application. The ACC or Board reserves the right to interview the affected neighbors (adjacent neighbors and those in view of the change) regarding the proposed addition/alteration.

Requirements:

Drainage of the Lot must conform to all City/County requirements. All drainage and grading must be indicated on the plans approved by the ACC. There shall be no interference with the established drainage pattern over any Lot except as approved in writing by the ACC, 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 Declarant or approved builder to the individual Owner. Residents may make minor changes to the drainage to their Lots if they **do not alter the established drainage pattern nor is water redirected towards adjacent properties.**

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 ACC 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 Lot line to allow for absorption.

All Projects that cause any changes in the drainage pattern, water flow, and/or cause neighboring properties to receive water run-off require prior submission of an Application for approval. A Plot Plan/Final Survey Map of the Lot and elevation plans are a requirement for all drainage Applications.

Exterior Freestanding Detached Structure

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

Appearance: Generally, the ACC will review materials, colors, location, scale and massing 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 Community with specific emphasis given to the maintenance of a cohesive Community's architectural style. This "style" incorporates the scale, materials, details, massing, and color and design intent of the original structures. Every Application will be reviewed on an individual, case-by-case basis.

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/County in respect to the minimum building setback requirements from the Lot line. However, the ACC reserves the right to reject Applications, which may meet the Lot's Building Setback requirements and restrictions but fail to meet the objectives of the ACC. A prior approval of an Application by the ACC does not guarantee subsequent approvals on the same or other Lot. The ACC will review each Application on an individual basis and approvals will be granted on this basis. See Section 3.25 for Setback and Lot Restrictions requirements.

The location 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 ACC applying a standard of reasonably objective, 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/County building codes will be considered meeting the "minimum" standards of construction. The ACC reserves the right to require Residents to **exceed** these Guidelines if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ACC's objective is to maintain the quality of materials and workmanship that are present in the original structure.

Accessory structures, such as storage sheds must be of similar architecture to the main house. If the main structure has cementitious siding, then the accessory structure is to have cementitious siding or some other type of material with a horizontal pattern. The accessory structure must be the same color as the main residence and have the same type of shingles and color. The shed must be in proportion to the house, but in no case shall exceed 120 feet in total floor space.

Applications must include details of the foundation (e.g. concrete footings or pad) or anchors for such structures.

Requirements: All exterior freestanding structures shall maintain proper drainage on the site. If a structure is planned, are required to provide a plan that details drainage patterns and runoff because of the new structure.

It is also recommended that the view of any exterior detached structures, especially storage sheds, be screened using shrubbery on the street view side of the 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. Overhead electrical service is not permitted in the Community.

The shed must be permanently affixed to the ground via a concrete slab floor or footings in the corners.

*****METAL OR VINYL STORAGE STRUCTURES WILL NOT BE APPROVED.*****

All external detached freestanding structures must comply with all applicable City/County regulations, ordinances, permit requirements and inspection requirements. The City/County standards are the minimum requirement, and the Association standards may be more stringent. A Plot Plan/Final Survey Map of the Lot, exterior structure plans (including materials, dimensions, etc.) and its placement, as well as neighbors' signatures in view of the structure are required with each Application. **According to local City/County requirements, a building permit and inspection of the structure (and possible electrical work) by the City/County may also be required. It is the responsibility of the Owner to comply with local state and federal requirements even if they have previously received approval by the ACC.**

Fences

Location: The fence shall start from the rear corners of the house structure in a direction toward the closest side Lot line and run toward the rear Lot line, enclosing only the rear yard. Variances may be made on an individual basis to allow the fence to start on the side of the house, but not to exceed more than ten feet (10') from the rear corners of the house, no exceptions. All variances must be approved in advance by the ACC. Prior variance approvals in the Community related to this Section does not set precedent for the Association.

Fences shall be installed either within one inch (1") from the Lot line or no less than three feet (3') from the Lot line, allowing sufficient space for Owner to maintain their Lot and/or fencing without trespassing onto adjacent properties. However, any corner lot and lots bordering a roadway or alleyway are required to have a setback of five feet (5') from the sidewalk or 8 feet (8') from the curb if there is no sidewalk present, on the side of the lot facing or running parallel to the street or alley.

A minimum clearance of three feet (3') must be kept between a Resident's fence and a neighbor's fence if the Owner is opting to install a fence not identical to the same style as their neighbor's fence. Residents may abut their fencing up to the pre-existing fencing on neighboring properties with the restriction that they do not encroach upon the neighboring properties and that a separate post be installed to secure the Resident's fence.

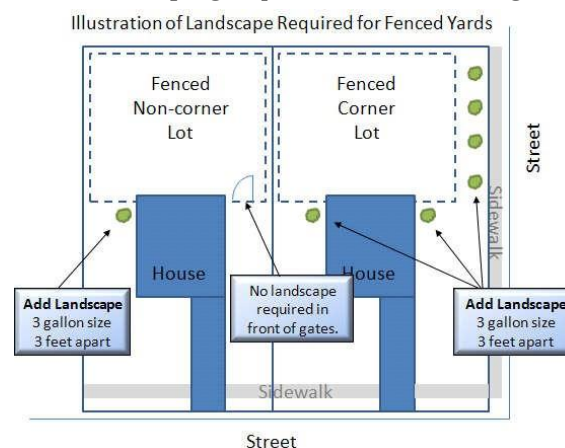
A minimum clearance of three feet (3') must be kept between a fence and any utility box/pedestal or sanitary sewer manhole located on a Lot. A minimum clearance of two feet (2') must be kept between a fence and any A/C Compressor. No fencing is allowed over or into landscape buffers, easements, right-of-ways, or sight distance triangles on any Lot. Existing trees or shrubs shall not be removed to place the fence without prior approval, with conditions, from the ACC. The ACC will determine the final placement of the fence for each Lot based on restrictions and requirements in these Guidelines and the overall Community's aesthetics.

Requirements: Owner must obtain written approval from the City/County to install fencing over any Public Easement. Written approval from the City/County shall be attached to the Application. Approval must be obtained by ACC separately and is not subject to the City/County's decision of the fence's location.

Additionally, black aluminum fencing must be surrounded on both sides by 6" of mulch (total of 12") at a minimum of 4" deep. Mulch must be similar in style, quality, and color to the current mulch installed by builder or the Association's landscaper throughout the community.

Fence shall follow the natural topography of the land. For privacy style fences, at least two inches (2"), but no more than three inches (3"), must be left between the bottom of the fencing panel and the ground to allow for the natural flow of water.

Fences are required to have shrubs planted within three (3) months of installing the fence along any sides of the fence that face the street to help the fence blend with the surrounding landscaping. A shrub is not required to be planted in manner that would impair the accessibility of any gate. Shrubs must be a minimum three (3) gallon size pot, be spaced three feet (3') to five feet (5') apart depending on the size at maturing and reach a minimum height of three feet (3') within two (2) years of planting. The following illustrates the landscaping requirements for fencing:



There shall be a minimum of one walk-through gate at least forty-eight inches (48”) wide for access. Gates must be self-closing. Wider or additional gates may be required to allow for the Resident’s maintenance/inspection accessibility for any portion of a Lot. All fencing must be maintained in an aesthetic and safe condition.

Some municipalities require Residents to obtain a fencing permit prior to the installation of a fence on their lot. It is the sole responsibility of the Owner to inquire with the City/County as to this requirement.

Materials: All fasteners are to be galvanized. Wooden fencing shall be constructed of #2 or better pressure treated yellow pine. Any other material needs to be approved by the ACC.

In order to maintain a uniform style of fencing throughout the Community, the only **APPROVED FENCING STYLES** allowed to be constructed by an Owner on their Lot:

60” or 72” Black Flat Top Aluminum
(Puppy Picket Panels permitted)

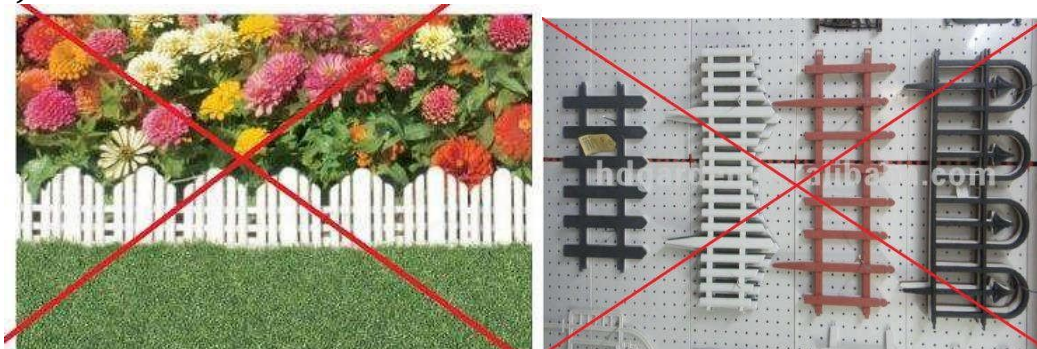


60” or 72” Cannonball/Charleston Wooden Privacy (must be constructed using 3 horizontal rails on both side of fence)



****CHAIN LINK, MESH, AND WIRE MATERIALS FENCING ARE NOT ALLOWED****

****SMALL, DECORATIVE/LANDSCAPE BORDER FENCING IS PROHIBITED****



Appearance: All fencing must be maintained in an aesthetic and safe condition. Fencing is required to be cleaned of debris, dirt, mold/mildew, etc. on an as-needed basis to maintain the overall appearance.

