# ARCHITECTURAL CONTROL GUIDELINES

## *Introduction, General Information,*

## *and Property Standards for*

# 2018 MARKET HOMEOWNERS ASSOCIATION, INC.

**This document regulates 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.**

# Architectural Control Guidelines Table of Contents


| | Section |
|---|---|
| **Introduction and General Information** | |
| Introduction | 1.01 |
| Architectural Control Committee | 1.02 |
| Enforcement | 1.03 |
| Disclaimer | 1.04 |
| **Guideline Summary** | |
| Types of Changes Which Require Submittal | 1.10 |
| Specific Changes Which Do Not Require Submittal | 1.10 |
| Specific Changes/Items Which are Prohibited | 1.10 |
| **Procedure for Requesting Approval** | |
| Application Instructions | 2.01 |
| Architectural Control Committee Request Form Application | 2.02 |
| The Appeal Process | 2.03 |
| **Architectural Control Guidelines and Property Standards** | |
| Birdbaths, Birdfeeders, Birdhouses, and Fountains | 3.01 |
| Building Addition or Exterior Alterations (including doors, gutters) | 3.02 |
| Decks / Back Porches / Balconies | 3.03 |
| Drainage | 3.04 |
| Exterior Freestanding Detached Structures (including pet houses) | 3.05 |
| Fences | 3.06 |
| Flags | 3.07 |
| Garbage/Recycling Can Screens, Privacy Panels, and Other Enclosures | 3.08 |
| Hot Tubs / Swimming Pools / Spas | 3.09 |
| Landscaping / Water Gardens / Vegetable Garden / Raised Beds | 3.10 |
| Lighting (Exterior) | 3.11 |
| Mailboxes | 3.12 |
| Maintenance | 3.13 |
| Painting (Exterior) | 3.14 |
| Parking | 3.15 |
| Parking Pads and Driveways | 3.16 |
| Pets | 3.17 |
| Playsets, Recreational Equipment, and Basketball Goals | 3.18 |
| Playhouses | 3.19 |
| Rain Barrels | 3.20 |
| Retaining Walls | 3.21 |
| Roofing, Roof Accessories, and Equipment | 3.22 |
| Satellite Dishes and Antennas | 3.23 |
| Seasonal Decorations / Yard Decorations | 3.24 |
| Setbacks and Lot Restrictions | 3.25 |
| Siding | 3.26 |
| Signs / Banners | 3.27 |
| Solar Panels | 3.28 |

# Architectural Control Guidelines Table of Contents


| | |
|---|---|
| **Architectural Control Guidelines and Property Standards** | **Section** |
| Storage and Use of Open-Flame Devices | 3.29 |
| Walkways and Patios | 3.30 |
| Window Coverings | 3.31 |
| Woodpiles, Fuel Tanks, etc. | 3.32 |
| Yard Sales | 3.33 |
| **Construction Guidelines** | 4.00 |
| **Limitation of Liability** | 5.00 |

# Introduction

**A.** Purpose of Architectural Control Guidelines

The Architectural Control Guidelines ("Guidelines") for the 2018 Market 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 Lot ("Lot" or "Lots"), sometimes referred to as a Homesite or Unit, within the Community; 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 improvements, including but not limited to landscaping, signage, and lighting. In addition, the Guidelines establish a process for review of proposed architectural, landscaping, or exterior improvements 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 2018 Market in the first place.

**B.** Governmental Permits

To the extent that Town of Holly Springs ("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 Guidelines or the Declaration of Covenants, Conditions, and Restrictions (the "Declaration") for 2018 Market 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 Lennar Carolinas, LLC (the "Declarant") and adopted by the 2018 Market Homeowners Association's Board of Directors ("Board") pursuant to the Declaration. The Guidelines may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in the Declaration of Covenants ("Declaration"), as recorded in the registry of the Wake County Register of Deeds.

**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 improvements 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 improvements 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 an 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 are responsible for ensuring compliance with all standards and procedures within these Guidelines. Owners are also governed by the requirements and restrictions set forth in the Declaration and any applicable

Supplemental Declaration, Amended Declaration, or Amendment to the Declaration. In particular, Owners should review and become familiar with the Use Restrictions applicable to 2018 Market 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 improvements to the Common Area by or on behalf of the 2018 Market Homeowners Association, Inc. ("Association").

Review Structure

The powers of the Architectural Control Committee ("ACC"), sometimes referred to as the Architectural Review Committee ("ARC") or the Architectural Review Board ("ARB"), will remain with the Declarant until such time as the Declarant has transferred control of the Association to the Owners, or until such time should the Declarant delegate all or a portion of its reserved rights to an ACC appointed by the Board or to a committee comprised of architects, engineers, or other persons who may or may not be Members of the Association. The powers of architectural control can be through the ACC, which will consist of at least three (3) but not more than seven (7) persons appointed by the Board. Members of the ACC need not be Owners or Residents of the Community and 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 submittal package is assembled and submitted to the Property Management Company.

The ACC has exclusive jurisdiction over all matters relating to architectural, landscaping, and exterior 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 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.

# Architectural Control Committee

**APPLICATION REVIEW PROCEDURES**

The Architectural Request Form Application ("Application") shall be completed and submitted by the record Owner of the Lot.

The review of the Application shall require the submission of an Application to the Property Management Company who will forward the Application to the Architectural Control Committee ("ACC") for review. Depending on the scope of the Application, the ACC may require the submission of all or some of the plans and specifications listed below.

The ACC will require one set of any of the following plans for a completely executed Application, if applicable to the proposed improvement/alteration, in addition to the submission of an Application:

Plot Plan / Survey Map

An official survey of the Lot, showing the property lines, the exact placement of the dwelling structure, all easements and/or landscape buffers, and impervious surface calculations (if applicable). This is a requirement for almost all types of Applications (one exception would be painting requests).

Floor Plan

Showing decks, patios, stoops, retaining walls related to the residential dwelling structure, detached accessory structures, trash enclosures, HVAC equipment and utilities, and the screening for same, interior spacing of rooms, and connections to driveways, sidewalks, and walkways.

Elevations

Front, rear, and side exterior elevations showing building materials and finishes, and indicating the maximum height of the residential dwelling structure or detached accessory structures.

Roof Plan

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

Color Scheme

Exterior finishes showing the current exterior color scheme of the dwelling and color scheme of the proposed improvement (including manufacturer and samples/color chips of paint or stain), and other details affecting the exterior appearance of the proposed improvements.

Landscaping Plan

Showing location of existing vegetation and existing landscape planting beds, location of proposed landscaping improvements, and other landscaping details.

Other

Such other information, data, pictures, and drawings as may be reasonably requested, including, without limitation, detailed plans for irrigation, drainage, lighting, satellite dish or solar panel placement, and other features.

Review Criteria; Recommendations; Variances

While these Guidelines are intended to provide a framework for common architectural, landscaping, or exterior improvement 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 landscape planting 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/Applicant from any obligations set forth in these Guidelines to acquire approval prior to installation.

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship, or environmental considerations) when deviations may be necessary. The 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. No variance shall be effective unless in writing, signed by the liaison of the ACC with the support of a majority of the members of the ACC.

The granting of a variance to any of these Guidelines for an Owner for an architectural, landscaping, or exterior improvement or alteration on a Lot does not set a precedent for the Community, nor does it allow for any previous violations of the Guidelines to be granted or dismissed. Variances of these Guidelines are to be granted on a case by case basis.

