Old Milburnie Crossing

HOMEOWNERS ASSOCIATION

ARCHITECTURAL GUIDELINES

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TOP TEN LIST

The following are some of the most important items to remember to maintain and enhance our property values in Old Milburnie Crossing Community. Additionally, this list will help assist you in planning any exterior changes to your property. Please remember all exterior changes/improvements must be approved in writing prior to any changes being made.

Fences
- Please remember to get written approval prior to any installation or changes. Please see specifics on page 13 & 14.

Signage
- No signs are permitted in windows, with the exception of alarm and pet signs. Signs expressing support of or opposition to political candidates are allowed per constraints outlined in Community Covenants. Political signs can be placed on property no earlier than 45 days prior to the subject election, and no later than 7 days after the subject election. Professional for sale signs are permitted, but no more than 6 square feet advertising the property for sale. Homemade signs in yards are prohibited.

Dog Waste
- Maintenance of the yard to keep it free from offensive odors is required.
- Please note all homeowners are required to pickup after their pets. Please be courteous!

Garbage Cans
- Trash storage needs to be screened from the road.

Toys/Basketball Goals/Play Equipment
- No items (toys, bikes, garden equipment, trash containers, chairs, wood, recycling bins, etc.) may be left in front or side yards or on porches when not in use.
- Basketball goals need to be erect at all times.

Parking
- Parking is prohibited on the grass or the medians.
- Street parking is discouraged. If you have space in your driveway please move your cars off the street.

Satellite Dishes
- Satellite dishes, no more than one meter (24") in diameter, with hidden cable.
- Preferred placement of the dish is on the rear roof. If placement is necessary on the side of the yard, screening with plant material and/or painting the dish to match the background is required.
- Dishes placed in the front yard are prohibited, unless written architectural approval is received.

Mailboxes and Posts
- Must be repainted or replaced with the same type used in Old Milburnie Crossing.

Yard Maintenance
- Grass should be kept no more than 4” high. Edging and pruning should be done on a regular basis. Driveway cracks should be kept clear of grass and weeds. The designated lawn area should be fully covered with grass. Any brown or bare patches should be repaired during the spring or fall seeding season.

Boats, Trailers, etc.
- Recreational vehicles, watercrafts, boats, trailer, campers, etc. may not be parked on the streets or lot only be parked in such a manner that the vehicle/trailer is screened from the street.

Basketball Court/Sport Courts
- No concrete or similar sport court is allowed.

Garage Doors
- All garage doors should be kept in the closed position unless it is in use.

INTRODUCTION

In a planned community such as Old Milburnie Crossing, the question naturally arises as how to maintain a harmonious, quality development as the community matures. The following guidelines attempt to provide a meeting ground between private interests and the broader interest of the community.

The Declaration of Covenants runs with the land and is binding with all homeowners and should be fully understood. Please retain these additional Guidelines as part of your permanent papers. You should make these Guidelines available to any renters of your home. In the event you need additional copies of this document or The Declaration of Covenants for the community, please contact the management company.

The fact that each homeowner is subject to these Covenants should assure all homeowners that the standards of design quality shall be maintained, enhancing the community's overall environment and protecting property values.

The rules, responsibilities and procedures outlined in these Guidelines have been approved by the Board of Directors (BOD), in compliance with the community's Declaration of Covenants.

The intent of these guidelines are:

- To insure quiet enjoyment for the residents;
- To minimize problems and expenses for the association;
- And to provide for the architectural integrity of the neighborhood.

The cooperation of each owner will be mutually beneficial.

ARCHITECTURAL REVIEW COMMITTEE (ARC)

The Declarations establish an Architectural Review Committee, from now on referred to as the ARC, to be comprised of three (3) to five (5) representatives to rule on architectural submittals. The ARC is charged with conducting the review of all applications for exterior changes and with rendering a decision to the applicant within 60 days. The ARC will respond in writing with either an approval, approval with conditions, disapproval or a request for more information on the project. More information may be required for the ARC to make an informed decision. It is the Homeowner's responsibility to provide that information in a timely manner. If the ARC fails to render a decision (after receiving all required information) in the allotted 60 days, the approval will not be required and the application will be considered to have been approved.

The ARC may from time to time publish and promulgate architectural standard bulletins, which shall be fair, reasonable, and uniformly applied. The ARC shall be responsive to technological advances or general changes in architectural designs and materials and related conditions in future years and use its best efforts to balance the equities between matters of taste and design (on the one hand) and use of private property (on the other hand). Such bulletins shall supplement the Declaration and are incorporated herein by reference.