Wooden fencing must be stained. You must apply a medium-colored transparent or semi-transparent stain within three (3) months of construction of your wooden fence that allows the natural wood grain of the wood fencing material to still be visible. Only the stain(s) as listed or described below is/are permitted. No other colors are allowed. The specific Sherwin Williams stain color listed below does not require ACC approval prior to application, but the use of another brand would require prior approval. Please consult professionals on when the best time to apply the stain after you have constructed your pressure treated lumber fence.

Only the following **Transparent or Semi-Transparent Stain** may be used on wood fences in the Brighton Ridge Community:

Banyan Brown (Sherwin Williams #3522)

If Owner is not using **Sherwin Williams Transparent or Semi-Transparent Stain in SW 3522 Banyan Brown** to stain their fence, the brand name, transparency, and a color sample must be submitted with the Architectural Request Form Application for approval prior to staining their fence. Brightly colored (e.g. Redwood) and non-transparent stains are not allowed. Painting or solid-bodied/non-transparent staining of fencing materials is not permitted. Opaque stains are considered paint and therefore prohibited.

Prior approval of a variance to this Section does not set precedent for the Association.

INVISIBLE FENCING:

Underground “Invisible” fencing does not require approval, as long as all removed grass is replaced, landscaping is returned to its original state, and the wires are installed as to not encroach upon property owned by others.

A Plot Plan/Final Survey Map of the Lot that reflects the Lot property lines, easements, landscape buffers, and existing structures, must contain a drawing of the proposed location of the fence and gate(s) are a requirement of the Application (in red or blue ink).

*****Free-standing flagpoles (either permanently installed in the ground or removable) are prohibited. *****

Appearance:

Patriotic, Decorative, Religious, Group Affiliation, Holiday, and Seasonal flags (such as American, State, seasonal, welcome, sports or college flags) do not require prior written approval of the ACC prior to installation.

- One portable, removable United States flag may be displayed in a respectful manner and consistent with 36 U.S.C. Sections 171-178, as amended, on each Lot.
- Decorative/Religious/Group Affiliation Flags – Such flags shall not be offensive, in any way, to individuals or specific groups.
- Seasonal/Holiday Flags – Such flags may be put in place two (2) weeks before the season/holiday/event and must be removed no later than 30 (thirty) days after the season/holiday/event.

Location:

A maximum of two (2) flags per Lot. Flags are allowed to be attached to the main house and/or freestanding, are allowed. Those flags must be hung from a pole, mounted on the main house structure (siding or trim) or front porch column and shall not exceed the eaves of the main dwelling structure. In addition, a maximum of two smaller flags are allowed in other locations in the yard (such as the mailbox or in the existing landscape planting bed areas), as long as they are secured to the ground or any other structure. Yard flagpoles are prohibited.

Sizes:

Maximum allowed size for flags mounted on the house structure is 4x6 feet. All other flags, as displayed in the yard, must not be more than 18x24 inches. Flags that do not meet the proposed specifications must be approved by the ACC. Residents are expected to display flags in good harmony with our Community. The Association reserves the right to request removal and/or submission of an Application for a flag that does not meet the above-listed criteria.

**Garbage/Recycling Can Containment,
Privacy Screens, and Other Enclosures**

Appearance: Privacy panels, screens, and enclosures (“Screen” and Screens”) that are installed adjacent to the house must match the Screens installed by the Declarant or Builder, if any, the house trim color of the house to blend in with the existing color scheme of the main house. Screens made of wood require a stain as listed in Section 3.06 Fences or Section 3.03 Decks within three (3) months of installation. If the Screen is to be painted in the requirement contained in this Section or stained a color not in Sections 3.06 or 3.03, a color sample must be submitted with the Architectural Request Form Application. All Screens must be maintained in good condition (cleaning, painting, staining, etc.) as needed. If a screen is installed under a wooden deck, wood or vinyl lattice may be used, but the screen must match the deck materials and its surroundings (color, appearance, etc.). Application must be submitted and approved prior to installation of the screening. Screens shall be constructed of #2 or better pressure treated yellow pine or vinyl. All fasteners are to be galvanized. See designs below.

Location: Screens shall not be placed in the front yard. Garbage/Recycling Can Screens are to be located on the garage side or back side of the house. They shall not be located where the use, including but not limited to the gate or entry is located in a manner that requires Residents to trespassing upon adjacent Lot. The ACC will determine the final placement of the enclosure based on aesthetics and screening requirements.

Other enclosures, such as patio privacy Screens, A/C containment screens, under deck screens, etc., must be no larger than the area intended to contain (e.g. the size of the existing A/C units with no more than a 2’ clearance). Privacy Screens must be confined to the rear of the dwelling structure and must not protrude past the sides of the house. Privacy panels that enclose grass in the backyard fall into the “fence” category, see Section 3.06.

Materials: Screens and enclosures shall be constructed of #2 or better pressure treated yellow pine or commercial grade vinyl. All fasteners are to be galvanized.

Requirements: An Application must be submitted and approved prior to installation of any screening or enclosure. *It is required that all screens, panels, and enclosures be softened through the use of natural landscaping materials, such as shrubs or vines on the exterior side* within three (3) months of installing the panel, screen, or enclosure from street view. A shrub is not required to be planted in a manner that would impair the accessibility of any gate. Shrubs must be a minimum three (3) gallon size pot and be of a minimum height of three feet (3’) within two (3) years of planting. This is mandatory especially on corner lots, where part of the screen will be facing or running parallel to the street. Existing trees or shrubs shall not be removed to place the screen/enclosure without prior approval from the ACC. All screening and enclosures must be maintained in an aesthetic, safe, and good condition. Panels, screens, and other enclosures shall follow the natural topography of the land and blend in with their surroundings.

Garbage Can Area Screens shall be comprised of permanently installed screens. Garbage Can Area Screens, aka Trash Can Screens, shall be no taller than 4 ½ feet, no wider than 3 ½ feet, and no longer than 8 feet, and must be fully enclosed on no less than three sides (two sides of screen plus the original garage side wall). One gate no wider than 3 ½ feet may be installed in a manner such that the gate is facing the side or rear Lot line when closed. If installed, the gate must be kept closed at all times. Garbage Can Areas must be kept neat; no loose debris shall be allowed in the Garbage Can Area.

Allowed Garbage Can Area Screen designs:



Trash and recyclable materials must be stored in sanitary containers. Except on trash pick-up day, all garbage and/or recycling cans should be stored inside the garage or behind a screen pre-approved by the ACC in a way that it cannot be in view from the street. Garage and/or recycling cans may be placed at the curb the evening (after 5:00 P.M.) before collection day but must be removed from the curb and stored out of view from the street on the night of collection day.

Privacy Screens shall be no taller than six feet (6') and no longer than eight feet (8'). Privacy Screens should match the privacy panels constructed/installed by the Declarant or Builder during development of the Community, if any, the color of the house trim, or the stain colors listed in Section 3.03, and may be constructed with #2 pressure treated wood or fencing grade vinyl material. Vinyl Privacy Panels should match the color of the trim of the house exterior. No more than one Privacy Panel/Screen can be installed consecutively on a Lot, or it would qualify as a fence, see Section 3.06. **Allowed Designs:**



Plastic, vinyl, PVC, or wooden portable type (non-permanently affixed) Garbage Can Area Screens or Privacy Screens are prohibited on any Lot in the Community.



A Plot Plan/Final Survey Map of the Lot that reflects the Lot property lines, easements, landscape buffers, and structures, must contain a drawing of the proposed location of the screen, privacy panel, or other enclosure on the Plot Plan/Final Survey Map in blue or red ink, details as to the overall dimensions, color, materials, etc.), and the acknowledgement signatures of the affected neighbors (adjacent to or in view of the proposed enclosure) are a requirement with the Application.

Hot Tubs / Spas / Swimming Pools

****Permanent above-ground pools are prohibited****

Requires ACC Approval:

All hot tubs, spas (located outside the residence), or pools must be submitted for ACC approval. Non-permanent, portable pools usable only by small children do not require prior approval from the ACC but must be put stored out of sight when not in use.

Information Required in Submittal:

- Plans and specifications showing the nature, kind, shape, height, and materials must be submitted.
- Plot Plan/Final Survey Map showing the location of hot tub, spa, or pool.
- Plan for screening (fencing or natural landscaping screening).

Requirements:

- Any wood support structure must be the same color as the house or deck.
- Hot tub, sauna, or pool cannot be located within a buffer or easement.
- All Health Department regulations must be met.
- Hot tub, spa, or pool must be screened from view from any street.
- Hot tub cannot be freestanding. It must be adjacent to the house.

Landscaping/ Water Gardens / Vegetable Gardens / Raised Beds

Definitions: *Landscaping Bed* - Any area with ground cover, e.g. mulch, other than grass. Bushes and Shrubs- Any plant, excluding vines, that will exceed 3'-0" in height or width at maturity. *Garden* - Any area used to grow vegetables or herbs. *Water Garden* - Natural or prefabricated body of water for decorative purposes, e.g. koi pond. *Landscape Buffer* - Natural or landscaped area designated by City/County between communities or Lots within a Community with a requirement of minimum plant density.