Review Period

Each Application and plan submittal shall be approved or disapproved within 30 days of receipt of fully executed Application and all materials required by the ACC. The plans, if requested by the Owner/Applicant, shall be returned to the Owner/Applicant, accompanied by the ACC's decision. Two copies of the plans shall be retained for the Property Management Company's and the ACC's records. The ACC's decision shall be rendered to the Owner/Applicant by the Property Management Company in writing using an architectural control response form as follows:

***APPROVED*** – The entire Application, as submitted, is approved.

***CONDITIONALLY APPROVED*** – The Application is not approved as submitted, but the ACC's suggestions for curing objectionable features or segments are noted. The Owner/Applicant must correct the plan's objectionable features of segments, and the Owner/Applicant may be required to resubmit the Application and receive approval prior to commencing the construction or alteration.

***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 thirty (30) 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. The ACC makes every effort

to approve all Applications within thirty (30) days of receipt but it is the Owner's responsibility to follow up with Property Management Company and check on the status of their Application. All architectural, landscaping, or exterior improvements or alterations must be consistent with the Declaration or these Architectural Control Guidelines, 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 improvement or alteration. The ACC may require an Owner to acknowledge such responsibilities in a recordable written instrument.

Appeal

Any Owner/Applicant 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/Applicant has altered the plans for the architectural, landscaping, or exterior improvements or alterations or has new information which would, in the ACC's opinion, warrant reconsideration. If Owner/Applicant fails to appeal a decision of the ACC to the Board of Directors, the ACC decision is final. In the case of a disapproval and resubmittal, the ACC shall have 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 and 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/Applicant to obtain all necessary permits and approvals prior to starting construction or installation of the improvement or alteration.

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 Guidelines or any approval issued by the ACC, the ACC shall, directly or through the Board of Directors, notify the Owner in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same. If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Guidelines.

Time to Commence

If construction does not commence on any architectural, landscaping, or exterior improvements or alterations for which plans have been approved within sixty (60) days of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Owner/Applicant to resubmit the plans to the ACC for reconsideration. The Owner/Applicant 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 changes. If no maximum time period is specified in the approval, the approved improvement shall be completed within six (6) months of its commencement. The Owner/Applicant 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.

Changes after Approval

Any and all changes to approved plans, including but not limited to changes 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 changes are approved in fifteen (15) days.

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

# Enforcement

Enforcement/Waiver

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

When there is a documented violation on any property in the Community, no further Architectural Request Form Applications can be submitted to or processed by the ACC, 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 committee liaisons 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:
    1. 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:
    1. Architectural Control Violations
        a. For enforcement action involving Architectural Control Violations, the Property Management Company is primarily responsible for initial enforcement action regarding minor architectural, landscaping, or exterior improvements or alterations without ACC approval and architectural, landscaping, or exterior improvements or alterations begun or completed after Application for ACC approval but before actual approval.
        b. For enforcement action involving major architectural, landscaping, or exterior

improvements or alterations without ACC approval and architectural, landscaping, or exterior improvement or alteration not consistent with ACC approval, the Property Management Company is primarily responsible for initial enforcement action as approved by the ACC.

**Architectural Control Committee Enforcement**

**The ACC has authority under the Declaration to:**

A. Enter and inspect any property 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 of Directors.
B. Enforce architectural standards as set forth in the Declaration and in these Guidelines.
C. In its discretion, release existing improvements from restrictions or encroachments they violate in appropriate circumstances.
D. In its discretion, grant waivers for minor deviations and infractions if appropriate.

**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 property 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 of Directors 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** such as construction of a deck, fence, parking pad or other dwelling addition or accessory structure; cutting a substantial number of trees; filling large areas; or similar major changes 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

Owners 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 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 after Application 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.

G. 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 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.
   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.

H. 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 of Directors, 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.**

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, Conditions, and Restrictions for 2018 Market, the Bylaws of the 2018 Market Homeowners Association, Inc. and these Guidelines, and other resolutions or rules adopted by the Board of Directors, the covenants 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, and shall remain in effect until otherwise rescinded, amended, modified, or repealed by a majority of the Board.

# Architectural Control Guidelines Section 1.10

## Guideline Summary

It is the interpretation of the 2018 Market Homeowners Association that the provisions of these Guidelines apply to a wide variety of aesthetic considerations in the Community. Every attempt has been made to include those considerations which have the potential to impact property values.

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

1. **REQUIRE** submittal of an Architectural Request Form Application,
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 his/her situation is adequately addressed should contact the Property Management Company for guidance**.

Throughout this Section the term *"changes"* or *"improvements"* shall include any additions, removals, or alterations.

A. Types of changes which **REQUIRE** submittal/approval:
   1. Changes to the exterior of the home, such as:
      a. Addition of:
         i. Awnings.
         ii. Decorative lighting.
         iii. Porches.
         iv. New living/conditioned space/room additions **(please note: <u>Garage conversions are prohibited</u>)**
      b. Appearance, such as:
         i. Color
         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. Enclosures (Garbage Can Screens, Privacy Screens, or other enclosures)
      e. Fences
   3. Major landscaping, including retaining walls and 2+ layer landscaping edging
   4. Mailboxes
   5. Play sets, swing sets, etc.
   6. Other recreation or sport equipment (e.g., trampolines)
   7. 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. Portable basketball goals (shall be put away when not in use) **(see specifications, Section 3.18)**
   2. Birdbaths, birdfeeders, and birdhouses, and fountains **(see specifications, Section 3.01)**

3. Minor landscaping **(see specifications, Section 3.10)**
4. Non-permanent children's play equipment (excluding trampolines)
5. Periodic repainting and re-staining with the existing color for maintenance
6. Portable pools usable only by small children (to be put away when not in use)
7. Replacement of dead trees or shrubs with similar or pre-approved materials
8. Small, discretely located, garden plots completely contained behind home
9. Small statues in the rear yard **(see specifications, Section 3.29)**
10. Decorative/seasonal flags **(see specifications, Section 3.07)**
11. Full-Lite Storm Door **(see specifications, Section 3.02)**

C. Special changes/items which are **PROHIBITED**:

1. Window air conditioning units or window fans
2. Artificial vegetation, plants, or flowers
3. Animals other than common household pets
4. Chain-link, wire, or mesh fencing material
5. Commercial advertising signs
6. Encroachment on other property
7. Metal or vinyl storage sheds
8. Metal swing sets
9. Parking of vehicles or trailers on soft surfaces, such as grass
10. Exterior clotheslines
11. Above Ground Pools (except portable pools usable only by small children, to be put away when not in use)
12. Unclean, unsightly, unkempt, unhealthy or unsafe conditions which tend substantially to decrease beauty or safety
13. Converting garages to living/conditioned space
14. Vinyl mailboxes and posts
15. Plastic, PVC, wood, or vinyl portable, non-permanently affixed garbage can screens
16. Screen doors or partially screened doors. *This means that the screen is full time with no glass pane.*
17. Fencing on Townhome lots **(see specifications, Section 3.06)**
18. For Lease or For Rent Signs

# Procedure For Requesting

# Architectural Control Committee Approval

# Application Instructions

## ARCHITECTURAL CONTROL COMMITTEE APPLICATION INSTRUCTIONS

**STEP 1.** ***Prior to any alteration, addition, or improvement,*** the Owner (not contractors, tenants, or other parties) either requests the *Architectural Request Form* Application by phone or by mail from the Property Management Company or photocopies the form from this booklet or downloads it from the Property Management Company's website. As an alternative, an up to date version of the form can be obtained from the 2018 Market website: www.elite-mgmt.com. select "Communities", select "2018 Market" and register.