THE ARCHITECTURAL REVIEW COMMITTEE PROCESS

The Declaration of Covenants requires prior written approval for any improvements to an owner's lot. Therefore, do not commit labor or materials until you have received written approval.

1. Owner submits to the Architectural Review Committee, in care of the management firm, an Application for Architectural Improvement. **Please note the Architectural Review Committee has thirty (30) days to review the application.** Should nothing be received within 30 days, please call to follow up. Occasionally items get lost in the mail and the **review period does not start until Community Association's management company receives the completed application.** Complete applications will be considered on individual merit, using these documented standards as a basis for decision-making.

   **Out of courtesy, we request you inform your neighbors of your proposed improvement(s).
   Note: when attaching to a neighbor's fence, written approval must be obtained from the neighbor.

2. The application, noted with the date of receipt by the manager, is turned over to the Architectural Review Committee within two working days, provided all information necessary for review is received. (Management will make a cursory review of the application and request of owner any additional information needed. The committee may still require additional information, as detailed in 4d, below. The **30-day timetable** begins when the application is complete and appropriate for review.)

3. The committee will act on the application within **30 calendar days** from receipt. In most cases the owner will receive a response within three weeks.

4. The committee's decision will be noted on the application. The owner will be notified by management of all final decisions, either:

   a. **APPROVAL:** The application is approved as submitted.

   b. **APPROVAL WITH CONDITIONS:** The overall proposal is accepted, but with certain specified changes, limitations, or requirements that must be followed.

   c. **DISAPPROVAL:** The application is denied. The owner can appeal to the Architectural Review Committee within 15 business days. Further escalation may require the involvement of the Board of Directors. *(see Appeal Process section for more details)*

   d. **ADDITIONAL INFORMATION REQUIRED:** The Committee has determined that additional information is needed for appropriate review of the application. In this case, the entire process begins again once management receives the information. The owner should follow the same submission procedure. The Architectural Review Committee will act swiftly on all re-submissions.

5. **Architectural Review Committee inspection:** The Architectural Review Committee reserves the right to visit your lot and inspect the improvement. This will be done for two specific reasons:

   a. to ensure that the application details were followed and to note problems encountered which might help other residents on similar projects; and

   b. to learn any "pointers" that other residents may employ in more easily completing an improvement project.

6. Once work has begun on an improvement, it must be completed within 90 days. Applications are valid for 1 year from the date of approval.

** Please note: Many design changes require a permit and the County and/or County may not issue a permit without the written approval of the ARC. Please plan in advance. **THE ARC HAS 30 DAYS TO REVIEW ALL REQUESTS, AFTER ALL THE APPROPRIATE INFORMATION IS SUBMITTED.** It is strongly suggested that the County and /or County be contacted to determine what permits or approvals are required from a County/County Ordinance. Architectural Review Committee approval does not substitute for approval by the County. It is the homeowner's responsibility to acquire appropriate approvals, permits, etc. from the County.

REVIEW CRITERIA

The ARC evaluates each application on the individual merits of the application and the standards listed below:

Validity of Concept - The basic idea of the exterior change must be sound and appropriate to its surroundings.

Landscape and Environment - The exterior change must not unnecessarily destroy the natural landscape or the achieved man-made environment.

Relationship of Structures and Adjoining Property - The proposed change should relate harmoniously among its surroundings and to existing buildings and terrain that have a visual relationship to the change.

Protection of Neighbors - The interest of neighboring owners should be protected by making provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design, which may have substantial effects on neighboring property. For example, fences may obstruct views, breezes or access to neighboring property. The ARC should consider the various and appropriate criteria and exercise discretion in determining which of these criteria will be governing in each specific application.

Design Compatibility - The proposed change must be compatible with the design characteristics of the applicant's home and the general neighborhood setting. Compatibility is defined as harmony in style, scale, materials, color and construction details.

a. Scale: The three-dimensional size of the proposed change must relate satisfactorily to adjacent structures and their surroundings.
b. Materials: Continuity is established by use of the same or compatible materials as used in the existing home. Siding materials and shingles must match existing structure.
c. Color: Color may be used to soften or intensify visual impact.

Workmanship - The quality of work must be equal to or exceed that of any existing structure. Poor practices may cause the owner problems and may be visually objectionable to others. For example, a wooden fence not properly treated and maintained may in a short period start to decay and become unsightly to the owner and neighboring property owners.