Appearance: Natural areas and Landscaping beds shall be made in proportion to the house and Lot. All Landscaping beds shall be maintained to prevent overgrowth of individual plants or weeds. Landscaping beds shall be mulched to improve appearance and aid in maintenance. Edging around landscaping beds or natural areas is recommended 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 and plant support structures/materials 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 or attract pests. A Common Area is any parcel or community feature owned, managed, operated, insured, or maintained by the Association.

Grass should be mowed on a regular basis and not allowed to grow over 5" tall. Trimming around the sides of the house, mailbox (if applicable), trees, and landscaping beds should also be done regularly. Removal of grass with an electric or gas-powered edger along the driveway, walkway, and any sidewalks should be done at least once a month during the growing season (May through October). Lawns and landscaping beds should be free of weeds or any mixture of vegetation.

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 with the remaining 50% of the front yard area shall be grass. Areas are measured from the curb to the nearest point of the house, and from one side Lot line to the other side Lot line. Corner lots will be measured from the curb to far side Lot line. Areas will exclude the existing walkway and driveway.

Landscaping beds, vegetable gardens, natural areas, and additions, improvements, and/or alteration that affect the overall impervious surface of the Lot, such as a paver patio, located in the rear yards shall not encompass more than 70% of the total area available for the rear yard with the remaining 30% of the rear yard area shall be grass.

Mature plant size shall be considered in determining locations of bushes, trees, and shrubs near Lot property lines and the plantings set back sufficiently to account for mature growth. When bushes, trees, and shrubs are located immediately adjacent to Lot property lines, mulch is required at the Lot line to provide easy maintenance for adjacent Residents.

Vegetable, herb, and water gardens shall be confined to the rear yard out of view from public streets and Common Areas. Vegetable, herb, and water gardens on side or front yards are not allowed. Water gardens shall be planned and located to limit potentials for accidents (e.g., electrocution, drowning).

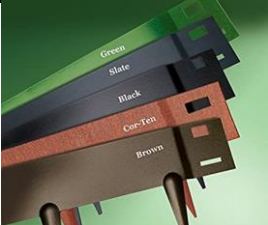
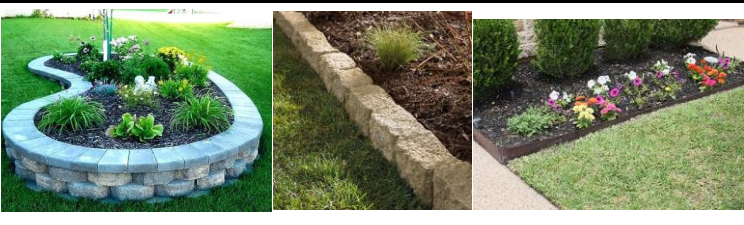
New trees shall be located away from foundations, driveway, walkways, sidewalks, and roadways to limit potential damage caused by root growth. ACC approval is required for the planting of trees by an Owner.

There are restrictions for installing additions, improvements, and/or alterations vegetation over easements, sight triangles, and landscape buffers on any Lot. These restrictions are addressed on a case-by-case basis by the ACC.

The ACC will determine the final placement of the improvement based on aesthetics and street appearance. Landscaping and plantings in utility or stormwater easements are generally permissible, but with the full understanding that any plantings may have to be removed due to accessibility for utility or stormwater work in that easement without any liability on the part of the Association, municipality, or the utility company. Replacement of grass around existing driveways with rocks, stone, gravel, pavers, stepping stones, etc. (e.g. in order to accommodate additional parking, walking path, drainage, or as an extension of the driveway) is prohibited.

Materials: In the Application, provide “common” variety names of plants that are to be used. Any additions, improvements, and/or alteration (not included resodding/reseeding as described) to your yard must be approved by the ACC. Reseeding/resodding your lawn with the following grass types do not require approval on Lots: Cool-season grasses (Tall Fescue, Fine Fescue, Kentucky Bluegrass, or Perennial Ryegrass) and Warm-season grasses (Bermuda, Zoysia, or Centipede).

Landscape planting bed border edging does not require ACC approval if it meets the below requirements and restrictions. Border edging cannot exceed more than four (4) layers/levels of the material with a cap stone or no more than three (3) layers/levels of the material without a cap stone. The following materials are permitted: solid edging brick; natural stone; pre-cast concrete landscaping edging blocks; black, brown, or dark green metal edging; or composite straight edging no higher than 18”. These materials must be landscape grade. Painted stones and other painted or stained materials are prohibited. Stone and brick must coordinate with the color scheme of the house, using the same material installed by the Declarant or Builder on the house is recommended for landscape edging, but not required. Edging material used should consider scale, color, and proportion to harmonize with the house and/or overall Community. Only one type of edging material may be used on a Lot when visible from the street. Any edging timbers, stones, blocks, or bricks that are more than eighteen inches (18”) high, without a cap stone, in any area of the Lot will be considered a “Retaining Wall” and an Application is required, **see Section 3.21**.

Some examples of permitted materials to be planting bed edging:	Illustrations of permitted landscaping used for landscape planting bed edging:
 Retaining Wall Bricks Edging Bricks Solid Bricks  Metal edging	

Residents are **not permitted** to use railroad ties, plastic edging, plastic, metal, or wire fencing, tree stumps/branch slices, rock or stones typically found onsite, river rock, construction lumber, siding, Hardiplank, construction bricks, or any materials not listed as a permitted material above.



Requirements: ACC approval is required for the removal of any trees or shrubs by an Owner. Additionally, “Street Trees” planted by the Declarant or Builder in the front yard of a Lot or in or near the City’s Right-of-Way, including but not limited to in an area commonly referred to as of “the Devil’s Strip,” cannot be removed, relocated, or replaced without the written approval of the ACC and the City. If a Street Tree is deceased, dead, or dying, it must be replaced with a tree of the same variety and size in the same location within three (3) months of removal of the original tree. It is recommended that Owner contact the City/County to confirm whether or not if the Street Tree is the responsibility of the City/County for replacement.

Only the color, type, and style of mulch (hardwood or bark mulch and pine straw) as installed by the Declarant or Builder or the Association is permitted on a Lot. The installation of a mulch of a different color, type, or style is prohibited without the prior written approval of the ACC. For example, stones/rocks/gravel of any color or red dyed wood mulch is prohibited.

All landscaping will maintain proper drainage on the site. If landscaping is planned, Residents 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 a plan submitted that resolves the drainage situation.

Irrigation systems do not require approval, as long as all removed grass is replaced, landscaping is returned to its original state with the same species of the original vegetation, and proper drainage is achieved after installation of the underground watering system. If there is any change in the drainage pattern, water flow, and/or cause neighboring properties to receive water run-off as a result of the irrigation system, The Association reserves the right to request removal of the system or grading of the Lot to correct the problem. If grading is necessary, an Application must be previously submitted to the ACC for approval.

Landscape buffers can be located in Common Areas or on Owner Lots. These buffer areas were required by the City/County to be installed in the approved subdivision plans. It is the Resident's responsibility to maintain any landscape buffer area that is located on their Lot as part of their regular yard maintenance. This includes regular maintenance such as installation of mulch or pine straw, removal of weeds and dead tree limbs, and shrub/tree pruning. Approval from the City/County is required for the removal or installation of trees or shrubs by an Owner within a landscape buffer. Landscape buffers located on the Community's Common Area are solely on the Association's responsibility to maintain. Some of these areas are intended to remain in a natural, wooded state. No permanent structures shall be installed or constructed within a Landscape Buffer. For additional information about the Landscape Buffer maintenance and requirements contact the City/County's Zoning Compliance or Planning Departments.

Vegetation planted in flowerpots and displayed on walkway, porch, stoop, balcony, patio, or deck do not require prior approval from the ACC with the condition that the decorative flowerpot containers are standard size as can be purchased from any nursery/garden center. Plastic nursery pots cannot be seen from the street. Flower or plant pots must be consistent with size of the house and Lot. Finished/decorative pots with flowers, shrubs, trees, grasses, vegetables, and/or herbs are limited to five (5) on the front and side portion of the house. Pots from the nursery are to be located in rear private area of the Lot. Color and material finish of a decorative pot must be consistent with the exterior house colors or neutral earth tone colors. Custom, oversized, or colored decorative containers must have prior approval; each Application will be reviewed on an individual basis. Vegetable or herb gardens, either raised or ground level, cannot exceed a total of 144 square feet on any Lot.

Note: *Any furniture featured in the front yard should be for outdoor use, in acceptable condition for their intended function and with an acceptable color approved by the ACC. Size and frequency of yard furniture should be limited and approved by the ACC. Furniture in the front yard should not maintain a gathering spot, which could generate excessive and regular noise. Yard furniture should be free of debris from trees, and free of clutter.*

A Plot Plan/Final Survey Map of the Lot that reflects the Lot property lines, easements, landscape buffers, and structures, must contain a drawing of the proposed location of the additions, improvements, and/or alterations in red or blue ink in addition to a detail description of the materials to be used are required attachment of the Application.

Lighting (Exterior)

Appearance:

Exterior lighting must be compatible with the architectural character of the Community. Generally, low voltage accent lighting confined to planting beds or along walkways and on decks is acceptable. Other lighting devices, e.g., floodlights, high voltage spotlights, lampposts will be reviewed on an individual basis and require written approval from the ACC prior to installation.