**STEP 2.** If requested from the Property Management Company, the Property Management Company will promptly forward the *Architectural Request Form* Application to the Owner.

**STEP 3.** ***Prior to any alteration, addition, or improvement,*** the Owner completes the Application form and provides all the applicable information as requested on the Application form. Reference should be made to the Architectural Control Guidelines for specific information needed for the proposed improvement or alteration. All parts of the form shall be filled out and all pertinent information shall be included in the submittal. Incomplete Applications shall be returned for additional information.

**STEP 4.** The Owner sends the completed Application form, along with any attachments or supporting documents required by the Architectural Control Guidelines to the Property Management Company for processing. **Applications must be emailed or faxed** (refer to Section 2.02 for the Property Management Company's address and telephone/fax numbers). Applications left elsewhere (e.g. with a member of the ACC, with a member of the Board of Directors, or with any other officer of the Association) will not be processed.

**STEP 5.** The Property Management Company will check for completeness and if determined to be a complete Application, the Application will be marked with the date it is received by the Property Management Company's office staff. The Property Management Company will then copy or electronically scan and distribute the dated Application to the ACC for review.

If the Application is not complete, due to missing attachments, signatures, or requires additional information from the Owner/Applicant, the Property Management Company will notify the Owner/Applicant either in written and via telephone of the reason the Application is deemed Incomplete within 15 days.

**Note:** The Property Management Company may elect to send the electronic or faxed copy of the form to a member of the ACC for completeness review (such as the chairperson of the ACC). In that case, if the submitted form is deemed acceptable, it will be immediately forwarded by the ACC representative to the rest of the ACC members for review. Otherwise, the Property Management Company will be notified and a list of the deficiencies will be provided.

**STEP 6.** **Complete Applications:** Complete Applications received by the Property Management Company will be considered and acted upon by the ACC normally within 45 days. Note: An Application may be received only on a regular business day.

**Incomplete Applications:** Applications that are submitted without all necessary attachments and supporting documents or with insufficient information shall be deemed administratively denied and returned to the Owner/Applicant with a request for the missing documentation or information. Unless the architectural change is painting the house a different color, an official Plot Plan / Survey Map is required with almost all Applications. In addition, all supporting information regarding placement, dimensions, colors, materials, construction details, elevation info, etc. must be included, as necessary. Any calculation of time concerning the processing of an Application will not start to run until the Application and supporting documentation are complete. At that point, the Property Management Company will mark the Application with a new (resubmission) date, copy or electronically scan and distribute the dated Application to the ACC for processing.

**STEP 7.** Committee members will review complete Applications at a scheduled ACC meeting or just communicate via email and approve or disapprove the Application within thirty (30) days from receipt of the Application by the ACC. The ACC may: (a) determine that an Application is incomplete and request additional information, (b) approve the Application, (c) conditionally approve the Application, stating the conditions in writing, or (d) deny the Application, stating the reasons for the denial in writing.

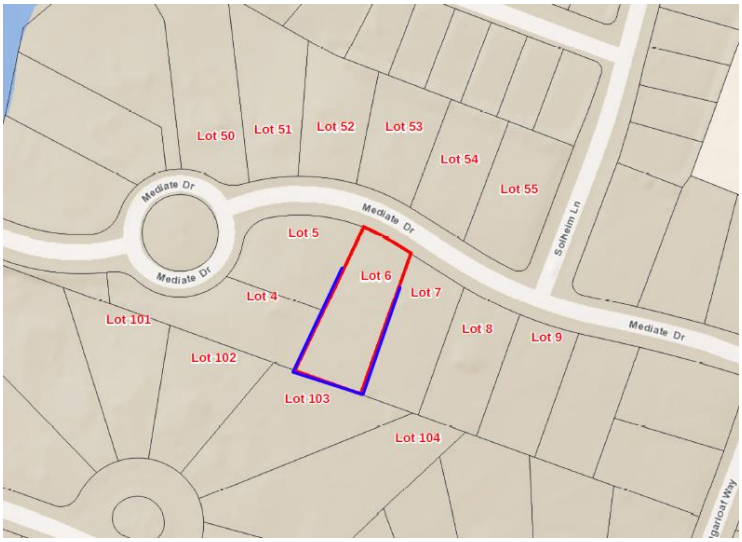
**STEP 8.** Upon its receipt of the ACC's decision on an Application, the Property Management Company will mark the decision with the date that the decision is forwarded to the Owner and will then forward a copy of the decision ("Decision Notice") to the Owner. In the case of approval, the Owner can begin the project immediately, as long as an approval has been received in writing. In the case of an administrative denial for insufficient information, the required information shall be listed on an appropriate form and provided to the Owner. (Note: Any calculation of time concerning the processing of an Application will not start to run until the Application is complete.) In the case of approval with conditions, the conditions shall be listed on an appropriate form and provided to the Owner and the Owner may begin the project as long as the stated conditions are satisfied. In the case of "Disapproval" the reasons and/or requirements will be noted on the Application. A Owner who is not satisfied with the Committee's decision on an Application may (a) submit another different Application (should the Owner want to resubmit another Application, the thirty (30) day process starts again with each submittal) or (b) appeal the Committee's decision to the Board of Directors (Section 2.03).

**STEP 9.** ***After completion of any alteration, addition, or improvement,*** the Owner shall provide the Property Management Company with photographic evidence that the finished alteration, addition, or improvement is in compliance with the Approved/Conditionally Approved Application no less than 60 days of the date of the Decision Notice.

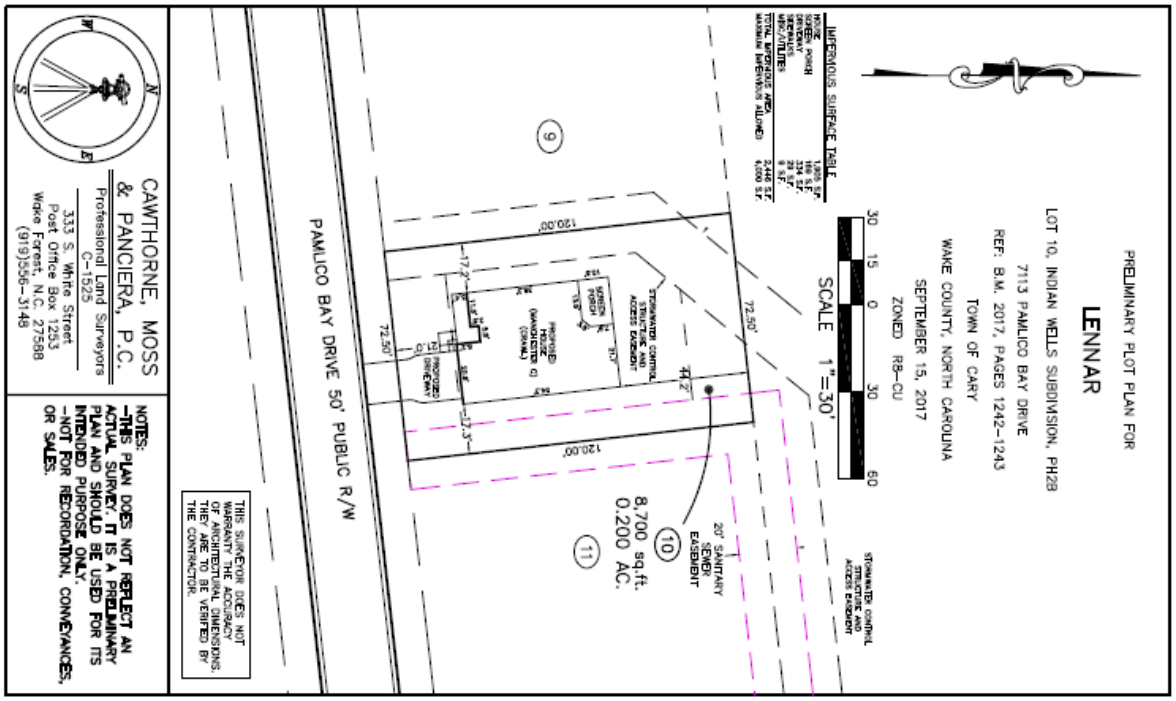
# Architectural Request Form Application