APPEAL PROCEDURE

If the applicant disagrees with the decision of the Committee in its review or inspection, the process is noted for an appeal:

1. Within 15 business days after receipt of a notice of disapproval, the homeowner must file a written appeal with the Architectural Review Committee at the address of contact for the community.

2. Upon receipt of the appeal, the ARC may contact the homeowner and schedule a review of any further information relating to the request and appeal.

3. Should the ARC determine that the disapproval remain, the homeowner may request (within 7 days) that the appeal be forwarded to the Board of Directors. It is the responsibility of the ARC to forward any correspondence and pertinent information to the BOD at this time.

4. The Board of Directors shall then establish the date and the time that the appeal will be heard. Normally, this will be made at the next scheduled Board meeting. To reverse an Architectural Review Committee decision, requires a majority vote of the BOD.

5. No work may progress during this appeal process time period.

VIOLATIONS AND PENALTIES

An exterior change made without the required approval of the ARC constitutes a violation of the Declaration of Covenants and Community Guidelines. **A violation may require removal or modification of the work at the expense of the property owner**.

When a violation is determined to have occurred, the following steps shall be taken:

1. The ARC will investigate any reported violation and attempt to bring the owner into compliance. Homeowners will be notified in writing of the violation and are expected to bring the violation into compliance within thirty (30) days.

2. Should the owner fail to act upon the recommendations for corrections, the Committee shall submit the matter to the Board of Directors.

3. The homeowner shall be invited to a hearing with the BOD where the homeowner will have opportunity to be heard and present evidence. Failure to appear shall result in a fine beginning to accrue on the day after the scheduled hearing date. Of course, if the violation were brought back into compliance prior to the hearing, no hearing would be necessary.

4. After the hearing, the BOD shall respond to the homeowner with a decision in writing within five (5) days. Any penalties or costs relating to the violation (and the date from which the accrual shall begin) shall be noted in the letter from the BOD.

Fines: Fines will be levied on a daily basis of $50 per day, per violation, until the violation is rectified. The North Carolina Community Act passed in January of 1999, allows planned residential communities the ability to uphold standards that will protect and insure homeowners of maintained property values, with regard to holding all property owners accountable for abiding by the existing covenants.

Fees: A violation may also result in payment of damages incurred by the Association in having the work removed or modified, as well as a fine assessed by the Association. Attorneys' fees, court costs, site assessment will all be incorporated into the fine process.

** Please remember Owner's are responsible for their renters.

EXPLANATION OF STANDARDS

The Standards that follow are the procedures and guidelines applied by the ARC to assist the Association and its members in the design review process. It is hoped that these Standards will serve as a positive tool to assist in the full and free use of each homeowner's property in a manner that is consistent with the aesthetic and harmonious development to the community.

There are three major categories of items for specific home improvement guidelines:

BLANKET APPROVALS
COMMON IMPROVEMENTS
APPEARANCE STANDARDS

These three are very important to you because they identify which improvements are permitted and how approvals can be secured. Items not specifically mentioned here require approval.

BLANKET APPROVALS

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

- Plants, shrubs and flowers planted within three feet of the front of your house, not to grow higher than the lowest portion of the windows.

- Bedding borders, if constructed of common landscaping borders not to exceed 8 inches in height.

- Plantings of flowers and shrubs around trees or mailbox.

- Mailboxes and posts, if repainted or replaced in original colors.

- Low voltage lighting.

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

- Outside seasonal decorations, displayed up to five (5) weeks prior to and three (3) week after the holiday season.

- Vegetable gardening in rear yards, provided they are not noticeable from the street, do not exceed allowed fence heights or grow through to the neighbor's yard.

- Removal of trees that are less that six inches (6") in diameter and less than four feet (4') above the ground. All other trees must have the approval of the ARC and possible neighbors signatures. Any dead tree may be removed without approval.

- Lawn furniture, barbecue equipment, toys, bikes, trampolines, etc., if kept in good repair. These must be stored within the rear area when not in use.

- Attic turbines, if they are mounted on the rear of the house roof, extend no higher than the roof peak, and are no more than 12" above the roof surface.

- Satellite Dishes
  -No more than one meter (25") in diameter, with hidden cable.
  -Preferred placement of the dish is on the rear roof. If placement is necessary on the side of the yard, screening with plant material and/or painting the dish to match the background is required.
  -Dishes placed on poles in the front yard are prohibited, unless written architectural approval is received.

- Front Storm Doors
  -White or the same color as your existing trim;
  -Of the "full view" design;
  -Of anodized aluminum (including baked-on enamel);
  -Unadorned.