“Temporary event lighting” related to a holiday, religious observation, cultural, celebration, or seasonal event generally does not require approval from the ACC; however, such temporary lighting and any associated wiring must be removed within a reasonable period after such event. Temporary event lighting should not be displayed earlier than **thirty (30) days** prior to an event and must be taken down within **thirty (30) days** following the event. For example, “Christmas lights” should not be installed on any lot earlier than November 25th and should be removed no later than January 24th.

Location:

Generally, low voltage accent lighting confined to planting beds or along walkways is acceptable. Floodlights and spotlights will generally be limited to rear and side yards. Specific approval shall be required for spotlights, floodlights or any other type of accent lighting on driveways and some additional landscaping may be required. All exterior high voltage lighting must have locations approved prior to installation. This guideline is not meant to be construed as discouraging security lighting systems, but only to control the source and spread of the light beam that may be intrusive to adjacent Residents. The Application should include a diagram showing the proposed location of new lights and the lighted area. Electric cords shall never be located over public sidewalks. ***No more than one light lamppost will be allowed in front yards. More lights may be considered in the back yards.***

Materials:

Include a materials list and if possible, a picture or drawing of the proposed fixtures (including its exact location, with the Application. A Plot Plan/Final Survey Map and affected neighbors’ signatures in view of the light(s) are also required.

Requirements:

Beam spread from all light sources should be confined to the Resident’s Lot. On corner lots and locations where the lighting may affect drivers, care must be taken to ensure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic.

Any lamppost in the front yard shall not exceed eight feet (8’) with one lamp light (max. 60W) without the written approval of the ACC. If the lamppost is installed in the rear of the Lot, the total for all lights must not exceed 100W. (For example, for a 4-light post, the maximum would be 4x25W.) The maximum height is defined as the top of the post or the light(s) (whichever may be greater).

All electrical installations must be in accordance with all applicable electrical codes and regulations.

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 (5’) 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 Lot.

Mailboxes

Only the Cluster Box Units “CBUs” Mailbox Kiosks as provided by the Declarant or Builder at the time of development will be permitted in the Community.

The Association is responsible for the general maintenance of the CBUs and their surrounding area (structure, concrete, etc).

Each address in the Community will be assigned one (1) mail slot. The United States Post Service should be contact by the Owner if a replacement key for their mail slot is needed, if there is damage to their mail slot or lock, or if the Owner needs to request the reassignment of their designated mail slot due to physical limitations.

Maintenance**(House Exterior, Structures, and Yard)****Appearance:**

It is the responsibility of each Owner to maintain their Lot in such a way that it adds to the overall beauty and harmony of the Community. Each Owner should take this responsibility seriously, as failure to do so can negatively impact the aesthetics and appeal of their own Lot, surrounding properties, and the Community as a whole.

There are many areas in and around the house, which should be inspected regularly to ensure the Lot's house exterior, Lot structures, and yard are in good repair or are good overall maintenance standards for the Community. These items include, but are not limited to:

- Lawn (mowing, weeds, edging, etc.)
- Trimming of vegetation to prevent encroaching adjacent properties or Lot restrictions (e.g. easements)
- Landscaping beds (weeds or encroaching grass, replacement of dead plants, landscape edging, etc.)
- Decks or back porches
- Fencing or Privacy Screens
- Driveways, walkways, and patios
- Playground/Recreational/Sports equipment and Toys
- Painted exterior features
- Roofing
- Garbage/Recycling can storage screens and surrounding area
- Removal of debris, trash, and clutter
- Removal of mold, mildew, dirt, debris, etc. from exterior of house, driveways, walkways, patios, etc.

Deterioration:

If at any time the Board is made aware of a Lot that has deteriorated to the point that it is affecting the aesthetics of the Community, the Board, the ACC, a representative of the Property Management Company, or a combination of the three (3) will be requested to make a site inspection unless a clear picture of the concern is available. Appropriate action will be taken in accordance with the enforcement policies of the Association. The Board will be responsible for deciding what enforcement measures to take.

Based on the severity of the deterioration, the Owner will be given a specified period of time in which to make the necessary repairs. If, after that time, the repairs have not been corrected to the satisfaction of the Board, the Board has the obligation of enforcement as described in the Declaration for the Association, the Enforcement Procedures policy of the Association, and other applicable regulations and policies.

Painting (Exterior)

Appearance:

All exterior paint colors, including mailboxes, shall be consistent with the initial paint color scheme of each Lot to maintain a variety as well as continuity with the surrounding houses. Siding paint shall be only a flat latex type of paint (no semi-gloss or gloss type paints are permitted). Trim paint may be semi-gloss.

Paint colors on additions and exterior detached structures shall be consistent with the dwelling structure and surrounding area.

Paint color used on front porch or any other impervious/semi-pervious surface, visible from the street, shall be consistent with the color of natural concrete or with a color found in the stone or brick of the dwelling structure. Only muted earth tones are permitted. Paint specifically formulated for concrete is required.

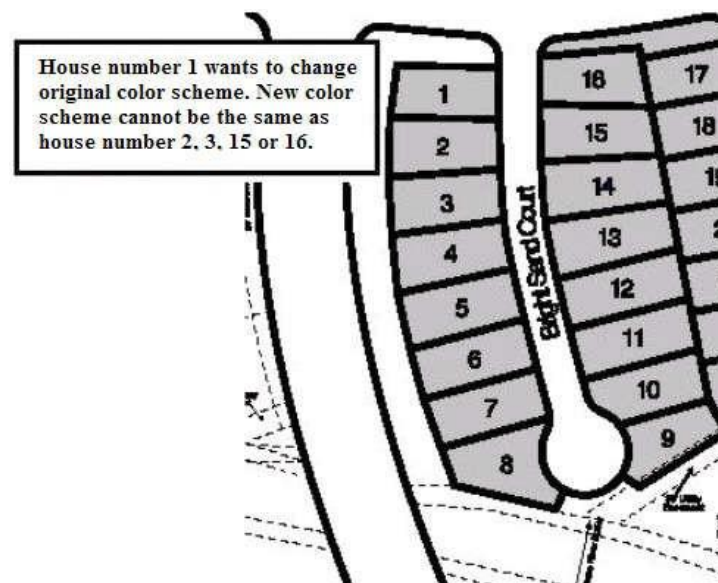
Materials:

Siding paint shall be Duron Deluxe Exterior Flat House Paint, Sherwin Williams Exterior Flat House Paint, or paint of equivalent quality. Trim and shutter paint shall be Duron Weather Shield Exterior Acrylic, Sherwin Williams Exterior, or paint of equivalent quality.

Requirements:

Any changes to the original exterior paint colors (house exterior, trim, shutters, garage doors, etc.) must submit an Application. Approval is not required if **ALL** exterior paint colors remain the same as the original ones.

Any alteration in the original color scheme must not replicate the same color scheme of a neighboring house located on the same street and within a two-house proximity including houses on the opposite side of the street, for example:



Extremely bright colors (e.g. pumpkin orange, red, fluorescent colors, etc.) will not be approved. Color coordination is also important, not only on the same house (house exterior, trim, shutters, garage doors, etc.) but also for the entire Community.

When submitting an Application pertaining to staining or painting, a color picture of the existing dwelling (picture must include the house trim and siding) must be submitted with the Application so that the ACC determine if the color selected matches the existing color scheme of the house .

Parking

1. There shall be no parking upon any unpaved portion of any Lot or within the Common Area, or within the right of way of any street as written in the Covenants. Any and all motorized vehicles, golf carts or other recreational vehicles, motorcycles or other 2 or 3 wheeled vehicles, commercial vehicles, tractors, lawnmowers, utility or cargo trailers, campers, camper trailers, boats or other watercrafts, boat trailers, or any transportation device of any kind such vehicles may only be stored and parked only within a garage. "Commercial Vehicle" shall include any non-passenger vehicles with only front seats, which is used, in whole or in part, for any commercial or business purpose, regardless of its markings or signage.
2. Recreational vehicles, boats, watercraft, trailers, or motorcycles, may be parked on driveways for up to a total of forty-eight (48) hours during any consecutive seven (7) days, or as expressly and specifically permitted in writing by the Board.
3. Any and all vehicles and trailers parked or left on driveways shall at all times be operable and properly licensed and registered. The Board may request and the Owner, Resident, or Tenant shall provide evidence or verification of operability or proper license.
4. No mobile homes, with or without wheels, travel trailers, commercial vehicles that exceed the height of the residence's garage door, or semi/tractor-trailer trucks shall be parked on any portion of any Lot, on the street, nor in any portion of the Community without written approval from the Board.
5. No Owner, Resident, or Tenant shall repair or restore any vehicle of any kind upon any Lot or Common Area, except for emergent repairs, and then only to the extent necessary to enable movement thereof to a proper repair facility. No garage may be altered in such a manner that the number of automobiles that could have been reasonably parked in the garage as originally constructed.
6. On-street parking on Public Roads is intended for Guests to the Community only. Current registration and tags must be visible or automobiles may be towed at the automobile Resident's expense. Residents of the Community may be subject to a penalty fee if found to be in violation of on street parking, **See Article of the Declaration.**
7. On street parking is prohibited on any Private Roads in the Community. All automobiles are subject to be towed at the automobile Resident's expense.
8. Vehicles shall not be parked in a way that blocks pedestrian access to sidewalks or forces pedestrians into the street.
9. Portable storage containers, such as PODS, are permitted on a temporary basis. The container must be stored completely in the driveway. These storage containers cannot be placed over any portion of the public sidewalk or roadway. The storage container may be present in the community for a maximum of twenty-one (21) days. After this period, the container must be removed.
10. Overnight or long-term parking on Association private Lot, e.g. parking lot, is prohibited unless prior approval has been granted and a Temporary Parking Pass has been issued. The Temporary Parking Pass must be on unobscured display in the windshield or the automobile is subject to be towed at the automobile Resident's expense.