## HELPFUL HINTS

**How to determine which neighbors need to provide an Acknowledgement Signature.** If the Owner of Lot 6 pictured below wants to install a fence for example, they will need to obtain the signatures of the owners acknowledging the addition, alteration, or improvement from Lots 4, 5, 7, and 103. Other types of applications may require additional acknowledgement signatures if the application is for an addition, alteration, or improvement that is viewable by other neighbors or may obstruct the view of neighbors of a community feature.




**How to determine location of addition, alteration, or improvement.** Using a Plot Plan / Survey Map of the Lot, the Owner must draw the location of the proposed change. A Plot Plan / Survey Map allows both the Owner and the ACC to be aware of any Buffers or Easements located on their property that will result in restrictions for any permanent changes imposed by the Association or the City in these areas. For example, a structure or fencing would not be permitted to be constructed over the Sewer Easement nor the Stormwater Easement on the property pictured below. A Plot Plan / Survey Map might be obtained from either the Declarant/Builder's Sales Agent or the original Closing Attorney but a current survey can also be conducted of a Lot by a professional surveyor.



# ***Architectural Request Form Application***

(This form may be used for all architectural, exterior, and landscape changes.)

**Submit to: Elite Management Professionals, Inc.**
**4112 Blue Ridge Road, Suite 100 - Raleigh, NC 27612 or quinnetheridge@elite-mgmt.com**
**(919) 233-7660 (Office) - (919)233-7661 (Fax)**

Date of Application: _____ Association: _2018 Market Homeowners Association___

Owner(s) Name: _____

Address: _____

Email Address(es): _____

Home/Work/Cell#:_____

Type of improvement: _____

_____

_____

Anticipated Start Date: _____ Anticipated Completion Date: _____

Project must be started within 30 days of approval and completed within 30 days of commencement of the work or additional written permission will be needed from ACC for an extension of time. Homeowner must provide photographs of project when completed.

Owner agrees to replace and/or repair at their sole expense any damages to any common areas and personal residence areas such as walking areas, trees, buildings, roads, etc. as a result of making the approved modifications. **_____ (Owner's initials)**

In the case of an addition or modification to the exterior of your home, please attach the following documentation or a narrative description on a separate sheet of paper to include:

__ Plot Plan / Survey Map
__ Elevation
__ Illustration/Drawing
__ Specifications Sheet
__ Dimensions
__ Manufacturer/Brand Name
__ Color(s)
__ List of materials to be used

Other items that may be helpful are: professionally prepared and sealed plans, or any other information that will assist in reviewing this Application. Please attach these to this request prior to submitting it to the ACC.

**A copy of the Plot Plan / Survey Map demonstrating the location of the proposed exterior improvements on your lot in relation to the home, property lines, building setbacks, easements, landscape buffers, and other existing structures is required.** Based on the placement of the improvement, please specify which of the following are applicable to the proposed improvement:

____ Viewable by neighbors from their property
____ May obstruct view for neighbors of community feature
____ Will be placed over an existing easement/landscape buffer
____ May restrict access by HOA to maintain common area and/or stormwater retention/control device

All improvements must be thorough, with no less than good quality materials, free from faults and defects and in compliance with any and all applicable laws, regulations, and ordinances. Any deficiencies in workmanship or materials, determined by reasonable standards of construction in your municipality, shall be corrected upon request of the Association at the cost of the Owner. Such corrections must be performed within thirty (30) days of written notice from the Association or its duly appointed representative.

Owner will be responsible for contacting any applicable municipality and for the cost to obtain permit(s) and inspection(s) if required. Upon transfer of Ownership of subject property, Owner agrees to inform the new Owner of any maintenance agreements that have been set up prior to the transfer. _____ **(Owner's initials)**

I/We understand that I/we must receive approval of the ACC in order to proceed. I/We understand that the ACC's approval does not constitute approval of the local building department and that I/we may be required to obtain a building or land use permit. I/We agree to complete the improvements promptly and within thirty (30) days after receiving approval. I/We further understand that work that begins prior to written approval may result in a fine charged to me. I/We agree to provide photographic proof of completion of the addition, alteration, or improvement in compliance with the approved application with sixty (60) days after receiving approval. _____ **(Owner's initials)**

I/We understand that I/we must obtain Acknowledgement Signatures from Owners of all properties that are connected to your lot, from all Owners that would have a reasonable view of the improvement from their property, and from all Owners whose view of a community feature could be obstructed by the improvement are required prior to the submission of the Application. If the property adjacent to your property is occupied by a tenant, the signature must be obtained by the record Owner of the property. _____ **(Owner's initials)**

---

**NEIGHBOR(S) ACKNOWLEDGEMENT:** I/we, the undersigned, acknowledge that the requesting Owner has shown me/us the details of the proposed improvement(s) described on this Application and that my/our signature represents only my/our awareness of the request. I/we understand that I/we may make verbal or written comments directly to the ACC if desired regarding any concerns or objections we may have.

NAME ADDRESS LOT # SIGNATURE

_____

_____

_____

_____

---

Should the ACC deny your request, you may appeal to your Board of Directors in writing at the next regularly scheduled Board meeting. Please submit your appeal to: Elite Management Professionals, 4112 Blue Ridge Road, Ste. 100, Raleigh, NC 27612. ONLY WRITTEN APPEALS WILL BE RE-CONSIDERED)

*FOR OFFICIAL USE ONLY* Application Received by ACC on: _____

Decision rendered on: _____ ☐APPROVED as requested

☐CONDITIONALLY APPROVED with the attached/following conditions: _____

_____

☐DENIED for the following reason(s):_____

_____

# 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 and Bylaws 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/Applicant a notice of denial of their Architectural Request Form Application ("Application"). The notice shall provide the Owner/Applicant thirty (30) days to file an appeal of a final ACC decision in writing to the Property Management Company.

Administrative denials pending more information or for other reasons 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**

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

1. A letter stating a summary of the Application and justification for the appeal.
2. All supporting information.
3. If all their neighbors' Acknowledgement Signatures were not obtained before the Application was submitted to the ACC, the Owner is now obligated to do so, in order to prove that none of their affected neighbors (neighbors that own property adjacent to their Lot or would have a reasonable view of the improvement or alteration) are aware of the Application. If an affected neighbor refuses to sign the Application, the Owner can still submit their appeal to the Board; however, they must disclose the name(s) of the neighbor(s) that refused to sign the Application, so that the Board can discuss the appeal with them and avoid possible future hostility.