- Back Storm Doors
  -White or the same color as existing trim;
  -Of anodized aluminum (including baked-on enamel).

- Exterior Painting / Maintenance
  -Provided that material and color remains the same, no approval is required for standard maintenance of the house exterior.

- Hot Tubs
  -Hot tubs may not be visible from the street;
  -Must meet all County, County, and State requirements (enclosed, fencing, plumbing, electriCounty, etc.).

- Play Equipment / Treehouses
  -All play equipment should be located in the rear of the house, not the side, front yard or porches.
  -Play equipment must be located at least 3 feet from property lines;
  -Treehouses are prohibited.

- Basketball Goals
  -Basketball goals are to be placed on the rear third (toward the house) of the driveway or parking pad;
  -Goals should be mounted on a single pole with a backboard that is predominately white, clear or gray;
  -Basketball goals are prohibited from being mounted directly on the house;
  -Basketball goals may be cemented into the ground with ARC approval;
  -One goal per house;
  -It is required that player be courteous and not hinder a neighbor's property during normal play;
  -Goals are not to be placed so basketball is played in the street;
  -Moveable basketball goals are to be located on the driveway, away from the street end when not in use;
  -Basketball goals need to be erect at all times.

COMMON IMPROVEMENTS

Items in this category require approval. *An application must be submitted and meet these guidelines.* Approval is not necessarily limited to constraints listed here, but is much more likely to be given for:

Grading

- Major changes to the topography of a lot are required to be approved by the ARC prior to being started.
- Drainage and water flow patterns must be taken into consideration prior to the start of any grading.

  ** The Association, its Board of Directors, nor the Architectural Review Committee accepts any liability for any damage caused by such grading, whether or not the committee approved the request.

Exterior Color and Maintenance (Changes)

- You must specify the new material and/or color you wish to use; include a color sample from the store.

Drives and Parking Areas

- Proposed changes in drives or parking pad additions must be submitted to the ARC;
- Gravel driveways or parking areas will not be permitted.

Pools

- No above-ground swimming pools shall be permitted in the Subdivision.

Fences/Walls

- Fences must be natural colored treated wood, wrought iron or black aluminum. Chain link, PVC, Vinyl and painted fences are not allowed.
- Fences must be treated wood, and sealed with a natural color sealant or stain.
- Fences must be built on site using individual wooden boards and cannot be purchased in sections and installed.
- Required fence height is a minimum of 4ft (42" at lowest point) and maximum of 6ft (at the highest point);
- 4x4 or 6x6 wooden posts should be set in concrete, posts spaced 8' on center.
- Braces/runners are a 2" x 4" x 8' long normally and are installed horizontally; 2 runners for 4' fences and 3 runners for 5' fences.
- Braces/ runners always face inward to property.
- Location of fence is to be as close to the property line as possible, without being on the property line.
- Any fences, landscaping, etc. placed within property easements must meet municipality restrictions and are usually subject to removal and replacement at homeowner's expense.
- Fences should be built no closer to the street than the back corners of the house.
- Fences built on lots such as corner lots where a large portion of the fence will face the street must have medium to large growing shrubs planted between the fence and the street.
- Fence style must be uniform for the property.

Acceptable Fence Styles to Follow:



Storage Sheds

- No larger in size than 10 x 12;
- Constructed of wood; no aluminum sheds allowed;
- A suitably constructed floor system or foundation is required;
- They are placed on the property behind your home so the shed cannot be seen from the road when standing directly in front of house;
- They must be at least 3 feet from the neighboring property;
- Siding material must be similar in color and composition to the home;
- Roof must have similar pitch, similar materials, and similar color as that of the home.

Decks/Screened Enclosures/Outdoor Living Areas

- A deck should not extend past the side of the house;
- All decks should be on the rear of the house. No side or front decks are permitted;
- Decks may not be painted;
- They will pose no drainage problems for you or your neighbors;
- The materials to be used are designed specifically for patio and/or deck designs;
- Screened enclosures must not be visible from the street;
- All decks, patios, gazebos and screened porches must blend in with the natural terrain.

Lamps & Landscape Lighting

- One walkway/entrance light on post is allowed, not to exceed 7 feet in height to base of light fixture;
- The post shall be of metal painted black;
- The lamp design should be similar to existing house exterior lights;
- Entrance lighting on ARC-approved walls on the sides of driveway entrances will be considered providing they match existing light fixtures. *Note that low voltage lighting does not need ARC approval.