Parking Pads and Driveways

Appearance:

The layout or design should preserve and compliment the original driveway and walkway. The surface shall be at the same level, same color and finish as the existing concrete drive and of a minimum thickness of four inches (4"). Depending upon Lot configuration, screening with landscaping may be required to visually block the area from adjacent Residents.

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. Concrete paint/stain is prohibited.

NOTE: Driveway aprons for Lots may not be widened without the approval of both the ACC and the City. Not all properties can accommodate a parking pad. At least 50% of the front yard must be grass, when taking into consideration the current driveway, additional parking pad, and any Landscaping beds and natural areas. Replacement of grass with gravel, rocks, or any other type of material around existing driveways (e.g. to facilitate parking or accommodate additional vehicles) is prohibited.

Location:

Parking pads and 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 and must not require removal of the existing mailbox, if applicable.

Some municipalities restrict the widening of driveway approaches due to the easements or right-of-way requirements. It is the sole responsibility of the Owner to inquire with the City/County as to widening restrictions.

Requirements:

Dimensional limitations and Setback Requirements: Each Lot will be reviewed individually. Residents are responsible for consulting the City/County ordinances for maximum width restrictions. Minimum set back from side Lot line is eighteen inches (18"), unless more strict restrictions are imposed by the City/County, except that the setback may be less with specific approval of the ACC on cul-de-sac lots because of lot configuration and size. The overall size of the concrete coverage is subject to each Lot's impervious restrictions.

Some municipalities require Residents to obtain an impervious permit prior to the installation of a parking pad or driveway extension on their Lot. It is the sole responsibility of the Owner to inquire with the City/County as to the permit requirement.

Slope of the parking pad 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 Lot or to the house foundation.

A Plot Plan/Final Survey Map and a drawing of the proposed parking pad or driveway in red or blue ink (including dimensions, calculated square footage, placement, etc.) must be submitted with all Applications.

No animals of any kind, including livestock and poultry, shall be raised, bred or kept on any Lot.

No more than a total of three (3) dogs or three (3) cats, or a combination of dogs and cats not to exceed three (3) may be kept on any Lot and are subject to rules and regulations adopted by the Association through its Board. Provided that such pets are not kept/boarded, bred, or maintained for any commercial purpose, puppies and kittens in excess of the numbers set forth above may be kept only until old enough to be safely separated from their mother. It seems unnecessary to regulate inside pets.

The Board shall have the absolute power to prohibit any particular pet from being kept on the Lot, including inside a residence, if the Board in its sole and absolute discretion determines that the pet is dangerous, a nuisance, or otherwise has a negative impact on the Community.

Residents must comply with the City/County Sign Ordinances regarding the housing and ownership of pets. This sentence seems unnecessary or not fully completed.

Fecal waste deposited by any pet on portions of the Community, other than the Lot of the Owner must be immediately removed and Lot disposed of by the Owner. Fecal waste deposited by any pet on or around the Lot of the Resident Owner must be cleaned up and removed within twenty-four (24) hours. Pets which are permitted to roam free, or which, in the sole discretion of the Board, make objectionable noise, endanger the health or constitute a nuisance or inconvenience to the Owners of other Lots or the Owner of any portion of the Community shall be removed from the Community upon the request of the Board.

Pets are not permitted inside the clubhouse, inside the pool area, pool cabana, playground area, or inside any Association building. Pets are also not allowed within the fenced playground area.

The Common Area in which pets are allowed is the fenced dog park, if it exists in the Community. Pets must be always accompanied by the handler when utilizing the dog park. Dogs must be kept on a leash/lead at all times when not confined within the Resident's house or fencing on Resident's Lot.

Fences and Dog Runs

No wall, dog run, animal pen, or fence of any kind shall be constructed on any Lot without prior written approved from the ACC.

Play Sets, Recreational Equipment, and Basketball Goals

****METAL SWING SETS ARE PROHIBITED!****

****TRAMPOLINES ARE PROHIBITED!****

Appearance:

Play sets and recreational equipment should blend with the natural surroundings to the extent possible and shall be an appropriate size for the backyard and colors that blend in with its surroundings and not visually offensive for the overall appearance and aesthetics of the Community. Landscaping or fencing should be planned to screen play sets and recreational equipment from being visually offensive and to maintain a safe environment for the children. “Visually offensive” shall be judged by the ACC applying a standard of reasonably objective rather than just the subjective views of neighbors.

Location:

Dependent on the configuration of each Lot, play sets and recreational equipment should be placed in the rear yard. The location of play sets 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, public areas (e.g. roadways, Common Areas), and the overall Community.

Play set and recreational equipment, excluding basketball goals, shall be located in the rear yard area only and preferably within fenced areas to prevent access by unsupervised and unattended child users and be adequately landscaped to screen from street view. Otherwise, they must be properly shielded from view by landscaping surrounding areas with mature evergreen shrubs, trees, etc.

Requirements:

Detailed drawings shall be presented to the ACC for approval **prior** to the installation of any play set or recreational equipment. All equipment in a fixed location for an extended period of time must be submitted. All play sets and recreational equipment must be maintained in a safe condition and kept visually pleasing to the community and surrounding environment.

The Association reserves the right to request removal of an installation that does not meet the above listed criteria.

Materials:

All recreational (play or sports) equipment must be constructed of proper materials to ensure safe usage and installed based on the manufacturer’s instructions. It is recommended that recreational equipment be “portable.” Play sets should be constructed of proper materials to ensure safe usage, be properly anchored, and be aesthetically pleasing, however, affixed in place, permanent recreational equipment will be considered on an individual basis. Recreational equipment should be, be properly anchored, and be aesthetically pleasing.

Play Sets, Yard Toys, or Play Equipment: Swing sets, sliding boards, sandboxes, and similar items are classified as play sets, yard toys, 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, 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.

Basketball Goals: Basketball goals fall into two categories: 1) portable and 2) permanently mounted either pole-mounted or mounted to the house.

Basketball goals of any kind shall not be within ten feet (10') of the street. All basketball goals should be positioned to avoid impact to adjoining Lot, streets, and personal safety. All basketball goals are required to have periodic maintenance as necessary to keep it in good condition. Should the backboard, net, or rim become damaged or in need of repair, it is to be replaced. See Section 3.30 regarding location, material, and impervious restrictions if a concrete pad will be poured to accommodate the basketball goal.

Portable basketball goals do not require prior ACC approval, however portable goals are not to be placed on or near the street, whereas the street is intended as the playing surface. Portable goals should be sufficiently secured to prevent injury or property damage but only per the manufacturer's recommended instructions and not weighed down with cement blocks, sandbags, or other miscellaneous items.

Permanent basketball goals, as with all other permanent changes to a Lot, Owners are required to submit an Architectural Request Form Application for in-ground pole-mounted or house-mounted basketball goals. Slope and length of the driveway, as well as distance from neighboring properties, will be taken into consideration by the ACC when reviewing a permanent basketball goal installation.

A Plot Plan/Final Survey Map and a drawing of the proposed play or recreational equipment in red or blue ink (including dimensions, placement, etc.) as well as a picture or rendering of the item must be submitted with all Applications.

Playhouses, Forts, Treehouses, and other Play Structures

Appearance:

Playhouses, Forts, and Play Structures must be a natural wood color or match the color of main house structure.

Location:

Playhouses, Forts, and/or Play Structures shall be located in the rear yard area only and preferably within fenced areas to prevent access by unsupervised and unattended child users and be adequately landscaped to screen from view. Otherwise, they must be properly shielded from view by landscaping surrounding areas with mature evergreen shrubs, trees, etc.

Materials:

Playhouses, Forts, and Play Structures must be constructed of wood.

Requirements:

A Playhouse, Fort, or Play Structure 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. See applicable guideline.

Only one Playhouse, Fort, or Play Structure per Lot.

A Plot Plan/Final Survey Map and detailed plans for the construction and/or installation of the Playhouse, Fort, or Play Structure (placement, dimensions, materials, colors, etc.) as well as a picture or rendering of the item are a requirement with all Applications.

General:

Rain barrels can be used in the Community to collect rainwater for later use in landscaping and gardens. Owners can help the City/County save water and reduce run-off by using a correction devise.

Colors:

Suggested colors are black, dark green, and brown. Dark colors prevent sunlight from entering the barrel. Without sunlight, algae and other organisms cannot flourish in the barrel.

Number of Barrels:

Only two (2) rain barrels allowed per Single-Family Lot.

Size of Barrels:

A maximum size of eighty (80) gallons per barrel is permitted.

Materials:

Barrels must be made of either plastic or wood (metal containers are not allowed).

Location:

Barrels must be placed or installed at the rear of the dwelling structure, at the rear corners of the dwelling structure, or on the side of the dwelling structure as long as the barrels are not easily visible from the street in front of the house.

Pest Control:

Mosquito control needs to be exercised by design or by screening to eliminate any mosquito breeding.

Submittal:

If these Guidelines are followed, then approval is not required. However, barrels are permitted in front of the dwelling structure ONLY if an ACC Request is submitted and approved with pictures, description, and landscaping/screening plan.