*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**

Upon receipt of the appeal by the Property Management Company, the original Notice of Appeal and all supporting paperwork shall be filed and copies will be sent to the Board of Directors and the Liaison of the ACC. A copy of the Application, originally submitted by the Owner must also be distributed to the above referenced members.

**D. Appeal Process/Hearing**

The Board has the following duties:

1. Ensure the Application is the same as the one presented 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 and defend their Application.

4. The ACC Liaison (or appointed substitute) 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.

After conclusion of the meeting 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 must be contacted, informed of the situation, and asked for their input, especially if they did not sign the original Application.

**E. Decision of the Board**

1. No decision shall be rendered at the 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:
2. Approve (overturn ACC's decision)
3. Disapprove (uphold the ACC's decision)
4. 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/Applicant and the Liaison of the ACC.

**F. Conclusion of Appeal:**

**<u>The ACC has the following duties:</u>**

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 appeal was turned down, the ACC should, if necessary:
    a. Help the Owner/Applicant during the implementation process, or
    b. Help the Owner/Applicant amend the Application to conform to the Covenants and Bylaws for resubmission to the ACC.

**<u>The Owner/Applicant has the following duties:</u>**

1. Must submit a complete Application.
2. Operate in good faith to adhere to the Covenants and Bylaws of the Association.
3. Build or modify property according to the outcome of the appeal.
4. Offer truthful disclosure of all issues regarding their Application.

# Property Standards

# 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 the existing structure and the relationship of the proposed one.

***Location:*** All birdbaths, birdhouses, birdfeeders, and fountains shall be located in the rear of the house and not in view from the street. 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 other properties 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. In addition, 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 (4) feet in height and/or three (3) feet in diameter. Owners 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 a number 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 include screened porches, sunrooms, new living 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, or similar exterior changes 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 improvement or alteration 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, with the exception of 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 properly line. SEE SETBACK AND LOT RESTRICTIONS SECTION. 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 ARC 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 property.

***Materials:***

Materials for use on any building improvement or alteration 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 building codes will be considered meeting the ***minimum*** standards of construction. The ACC reserves the right to require Owners 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 alterations shall maintain proper drainage on the site. If a building addition is planned or an improvement or alteration, which will affect drainage, Owners are required to provide a plan that details drainage patterns and runoff as a result of the improvement/alteration.

**The changes 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, white or off-white in color with narrow stiles. A storm door with a retractable screen is also permitted, but not a door that is partially screened. Color must match trim or door color. See approved samples below.

i. Full Glass Door: https://www.homedepot.com/p/Andersen-36-in-x-80-in-3000-Series-White-Right-Hand-Self-Storing-Easy-Install-Aluminum-Storm-Door-H3SER36WH/202985075

ii. Retractable Screen Door: https://www.homedepot.com/p/Andersen-36-in-x-80-in-2000-Series-White-

Universal-Self-Storing-Aluminum-Storm-Door-with-Nickel-Hardware-HD2SSN36WH/203207917#overlay

**B. Gutters:** When properly installed, white, pre-finished, or color consistent with the house trim, aluminum gutters do not require approval. Other colors or materials require submission of an Application for approval. In addition, if the gutters cause a change in normal runoff patterns and quantities sufficient to impact the drainage on adjacent properties, submission of an Architectural Request Form Application for approval is required.

**C.** 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 property have been approved by the ACC. 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.

**Note: Owners are required to discuss with their neighbors any proposed additions to the property. A Plot Plan / Survey Map that reflects the property lines, easements, landscape buffers, and structures, must contain a drawing of the location of the proposed addition/alteration, a complete set of construction plans (dimensions, elevation/design, materials, colors, etc.), and neighbors' acknowledgement signatures 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 / Balconies

***Appearance:***

Deck height is not restricted but is recommended to be no more than 15' in height from the ground. The size and styling of decks, 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 sealants/protectants should be applied at the Owner's discretion to protect the wooden materials and may be applied without prior approval of the ACC.

You may apply a light to medium colored Transparent or Semi-transparent stain that allows the natural wood grain of the wood material to still be visible with prior approval from the ACC. The color of the stain should blend with the surrounding natural environment or be complimentary with the color scheme of the existing home. ALL STAIN COLORS, even those listed below, must be approved by the ACC prior to application. A color picture of the existing dwelling must be submitted with the Application.

Only the following **Transparent Stains** may be used on decks, back porches, and balconies in the 2018 Market community:

Cedar Tone Natural (Sherwin Williams #3556), or equivalent color in another brand;
Heart Redwood (Sherwin Williams #3558), or equivalent color in another brand; and
Canyon Brown (Sherwin Williams #3559), or equivalent color in another brand.

Only the following **Semi-Transparent Stains** may be used on decks, back porches, and balconies in the 2018 Market community:

Cedar (Sherwin Williams #3561), or equivalent color in another brand;
Redwood (Sherwin Williams #3563), or equivalent color in another brand;
Gray Pine (Sherwin Williams #3560), or equivalent color in another brand; and
Hawthorne Brown (Sherwin Williams #3518), or equivalent color in another brand.

If the deck, back porch, or balcony is to be stained, a color sample must be submitted with the Architectural Request Form Application for approval. Painting or solid-color/semi-solid/solid-bodied/non-transparent/opaque staining of decking materials is not permitted. Opaque stains are considered paint and therefore not allowed.

***Location:***

All decks and covered back porches 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 property), a deck or covered back porch may be allowed to be built and even wrap around the back side of the house (L-shaped structure). 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 setback requirements of the City, however, final placement and approval will be determined by the ACC and may be more restrictive than the City setback requirements. SEE SETBACK AND LOT RESTRICTIONS SECTION.

***Materials:***

All decks and back porches shall be constructed of #2 or better pressure-treated lumber with galvanized hardware. A clear water seal is recommended but not a requirement for approval. However, it is a recommended to use clear water seal or natural-colored stain for deck maintenance. In addition to wood, other materials, such

as composite decking may be considered as alternatives to wood, in which case color coordination with the rest of the house is very critical.

***Requirements:***

A building permit must be obtained from the City or County and all required inspections successfully completed. All decks and back porches must meet the building requirements for the City or County, in addition to this guideline. 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. A lattice (wood or vinyl) may also be an option around 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 expected to be planted around the deck or back porch to soften its appearance.

**Note: It is a violation to use the space under the deck or back porch (with or without privacy screening around it) as a junk 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.

**A Plot Plan / Survey Map, construction plans (placement, materials, size, etc.), and neighbors' signatures (adjacent to and in view of the change) must be submitted with the Architectural Request Form Application.**

# Drainage

***Requirements:***

Drainage of the Lot must conform to all City and 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 property 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 builder to the individual Owner. Owners may make minor drainage Architectural to their Lots provided that they **do not alter the established drainage pattern and water is not redirected towards neighboring 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 property 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. All neighbors' signatures (water-receiving properties), a Plot Plan / Survey Map of the property, 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 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 in respect to the minimum building setback requirements from the property line. However, the ACC reserves the right to reject Applications, which may meet the City building setback requirements 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 SETBACK AND LOT RESTRICTIONS SECTION.