** The Association requests that all exterior lamps be on from dusk to dawn. It is the homeowner's responsibility to changes out bulbs, etc.

Windows

- Window unit air conditioners are prohibited;
- Fans in windows are discouraged;
- Appropriate window dressings are required (sheets, newspapers, blankets, etc. are prohibited).
- Window coverings to be backed with neutral and consistent materials.

APPEARANCE STANDARDS/MAINTENANCE

- Paint and stain must be maintained in uniform and good repair (with no peeling, chipping, cracking, or discoloration) on the trim or siding.

- Lawns must be well kept with uniform ground coverage. Grass should be kept no more than 4" high. Edging and pruning should be done on a regular basis. Driveway and sidewalk cracks should be kept clear of grass and weeds. The designated lawn area should be fully covered with grass. Any brown or bare patches should be repaired during the spring or fall seeding season. Dead trees and shrubs must be removed and replaced with plantings of similar size and shape.

  County requirements
  The owners of the property and their agents, heirs or assigns shall be responsible for the installation, preservation and maintenance of all plantings and physical features shown on this plan. The owners shall be responsible for annual maintenance of the vegetation to include but not limited to:

  Lawn Area: The lawn area should be mowed approximately 35 times per year to provide a neat and uniformly finished lawn. For areas inaccessible to mowers, a string trimmer will be used to cut grass to same height as mower. Bed edges should be mechanically edged 15 times per year during the growing season. All debris will be removed from turf prior to mowing and from turf and pavement areas following edging. The turf should be fertilized approximately three times per.

  Plant Beds and Small Ornamental Trees: All plant beds will be sprayed and weeded by hand to maintain them free of weeds at all times. All shrubs will be fertilized as required as required with a slow release fertilizer at a rate according to plant type. All trees will be fertilized by deep root feeding with a slow release fertilizer designed to feed for two years. All shrubs and trees will be pruned with hand pruners to encourage growth and remove dead material. Replace pine straw mulch annually. Formal hedges will be trimmed to an invert 'V' shape to encourage low limb structure and dense growth. An I.P.M. (Integrated Pest Management) program will be established and implemented.

  Leaves: All leaves will be removed from the lawn areas weekly and four times a year from the plant beds. Leaves may be placed in adjacent wooded areas.

  Natural Areas: Natural areas will be maintained free of brush and weeds within the first ten feet of the natural area.

- No items (toys, bikes, garden equipment, trash containers, chairs, wood, recycling bins, etc.) may be left in front or side yards or on porches when not in use. Basketball goals need to be erect at all times.

- No parking vehicles on lawns or common areas. Parking in the street overnight is discouraged. Please do not park within 10 feet of stop signs, street signs and fire hydrants. For events such as Garage Sales or parties, it is the responsibility of the homeowner hosting the event to inform neighbors and make provisions to prevent damage to the neighbors' yards.

  ** For safety and aesthetic purposes your driveway should be full of cars if you are parking on the street.

- Mobile house trailers (whether on or off wheels), recreational vehicles and campers are prohibited. Watercrafts, boats, utility trailer, etc. must be parked in such a manner as to be screened from the street.

- No commercial truck, commercial bus, or other commercial vehicle of any kind may be parked on the street or in driveways.

- No portion of the property may be used for the repair of automobiles requiring over 48 hours to repair.

- No portion of the properties can be used to tie up dogs or for breeding. No doghouses should be visible from the street. Excessive dog noise will be treated as a noise ordinance violation. Maintenance of the yard to keep it free

from offensive odors is required. Please note all homeowners are required to pickup after their pets. There is a County Ordinance that enforces this guideline. Please be courteous!

- Properties should be free of any debris.
- No clotheslines may be erected or maintained on any lot.
- Vegetable gardens are allowed in backyards only.
- Trash storage needs to be screened from the road.
- Signs may be placed in the homeowners yard for the express purpose of selling and/or renting the property. Political signs may be placed on the homeowner's property expressing support or opposition to a candidate or referendum issue, not 60 days before the election and must be removed within 2 days following the event. Security, burglar alarm, or dog fence signs shall be located discreetly in the front yard of the house. No signage may be located in the common area, with the exception of an open house or community event. Yard/Garage Sale signs are permitted the day prior to and of the event and the event day and then need to be removed, promptly. Temporary signage during the period of home improvements is permitted. Signs must be removed as soon as the job is completed. No signs are permitted in windows, with the exception of alarm and pet signs. Homemade signs in yards are prohibited.

**** These standards are in addition to any listed in the Declaration of Covenants.**