A Plot Plan/Final Survey Map and detailed plans for the construction and/or installation of the rain barrel(s) placement location on Lot and specifications (dimensions, materials, colors, etc.) as well as a picture or rendering of the item are a requirement with all Applications.

Retaining Walls

Appearance:

Generally, the ACC 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 ACC 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/Final Survey Map 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, and brick will be considered as acceptable materials. These materials must be landscape grade. Railroad ties and lumber are prohibited. Materials and colors chosen should complement the existing main residential structure on the Lot.

Owner are **not permitted** to use construction lumber, siding, Hardiplank, or construction bricks for retaining walls.



The following illustrates a few examples of acceptable materials to be used for a retaining wall:



Requirements:

All retaining walls will maintain a proper drainage on the site. If a wall is planned, Owners are required to provide a plan that details drainage patterns and runoff as a result of the new structure. Retaining walls that redirect water towards or prevent water drainage from neighboring properties will not be allowed.

All retaining walls will be leveled and properly secured to prevent collapse and must meet all applicable City/County requirements. Landscape fabric, backfilling with sand and/or a drainage pipe to facilitate the flow of water should be also included, as necessary. There is no height limit, but the compatibility with the surrounding area and the dwelling structure will be considered. Any request for a retaining wall over three feet (3') in height shall include in the Application detailed specifications on anchoring the wall. Proper landscaping is also a requirement in order to soften the retaining wall. Detailed plans for construction of the retaining wall and landscaping should be also submitted with all Applications.

A Plot Plan/Final Survey Map and detailed plans for the construction and/or installation of the retaining walls) placement location on Lot and specifications (dimensions, materials, colors, etc.) as well as a picture or rendering of the item are a requirement with all Applications.

Roofing/Roof Accessories and Equipment**Requirements:**

Roof pitches and overhangs may vary as dictated by the architectural design of the house and the overall appearance for the Community. The approval of the ACC is required for a roof-material style or color change. Replacement of roofing materials with the same type and color as the Builder-installed roofing material does not require prior approval.

Roofing material must be architectural fiberglass or asphalt shingles, with a minimum 25-year warranty.

Flat roofs are not permitted except as described in subparagraph below. All roof pitches shall have a minimum ratio of 6:12 per Builders Guide.

Flat deck first floor patio roofs, which also serve as second floor balconies, may be approved by the ACC.

Attic vents, skylights, or other additions, improvements, and/or alterations on the roof should be as small in size as functionally possible and should be painted to match the roof color. They should be located generally on the area of the roof least visible from the street, and not extend above the ridgeline, unless as may be required by NC Building Code. The ACC must approve all roof protrusions. See Section 3.28 for more details.

A Plot Plan/Final Survey Map and detailed plans for the construction and/or installation of any roofing equipment (attic vents, skylights, etc.), including placement location on Lot and specifications (dimensions, materials, colors, etc.) as well as a picture or rendering of the item are a requirement with all Applications.

Satellite Dishes and Antennas

I. Preamble

WHEREAS, the *Brighton Ridge Homeowners Association* (“the Association”) is responsible for governance and maintenance of the *Brighton Ridge Subdivision* (“the Community”); and

WHEREAS, the Association exists pursuant to *applicable state law and governing documents*; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to *sections of state law and the governing documents permitting the Association to adopt and enforce rules*; and

WHEREAS, the Federal Communications Commission (“the FCC”) adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance and the use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (“antennas”); and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing installation, maintenance and the use of antennas in the best interests of the Community and consistent with the FCC rule.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the “Rules,” which shall be binding upon all Owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

II. Definitions

A. **Antenna:** Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

B. **Mast:** Structure to which an antenna is attached that raises the antenna height.

C. **Transmission-only antenna:** Any antenna used solely to transmit radio, television, cellular, or other signals.

D. **Owner:** Any Owner in the Association. For the purpose of this rule only, “owner” includes a tenant who has the written permission of the Owner/landlord to install antennas.

E. **Telecommunications signal:** Signals received by DBS, television broadcast, and MDS antennas.

III. Installation Rules

A. Antenna Size and Type

1. DBS antennas that are one meter (39.37”) or less in diameter may be installed. Antennas larger than one meter are prohibited.

2. MDS antennas one meter (39.37”) or less in diameter may be installed. MDS antennas larger than one meter are prohibited.

3. Antennas designed to receive television broadcast signals, regardless of size, may be installed, but only after written authorization is obtained from the ACC, and only if installing in the attic is unfeasible. (Refer to Section IIIB below.)

4. Installation of transmission-only antennas is prohibited in the Community.

5. **All antennas not covered by the FCC rule are prohibited.**

B. Location

1. Antennas shall be installed solely on individually owned property as designated on the recorded deed or other document defining the portions of common or individually owned property.

2. **If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.**
3. Antennas shall not encroach upon Common Areas or any other Resident's property.
4. **Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible;** provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually owned lot.

C. Installation

1. Antennas (or satellite dishes) shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
2. All installations shall be completed so that they do not damage the Common Areas of the Association or the lot of any other resident, or void any warranties of the Association or other Owners, or in any way impair the integrity of the buildings on Common Areas or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
 - a. Place (or replace), repair, maintain, and move or remove antennas;
 - b. Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance, or use;
 - c. Pay medical expenses incurred by persons injured by antenna maintenance or use;
 - d. Reimburse residents or the Association for damages caused by antenna installation, maintenance or use.
 - e. Antennas must be secured so that they do not jeopardize the soundness or safety of any other structure or the safeties of any person at or near antennas, including damage from wind velocity based upon a unique location. Antennas (or satellite dishes) mounted on fences are not allowed.

D. Maintenance

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. Owners shall be responsible for repainting or replacement in the exterior surface of antenna deteriorates.

E. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable City/County and state laws and regulations, and manufacturer's instructions. The Owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within five (5) feet of underground power lines (as indicated by No-Cuts) and in no event shall antennas be placed where they may come into contact with electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. All installation must comply with all applicable codes.
4. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand the pressure of snow and ice.

IV. Antenna/Satellite Dish Camouflaging

- A. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- B. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable cost.

- C. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed. *(Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not degrade the signal.)*
- D. Antennas may not obstruct a driver's view of an intersection or street.
- E. *Camouflaging antennas may not be unreasonably expensive. For example, it would not be unreasonable to require a \$40 hedge. A \$150 fence, on the other hand, would most likely be found to be unreasonable. The Association may require more expensive screening, if the Association chooses to fund part of the cost.*

V. Number of Antennas

An Owner may install no more than one antenna of each provider.

VI. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any Application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then the association may prohibit such installation. The notice of rejection shall specify these safety risks. *(This 12-foot baseline may change, if the BOCA Code is amended.)*
- C. A licensed and insured contractor must install masts.
- D. Masts must be painted the appropriate color to match their surroundings.
- E. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- F. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.
- G. Masts shall not encroach upon another Resident's lot or common property.
- H. Masts must be designated to withstand the weight of ice and snow.

VII. Notification Process

- A. Any Owner desiring to install an antenna must complete an Architectural Request Form Application (Section 2.02) and submit it to the ACC via the Property Management Company. If the installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately.
- B. If the installation is other than routine for any reason, and after an Application Request Form Application has been submitted, Owners and the ACC must establish a mutually convenient time to meet to discuss installation methods. The Property Management Company must be contacted to schedule this meeting.

VIII. Installation by Tenants

Tenants may install antennas in accordance with these rules with written permission of the Owner/landlord. A copy of this permission must be furnished with the Application Request Form.

IX. Enforcement

- A. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable the Association for each violation shall impose a fine of \$50. If the violation is not corrected within a reasonable amount of time, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.

B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

X. Severability

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

A Plot Plan/Final Survey Map and detailed plans for the construction and/or installation of satellite dish/antenna, including placement location on Lot and specifications (dimensions, materials, colors, etc.) as well as a picture or rendering of the item are a requirement with all Applications.

Seasonal Decorations / Yard Decorations

Definition: Seasonal Decorations, Temporary, Event, and Yard Decorations include, but are not limited to, statues, sculptures, artifacts, inflatable decorations, signs, flags, lighting, artificial vegetation and florals, wreaths, garlands, wind chimes, plaques, wreaths, potted plants, and other decorative items installed or displayed on the Lot or exterior of the house.

Requirements: Owners are expected to only install yard decorations that are in good harmony with the Community. Pink flamingos, windmills, wishing wells, larger sculptures (exceeding four feet (4') in height), or any yard decoration items without color coordination with the main residence are prohibited. No unsightly objects or nuisances shall be erected, placed, or permitted to remain on any Lot. The Association reserves the right to request removal and/or submission of an Application for yard decorations in the front, side, or back yard that exceed or do not meet the listed criteria in this Section.

Not more than a combined total of four (4) yard decorations are permitted in the front and side yard combined as seen from the street. Not more than eight (8) yard decorations total are allowed on any Lot. Not more than one (1) sculpture/statue allowed in the front yard, not more than two (2) sculpture/statue allowed in the side yards, and not more than one (1) birdbath or fountain of each, of any size, are allowed on any Lot and all must be confined to the rear yard.

Location: No decorations may be placed by an Owner in the Association's Common Areas without specific written approved from the ACC or the Board.

Any and all Seasonal, Temporary, Event, and Yard Decorations must be at least three feet (3') from the public sidewalk or three feet (3') from the curb where no sidewalk exists.