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 building codes will be considered meeting the "minimum" standards of construction. The ACC reserves the right to require Owners 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 home. If the main structure has vinyl then the accessory structure is to have vinyl siding or some other type of material with a horizontal pattern. The accessory structure must be the same color as the main home, 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 pad) or anchors for such structures.***

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

It is also recommended that the view of any exterior detached structures, especially storage sheds, be screened through the use of 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 / Survey Map of the property, 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 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.***

# Architectural Control Guidelines Section 3.06

# Fences

****** Fencing is not permitted in the Townhome area at this time.******

**FOR SINGLE-FAMILY/DETACHED HOMES ONLY:**

***Location:*** The fence shall extend from the rear corners of the house in a direction toward the closest side property line and run toward the rear property line, enclosing only the rear yard. Exceptions/variances may be granted on an individual basis to allow the fence to start on the side of the house, but no more than ten (10) feet from the rear corners of the house. This variance must be approved in advance by the ACC and is determined on an individual basis. Prior approval of a variance to this Section does not set precedent for the Association. Fences shall be installed either within 1 inch of the property line or no less than three (3) feet of the property line (allowing sufficient space for Owner to maintain their property without trespassing onto adjacent neighbor's property). However, any corner lot and lots bordering on main roads or alleyways will generally be required to have a setback of five (5) feet from the property line on the side of the lot facing the street or alley. Note: The property line is *not* the curb line. Fences shall be no less than two (2) feet from the edge of a sidewalk, curb, and alley way. A minimum clearance of three (3) feet must be maintained between a fence and any utility box located on a Lot. Fence shall follow the natural topography of the land. Existing trees or shrubs shall not be removed to place the fence without prior approval from the ACC. There are restrictions for installing fencing 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 fence based on restrictions, aesthetics, and street appearance.

***Requirements:*** For yard fences, there shall be a minimum of one walk-through gate at least 48" wide for access. Gates must be self-closing. An additional gate may be required to allow for the Owner's maintenance accessibility for any portion of a Lot not enclosed by a fence (**The Association shall have no responsibility for landscaping maintenance within the rear yard of any Lot enclosed by fencing.)**. The ACC may require the installation of wider or additional gates for maintenance/inspection accessibility by the City or Association to easements. All fencing must be maintained in an aesthetic and safe condition.

Fences are required to have shrubs planted along any sides of the fence that face the street to help the fence blend with the surrounding landscaping. Shrubs must be planted within three (3) months of installing the fence, be a minimum of a 1 gallon size pot, be spaced 3' apart, and reach a minimum height of 2' within 2 years of planting.

Some municipalities require Owners 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 as to this requirement.

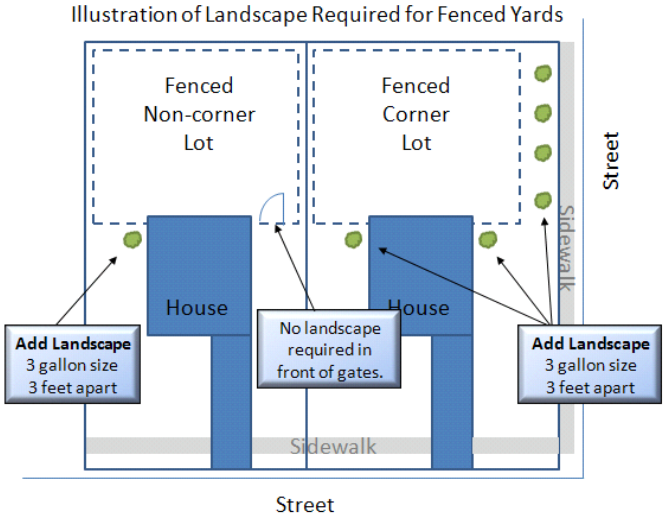
***Appearance:*** Fences must remain natural in the initial installation finish color. Fencing is required to be cleaned of debris, dirt, mold/mildew, etc. on an as-needed basis to maintain the overall appearance.

Whenever possible, alternatives to hard fencing are recommended (i.e., landscaping and plants or "invisible" electronic fencing).

***Materials:*** In order to maintain a uniform style of fencing throughout the Community, a **48" Black Aluminum Avalon/Long Islander style metal fence is the only fencing style allowed** to be constructed by an Owner on their Lot. All fasteners are to be galvanized.

**A Plot Plan / Survey Map of the property that reflects the property lines, easements, landscape buffers, and structures, must contain a drawing of the proposed location of the fence and gate(s) and acknowledgement signatures of the affected neighbors (adjacent to or in view of the proposed fence) are a requirement of the Application.**

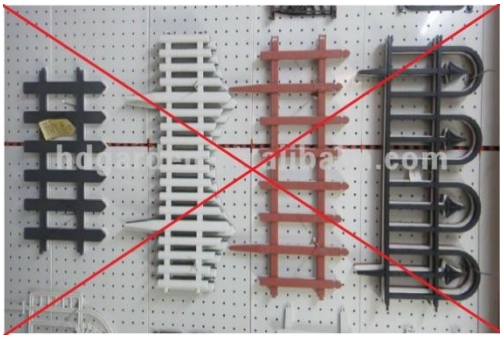
The following illustrates the landscaping requirements for fencing:




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

****SMALL, DECORATIVE/LANDSCAPE BORDER FENCING IS NOT ALLOWED****



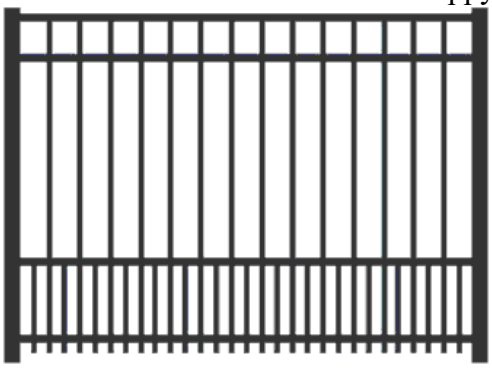


**<u>Single-Family, Detached Homes, Fencing Styles:</u>**

Fence Style #1 - 48" Black Aluminum "Avalon/Long Islander" Fence



Fence Style #2 - 48" Black Aluminum "Avalon/Long Islander" Fence with 18" Ascot Puppy Picket



*****The Association shall have no responsibility for the maintenance of lawns or landscaping within the fenced in area of an Owner's Lot.*****

# Flags

***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) required 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 two (2) weeks after the season/holiday/event.

***Location:***

A maximum of two flags, attached to the house, are allowed. Those flags must be hung from a pole, mounted on the main residential dwelling structure 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 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. Owners 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 Can Containment, Privacy Screens, and Other Enclosures

***Appearance:*** Screens, panels, and enclosures that are installed adjacent to the house must match house or painted the main color of the house or the trim to blend in with the existing color scheme of the main residential dwelling. Wooden screens and other enclosures that remain natural in color require a natural-colored, translucent (transparent or semi-transparent) stain and/or clear water repellent for maintenance. If the screen/enclosure is to be painted or stained, a color sample must be submitted with the Architectural Request Form Application for approval. All screens/enclosures must be maintained in good condition (pressure-washing, painting, staining, etc.) as needed. If a screen is installed on a wooden deck, the screen must match the deck materials (see relevant section) and its surroundings (color, appearance, etc.). In addition, as a general guide, wood or vinyl lattice, as long as it matches the deck or the house exterior, are acceptable materials for screening the space under a deck. Application must be submitted and approved prior to installation of the screening. It is also recommended that all screens be softened through the use of natural landscaping materials, such as trees, shrubs, or vines on the exterior side, where possible. This is mandatory on corner lots, where part of the screen will be facing the road.