Temporary event/seasonal decorative lights may be placed on trees, shrubs, fencing, decks, and the exterior of the house located on a Resident's Lot. Electric cords shall never be located over public sidewalks.

Backyard: The approval of the ACC is not required for the backyard installation of any statue, sculpture, birdbath, or fountain, which, including any pedestal, stands no more than four feet (4') tall. However, the combined total number of yard decorations, whether temporary or permanent, in the backyard (behind the rear corner of the house) of a Lot is limited to one decorative item per ten linear feet. Decorative items which are placed on the back porch, patio, deck, or balcony are excluded from count, but may be limited by the ACC or Board.

Front and Side Yard: When placed in the front or side yard, written approval from the ACC is required prior to installation. Not more than a combined total of four (4) yard decorations are permitted in the front or side yard of any Lot and shall not exceed twenty-four inches (24") in height unless written approval from the ACC prior to installation. Decorative items which are placed on the front porch or front stoop are excluded from count but may be limited by the ACC or Board.

Seasonal Decorations: Temporary "Seasonal Decorations" related to a holiday, religious observation, national/state observation, cultural observation, celebration, or seasonal event generally does not require approval from the ACC, but must meet the criteria listed above; however, such temporary decorations shall not be displayed earlier than thirty (30) days prior to an event and must be taken down within thirty (30) days following the event. For example, "Christmas decorations" should not installed on any Lot earlier than November 25th and should be removed no later than January 24th.

Setbacks and Lot Restrictions

The location of all Projects on any Lot are subject to the restrictions related to any and all building setbacks, sight distance triangles, right-of-ways, landscape buffers, maximum area impervious surface allowance, and public or private easements.

Building setback restrictions are established by the City/County and building ordinances. The location of permanent additions, improvements, and/or alterations, especially structures, on any Lot must comply with the minimum building setbacks shown on the Lot's Plot Plan/Final Survey Map. Eaves and stairs/steps will not be considered as part of a building; however, this Section will not be construed to permit any portion of any improvement or addition for any Lot to encroach upon another Lot, the Common Area, or the right-of-way.

No structures, ornamental/decorative items, or vegetation shall be placed within the sight distance triangle (corner lots) or right-of-way. The right-of-way is any area within 11-15 feet from the roadway's edge.

Landscape buffers can be located in Common Areas or on Owner Lots. These buffer areas were required by the City/County to be installed in the approved subdivision plans. It is the Resident's responsibility to maintain any landscape buffer area that is located on their Lot as part of their regular yard maintenance. This includes regular maintenance such as installation of mulch or pine straw, removal of weeds and dead tree limbs, and shrub/tree pruning. Approval from the City/County is required for the removal or installation of trees or shrubs by an Owner within a landscape buffer. Landscape buffers located on the Community's Common Area are solely on the Association's responsibility to maintain. Some of these areas are intended to remain in a natural, wooded state. No permanent structures shall be installed or constructed within a Landscape Buffer. For additional information about the Landscape Buffer maintenance and requirements contact the City/County's Zoning Compliance or Planning Departments.

Each community has a maximum allowance for impervious surface area based on the size and overall construction of the stormwater devices, i.e. wet retention pond. To ensure that the stormwater devices are able to sustain the water being received by the stormwater device, all Lots have an impervious surface restriction as detailed on the Lot's Plot Plan/Final Survey Map.

Easements provide the legal right to occupy, use, or access land for a designated purpose by a third party. The use of the land is limited, and the Owner retains legal title of the land. Defining the exact location, nature, and purpose of an easement in a deed or other legal document creates an "express easement." Easements are recorded with the County's Register of Deeds and are binding to the land. Easements include but are not limited to utility easements, sewer/sanitary easements, stormwater easements, drainage easements, and maintenance easements as depicted on the Plot Plan/Final Survey Map for the Lot and as evidenced by a recorded easement, pursuant to the recorded plats for the Community, or includes any portion of a public right-of-way.

Private Easement is the area on, below, or above privately-owned property that has been designated for use as or is used for a specific utility purpose (such as for electric, communication, cable, or other utility purpose) or for a specific accessibility purpose of the Association (such as for retaining wall, fencing, drainage, or stormwater device) to inspect, maintain, repair, or replace the specific purpose of the designated area as detailed on the Lot's Plot Plan/Final Survey Map.

Public Easement is the area on, below, or above privately-owned property that has been designated for accessibility by City/County to inspect, maintain, repair, or replace the specific purpose of the designated area (such as for sewer, sanitation, drainage, stormwater, or other community features) as detailed on the Lot's Plot Plan/Final Survey Map.

Siding

Owners shall seek the approval of the ACC before installing or replacing siding which differs from original, Builder-installed material and/or color. For material that is the same as original, no approval is required. Samples of all sidings must be submitted to the ACC for approval. The use of the following materials may be approved to the extent allowed by local ordinance and/or applicable zoning laws:

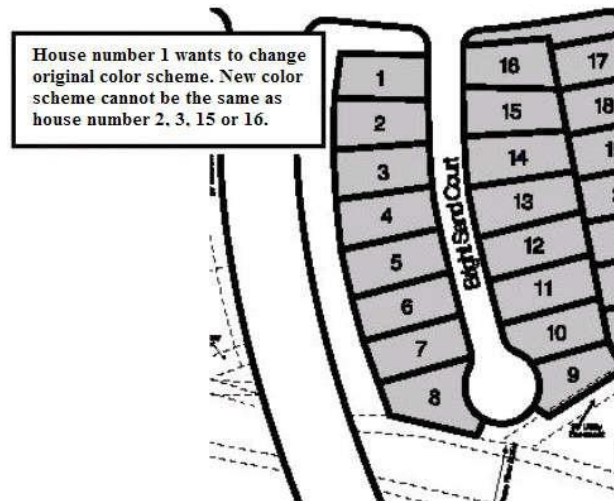
1. Stucco
2. Stone (natural or synthetic)
3. Brick
4. Wood and Cementitious Siding

The ACC reserves the right to evaluate and approve or disapprove new materials as they are introduced. The following is a (non-exclusive) list of inappropriate materials:

1. Rough-Sawn Wood Siding
2. T-111 Siding
3. Aluminum Siding
4. Vinyl Siding

Requirements:

Owners are responsible for maintaining all siding in good maintenance and presenting a clean appearance free of dirt, mildew, mold, etc. Approval is not required if **ALL** exterior paint colors remain the same as the original ones. Any alteration in the original color scheme must not replicate the same color scheme of a neighboring house located on the same street and within a two-house proximity including houses on the opposite side of the street, for example:



Extremely bright colors will not be approved. Color coordination is also important, not only on the same house (house exterior, trim, shutters, garage doors, etc.) but also for the entire Community.

Owners are responsible for maintaining all siding in good maintenance and presenting a clean appearance free of dirt, mildew, mold, etc.

A Plot Plan/Final Survey Map and detailed plans for the construction and/or installation of any siding material including placement location on Lot and specifications (installation orientation, dimensions, materials, colors, etc.) as well as a picture or rendering of the item are a requirement with all Applications.

Signs and Banners

All signs must also comply with the City/County Sign Ordinances.

- A. Type of signs which **DO NOT REQUIRE** an Application for approval prior to installation:
1. **For Sale:** One sign, which has a maximum face area of four (4) square feet, per Lot that advertises the Lot For Sale shall be placed in a mulched area in a manner that would not impair the maintenance of the landscaping.
 2. One security company issued sign may be placed in the front yard only, preferably near the front door of the Lot, in an existing landscape planting bed, not to exceed 12" x 12" in size on a stake/pole not to exceed 24" in height.
 3. No more than two (2) political signs may be displayed on any Lot at any one time. Political signs may not be displayed any earlier than **forty-five (45) days before** the day of the election for which the political sign is being displayed or later than **seven (7) days after** an election day for which the political sign is being displayed. No political sign may exceed the dimensions of 24 inches by 24 inches. For purposes of this Section, "political sign" means a sign that attempts to influence the outcome of an election including supporting or opposing a candidate or an issue on the election ballot.
 4. Permits or Notices as required by a governmental entity for legal proceedings (e.g. foreclosure or eviction) or an approved improvement (e.g. building permit)
 5. One "No Soliciting" sign near or on the front door of their residence, provided that the sign does not exceed twenty-five (25) square inches.
 6. One "Private Residence" sign as provided by the Declarant or Builder, may be placed in the front yard only, preferably near the front door of the Lot, in an existing landscape planting bed. Sign is to be removed at either the Resident's discretion or at the request of the Association.

No sign whatsoever shall, without the ACC's prior written approval of plans and specifications, therefore, be installed, altered, or maintained on any Lot or on any portion of a structure visible from the exterior thereof, unless specified above.

- B. Types of signs or banners which are **PROHIBITED**:
1. **For Rent/For Lease:** For Rent or For Lease sign may NOT be displayed or visible on any Lot or on any portion of a structure visible from the exterior.
 2. Advertising signs for businesses.
 3. Advertising signs for vendor/subcontractor conducting work on a Lot.
 4. No sign or banner may be displayed in the window of any residence or detached/accessory structure located on any Lot, unless specifically allowed in this Section.
- C. Types of signs or banners which **REQUIRE** approval by the ACC:
1. Temporary sign or banner related to a holiday, religious observation, celebration, secular, or seasonal event. Only one sign or banner permitted.