***Location:*** Screens/enclosures shall not be placed in the front yard. Screens enclosing garbage can areas should be located on the side (garage side) or back side of the house. However, they may not be located where the use, including, but not limited to the entry, of said area encroaches on adjacent neighboring properties. Those screens should be placed as far away from the front of the house as possible. The ACC will determine the final placement of the enclosure based on aesthetics and screening requirements.

Other enclosures, such as patio privacy panels/screens, A/C containment screens, etc., must be no larger than the area they are supposed to contain (e.g. the size of the existing A/C units). Patio privacy panels/screens that enclose part of the grass in the backyard fall into the "fence" category (see Section 3.06).

Panels, screens, and other enclosures shall follow the natural topography of the land and blend in with their surroundings.

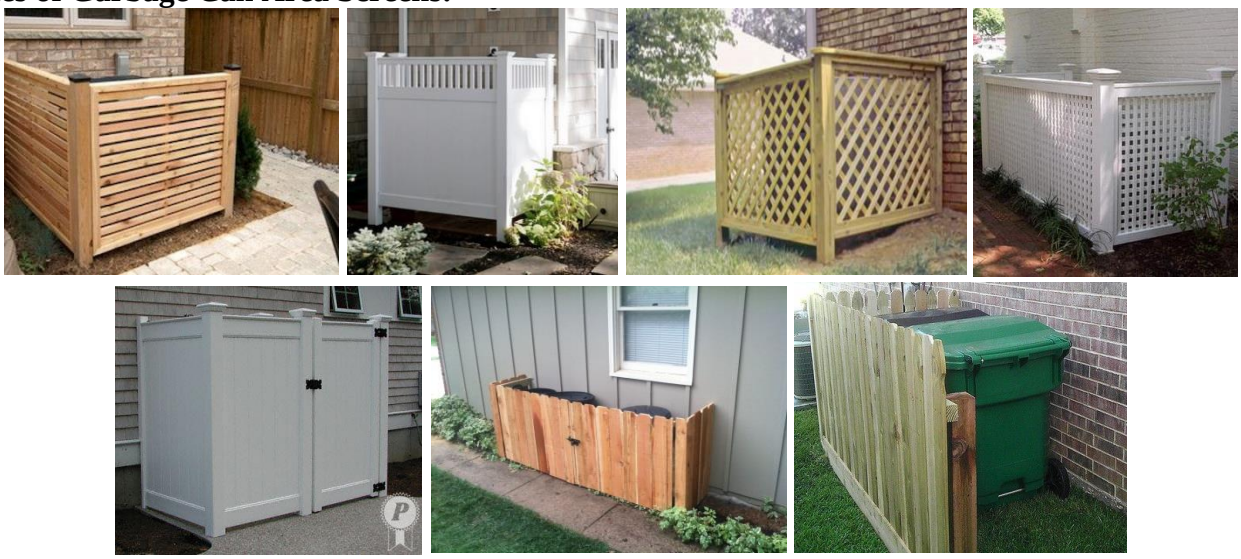
***Materials:*** Screens and enclosures shall be constructed of #2 or better pressure treated yellow pine or vinyl. All fasteners are to be galvanized. Alternative materials will be considered by the ACC on a case by case basis.

***Requirements:*** An Application must be submitted and approved prior to installation of the screening. It is also recommended that all screens be softened through the use of landscaping on the exterior side, where possible. This is mandatory especially on corner lots, where part of the screen will be facing the road. 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.

****** Garbage Can Area Screens are not permitted in the Townhome area at this time.******

**Garbage Can Area Screens** for Detached Single-Family Lots shall be no taller than 4 ½ feet, no wider than 3 feet, and no longer than 8 feet, and must be fully enclosed at least on three sides (two sides of screen plus the original garage wall). One gate no wider than three (3) feet may be installed on either the side or rear of the enclosure; if installed, the gate must be kept closed at all times. Garbage Can Screens are required to have shrubs planted along any sides of the fence that face the street to help the fence blend with the surrounding

landscaping. Shrubs must be planted within 3 months of installing the screen, be a minimum of a 3 gallon size pot, be spaced 3' apart, and reach a minimum height of 3' within 2 years of planting. **See below for design examples of Garbage Can Area Screens:**



Plastic, vinyl, PVC, or wooden portable type (non-permanently affixed) garbage can screens are not permitted on any Lot in the Community.



***Garbage Can Areas must be kept neat; no loose debris shall be allowed in the Garbage Can Areas. 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 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. Garbage and/or recycling cans must be stored in a way that it cannot be seen from the street. They must be stored inside the garage, against the back side of the house, or on the garage side of the house behind a garbage can area privacy screening that has been approved by the ACC.***

**Privacy Panels** shall be no taller than six (6) feet and no longer than eight (8) feet. Privacy Screens should match those panels constructed/installed by the Declarant during development of the Community on other Lots and may be constructed with wood or fencing grade vinyl material; unless a variance is granted by the ACC. 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 Townhome Lot, or it would qualify as a fence, see Section 3.06. Non-affixed, portable privacy screens are not permitted. **See below for example of panel design and location.**





**A Plot Plan / Survey Map of the property that reflects the 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 / Survey Map (dimensions, placement, 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

****Above-ground pools are prohibited****

***Requires ACC Approval:***
All hot tubs, spas (located outside the residence), or pools must be submitted for ACC approval.

***Information Required in Submittal:***
- Plans and specifications showing the nature, kind, shape, height, and materials must be submitted.
- Plot Plan / 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, Vegetable Gardens, and Raised Beds

***Landscaping maintenance is the responsibility of the Association on Townhome Lots, unless waived by the Owner****
***Note: The alteration of the grass or any landscape planting bed areas on any Lot by an Owner may result in the waiving of the landscaping maintenance agreement between the Owner and the Association.***

***Appearance:*** Natural areas and landscaping planting beds (any area with ground cover other than grass) shall be made in proportion to the home and Lot. All landscaping planting beds shall be maintained to prevent overgrowth of individual plants or weeds. Landscape planting beds shall be mulched to improve appearance and aid in maintenance. Edging around landscaping planting 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 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.

***Location:*** Natural areas and landscaping planting beds may be utilized in the front, rear, and side yards. Landscaping planting 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 yard property line to the other side yard property line. Corner lots will be measured from the curb to far side yard property line. Areas will exclude the existing walkway and driveway.

Landscaping planting beds, vegetable gardens, natural areas, and improvements or alterations 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. Landscaping improvements or alterations shall not impair the Association's ability to maintenance the yard on Townhome Lots.

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

Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning). 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 in side or front yards are not allowed. For vegetable, herb, or flower gardens installed by an Owner on Townhome Lots, there shall be no less than a five (5) foot radius area of grass around the garden as to not impair the Association's ability to maintenance the rear yard.

New trees shall be located away from foundations, drives, or walks 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 improvements over easements, sight triangles, and landscape buffers (natural or landscaped vegetated areas designated and required by the City between communities or Lots within the Community

with a requirement of minimum plant density) 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 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, etc. (e.g. in order to accommodate additional parking or as an extension of the driveway) is not allowed.