A Plot Plan/Final Survey Map with exact placement of the sign, dimensions, and sign content (picture/rendering is recommended) should be submitted to with all Applications.

Solar Panels, Skylights, and Attic Vents

Solar panels/equipment, skylights, and attic vents of any variety shall not be installed without the prior written approval of the ACC. Any solar panels, skylights, and attic vents and related appurtenances and equipment shall be designed and constructed to appear as an integrated part of the architecture of the main residence as much as possible. This shall generally mean that the panels shall be roof mounted so that the top surface is as flush with the roof surface whenever possible, with all appurtenances recessed into the structure's attic. Solar panels, skylights, and attic vents should be located on the rear or side roof of a house. The ACC will review in advance and approve in writing all equipment placement. Application shall include a picture of the roof with the requested location of the solar panels, skylights, and attic vents.

Attic vents, skylights, or other additions, improvements, and/or alterations on the roof should be as small in size as functionally possible and should be painted to match the roof color. They should be located generally on the area of the roof least visible from the street, and not extend above the ridgeline, unless as may be required by NC Building Code. The ACC must approve all roof protrusions.

A Plot Plan/Final Survey Map and detailed plans for the construction and/or installation of any roofing equipment AND a picture of the house with the intended placement location on house indicated and specifications (dimensions, materials, colors, etc.) as well as a picture or rendering of the item are a requirement with all Applications.

Storage or Use of Open-Flame Devices

Owners, and their Residents, Tenants, and Guests, shall at all times be in compliance with the Fire Code of the North Carolina State Building Code and any rule, restriction, or regulation adopted by the Association or the Declarant for storage or use of Open-Flame Devices upon Common Areas, including but not limited to any clubhouse, cabana, gazebo, pavilion, or other structure constructed upon Common Areas, or owned, insured, managed, operated, or maintained by the Association.

The Association prohibits the storage or use of any devices that have an open-flame, including but not limited to cooking, heating, or decorative devices fueled by charcoal, wood, or liquefied petroleum (LP), butane, kerosene, oil, or propane gas or within 10 feet (10') of the amenity structure or any combustible building materials of structures, furniture, or assets owned, managed, operated, insured, or maintained by the Association. "Decorative devices" shall include but not limited to tiki torches.

The storage and use of any open-flame grills or LP gas container having a capacity greater than 2.5 pounds is a fire hazard and is strictly prohibited within ten feet (10') of combustible building materials of structures, furniture, or assets owned, insured, managed, operated, or maintained by the Association. "Grills" shall be defined to include charcoal or gas fueled cooking devices.

See Sections 308.3.1 and 308.3.2 of the Fire Code for more details.

http://ecodes.biz/ecodes_support/free_resources/2006NorthCarolina/fire/PDFs/Chapter%203_General%20Precautions%20Against%20Fire.pdf

**Walkways, Patios,
and Solid Surface Additions**

****See Section 3.16 for Parking Pads and Driveways****

Appearance:

Patios, walkways (either consisting of concrete or pavers), and other solid surface (impervious or semi-impervious) additions, such as firepits, permanent/non-portable outdoor grills, concrete pads or stone pavers (including recreational courts), shall be created in scale with the site and existing structures. Concrete must be the natural color and not stained or painted. Stone must be in a natural tone consistent with the color scheme of the house.

Pavers, stone, or brick color used on back patio, walkways, or any other solid surface shall be consistent with the color of natural concrete or with a color found in the stone or brick of the dwelling structure. Only muted earth tones are permitted. Painting of the improvements/additions described in this Section is prohibited. Staining of concrete material shall be pre-approved by the ACC.

Location:

Patios shall be confined to the rear yard while walkways will be confined to the side and rear yards. Other solid surfaces should generally be limited to the side and rear of the house but will be considered on an individual basis. All patios must be confined to the rear of the dwelling structure and must not protrude past the sides of the building. The front yard walkway is limited to natural color concrete, similar to the concrete installed by the Declarant or Builder.

All solid surfaces must be within the minimum building setback requirements of the City/County as shown in the Plot Plan/Final Map Survey; however, final placement and approval will be determined by the ACC and may be more restrictive than the City/County setback requirements. See Section 3.25 Setback and Lot Restrictions)

Materials:

Generally, brick, concrete, concrete pavers, stamped concrete, 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, installation method, color and location. No asphalt walkways are permitted.

Requirements:

Slope of the impervious surface 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. Owners are required to provide a plan that details drainage patterns and runoff. All walkways patios, or solid surface additions (consisting of concrete and/or pavers or stone accents/bricks) or subject to the impervious restrictions of the Lot.

A Plot Plan/Final Survey Map and detailed plans for the construction and/or installation of any patio, walkway, or solid surface including placement location on Lot in red or blue ink and specifications (dimensions, materials, colors, etc.) as well as a picture or rendering of the item are a requirement with all Applications.

Window Coverings

Appearance:

No metallic foil or other coating, substance, or material which acts as a reflector of light shall be placed or installed on windows on a Lot. Window coverings, including but not limited to drapes, curtains, blinds, and sheers, must be a solid color, non-pattern in white, off-white, beige, taupe, or a similar light, neutral color on the side visible from outside the Lot.

No window coverings on garage door windows are prohibited.

All window coverings visible from the exterior must be maintained in good working condition and appearance.

Woodpiles, Fuel Tanks, Etc.**Requirements:**

No exposed, above ground tanks will be allowed. Other above-ground fuel or storage tanks are not allowed within the Community with the exception of portable propane tanks for grills.

Woodpiles shall be kept screened by adequate planting or fencing so as to conceal them from view of neighboring lots, streets or detached single family dwelling.

Definition:

The barter, sale, or exchange of new or used personal property at any Lot, commonly referred to as yard sales, moving sales, estate sales, attic sales, rummage sales, tag sales, garage sales, etc. ("Sale") will be allowed only if (a) sponsored by the Association, or (b) expressly authorized in writing by the Board.

Instructions:

Owners wishing to host a Sale as described above must adhere to the following restrictions/requirements:

- The Property Management Company must be notified at least two weeks in advance of the intended Sale event date.
- Each Sale event may not last longer than three (3) days, for example, Friday through Sunday. At the end of each Sale day, all items relating to the Sale must be removed from public view (i.e. stored inside the garage or inside the house). The items may be replaced in the yard or driveway the following morning.
- The number of Sale events per Lot is limited to two (2) per calendar year.
- Event Sales may only be held between the hours of 6:00 A.M. and 3:00 P.M. The City/County's quiet hours must be observed while setting up/taking down the Sale items.
- A maximum of two (2) signs advertising the Sale event may be used in the Community. Signs may not have a face area exceeding four (4) square feet. Signs may be placed in Common Areas (land owned by the Association) five (5) days prior to the Sale event and SIGNS MUST BE REMOVED COMPLETELY WITHIN 24 HOURS of the completion of the sale event. Signs may be placed on another Resident's Lot within the Community but only with the other Resident's permission.
- Noise relating to the Sale event should be kept to a minimum (e.g. no loud music).

Construction Guidelines

Inspections: The Owner shall schedule and coordinate a review of all construction activities with the ACC to verify compliance with the approved plans and specifications. The ACC, the Board, or the Property Management Company may also perform additional periodic informal inspections to ensure that work is being performed in conformance with approved plans, these Guidelines and the Community-Wide Standard. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from the City/County and other organizations having jurisdiction.

Jobsites not in compliance with the Declaration, these Guidelines, or approved Applications will be issued a Notice of Violation and/or a Cease-and-Desist Notice and a punchlist of items needed to bring the construction and/or jobsite into compliance. Further construction is prohibited until such punchlist items have been corrected.

Each Owner and their Tenants/Residents shall comply with the Declaration, these Guidelines, and the Rules voted on by the Board. If the Owner disagrees with any ruling, you may appeal it to the Property Management Company. However, until the situation is resolved all fines will remain in place and the decision will be considered final.

Construction Damages: Any damage to vegetation, another owner's property, Resident's Lot, or Common Area facilities caused by the Resident, its contractors, sub-contractors, agents, representatives, or employees must be corrected immediately to the satisfaction of the ACC, the Declarant, and the owner of the damaged property. If the damage is not corrected, the Declarant or the Association may repair such damage and assess the costs of repair to the Owner.

Conduct: The Resident must ensure that all contractors and subcontractors control the conduct of their employees while working in the Community. Loud music, profanity, and other behavior which is unbecoming of a quality operation will not be tolerated. The time of work must comply with the City/County Noise Ordinance for which no work can begin before 7 A.M. and must stop by 8 P.M. Monday thru Saturday. **NO CONSTRUCTION ON SUNDAY.** Contractors, sub-contractors, agents, representatives, or employees involved in the Resident's Project violating this policy may be asked to leave the premises and may be denied future access to Brighton Ridge.

Site Cleanliness: All sites must always be maintained in a clean and orderly manner. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared at the end of each working day.

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 ACC, 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 Board, the Association, the ACC, nor the officers, directors, members, employees, representatives, 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 Board, the ACC, 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.

These Architectural Control Guidelines have been prepared, executed, and adopted by the Board of Directors on this 11th day of May, 2021.

BRIGHTON RIDGE HOMEOWNERS ASSOCIATION, INC.

A handwritten signature in blue ink, appearing to read 'C. Blakeslee', with a long horizontal flourish extending to the right.

Candice N. Blakeslee, Taylor Morrison
Board of Directors President