***Materials:*** In the Application, provide "common" variety names of plants that are to be used.

Any improvements or alterations (not included resodding/reseeding as described) to your lawn must be approved by the ACC. Reseeding/resodding your lawn with the following lawn types do not require approval on Single-Family Home 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 normally does not require an Application and may consist of ONE LAYER/LEVEL of the following: unstained pressure treated yellow pine timbers; edging brick; natural stone; pre-cast landscaping edging concrete blocks; or black, brown, or dark green plastic, rubber, metal, or composite straight edging no higher than 4". These materials must be landscape grade. Painted stones and other painted or stained materials require prior approval and normally not be approved. Edging material used should consider scale, color, and proportion to harmonize with the existing structures and surrounding site. Any edging timbers, stones, blocks, or bricks that are more than one layer/level high in any area will be considered a "Retaining Wall" and an Application is required, see **Section 3.21**.

Some examples of acceptable materials to be used for landscape planting bed edging:



Retaining Wall Bricks



Edging Bricks



Solid Bricks

Illustration of one layer/level of landscape planting bed edging:



Owners are **not permitted** to use railroad ties, decorative plastic fencing, wire fencing, tree stumps/branch slices, construction lumber, siding, Hardiplank, or construction bricks for raised garden beds or other landscaping edging.



Construction Brick



Siding



Construction Lumber



***Requirements:*** ACC approval is required for the removal of any trees or shrubs by an Owner. Additionally, "Street Trees" planted by the Declarant in the front yard of a Lot, or in or near the City's Right-of-Way, cannot be removed, relocated, or replaced without the written approval of 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.

Only the color, type, and style of mulch (hardwood, bark mulch or stone) as installed by the Declarant or Association is permitted on a Lot. The installation of a mulch of a different color, type, or style is not allowed.

All landscaping will maintain proper drainage on the site. If landscaping is planned, Owners 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 **(see Section 3.04)**

Irrigation systems do not require approval, as long as all removed grass is replaced, landscaping is returned to its original state, 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 property to correct the problem. If grading is necessary, an Application must be previously submitted to the ACC for approval.

The Community may include a number of landscape buffer areas on Single-Family Home Lots. These buffer areas were installed by the Declarant as required by the City on the approved subdivision plans. It is the Owner's responsibility to maintain any landscape buffer area that is located on their property as part of their regular lawn maintenance. This includes regular maintenance such as installation of mulch (or pine straw), removal of weeds, removal of dead tree limbs, and plant pruning. Approval from the City is required for the removal or installation of trees or shrubs by an Owner within a landscape buffer. A fence can be installed within the buffer area, with restrictions as dictated by the City, provided the Owner has received ACC approval.

Landscape buffers or streetscape buffers located on the Community's perimeter that are located solely on the Association's common area open space are required to be maintained by the Association as specified on the approved subdivision plan. Some of these areas are intended to remain in a natural, wooded state.
For additional information about the Landscape Buffer maintenance and requirements contact the City's Zoning Compliance or Planning Departments.

Flowers or plants planted in flower pots and displayed on walkway, porch, stoop, balcony, patio, or deck do not require prior approval from the ACC with the condition that the flower pot containers are standard size as can be purchased from any nursery/garden center. Flower or plant pots must be consistent with size of the home and Lot. Finish must be consistent with the exterior house colors or neutral earth tone colors. Custom, oversized, or colored containers must have prior approval; each Application will be reviewed on an individual basis.

***Notes:***
*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 lawn 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 but should be free of debris from trees, and free of clutter.*

# 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, i.e., 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, 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. As a general rule, temporary event lights should not be displayed earlier than 30 days prior to an event and must be taken down within 15 days following the event. For example, "Christmas lights" should not installed on any lot earlier than November 25th and should be removed no later than January 9th.

***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 Owners. 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 / 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 Owner's Lot. On corner lots and locations where the lighting may affect drivers, care must be taken to insure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic.

Any lamppost in the front yard shall not exceed 8 feet with one lamp light (max. 60W) without the written approval of the ACC. If the lamppost is installed in the rear of the property, 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 apart. If closer placement is desired, then an Application must be submitted. Any low voltage spotlights or lights on the outside of decks require an Application, if the light may shine onto adjacent property.

# Mailboxes

***Only the Mailboxes or Cluster Box Units "CBUs" as provided by the Declarant at the time of development will be permitted in the Community.***

# Maintenance

***The Association shall have no responsibility for the maintenance of lawns or landscaping within the fenced in area of an Owner's property.****

***Appearance:***

It is the responsibility of each Owner to maintain his/her property 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 value of their own property, surrounding properties, and the Community as a whole.

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

- Lawn care
- Trimming of trees and shrubbery
- Landscape Planting Beds (weeds, edging, etc.)
- Decks
- Fences
- Driveways, walkways, and sidewalks
- Playground/Recreational/Sports equipment and Toys
- Paint
- Roofing
- Garbage/Recycling can storage
- Debris, trash, and clutter removal

***Deterioration:***

If at any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the Community, the ACC, a representative of the Property Management Company, or a combination of the two will be requested to make a site inspection. The ACC will then make a recommendation for action to the Board of Directors. Appropriate action will be taken in accordance with the enforcement policies of the Association.

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. No Applications will be processed by the ACC for that Owner, unless the violation items have been corrected.

# Painting (Exterior)

***Appearance:***
All exterior paint colors, including mailboxes, shall be consistent with the initial paint Application to maintain a variety as well as continuity with the surrounding homes. 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.

***Location:***
Not applicable.

***Materials:***
Siding paint shall be Duron Deluxe Exterior Flat House Paint or paint of equivalent quality. Trim and shutter paint shall be Duron Weather Shield Exterior Acrylic or paint of equivalent quality.

***Requirements:***
Any changes to the original exterior paint colors (home exterior, trim, shutters, garage doors, etc.) must submit an Application.

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 (home exterior, trim, shutters, garage doors, etc.) but also for the entire Community.

Although a Plot Plan / Survey Map is not required for painting Applications, it is imperative that neighbors' signatures are obtained from all neighboring homes before an Application is submitted for approval.

Approval is not required if **ALL** exterior paint colors remain the same as the original ones.

# 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 Declaration of 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 water crafts, 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 vehicle bearing any commercial or business markings or which is used, in whole or in part, for any commercial or business purpose, regardless of its markings or configuration.

2. Recreational vehicles, boats, watercrafts, or trailers may only be stored out of view in an enclosed garage.

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 limited to Guests to the Community only. Current registration and tags must be visible or automobiles may be towed at the automobile Owner's expense. Owners, Residents, and Tenants of the Community may be subject to a penalty fee if found to be in violation of on street parking.

7. On street parking is prohibited on any Private Roads in the Community. All automobiles are subject to be towed at the automobile Owner'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 4 inches. Depending upon property configuration, screening with landscaping may be required to visually block the area from adjacent Owners.

**NOTE:** ***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 landscape planting 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 not allowed.***

***Location:***

Parking pads (driveway extensions) may be constructed adjacent to and contiguous with the original concrete driveway on the side opposite the front walkway. The parking pad shall terminate in line with the front of the house and must not require removal of the existing mailbox.

Some municipalities require Owners to obtain an impervious permit prior to the installation of a parking pad or driveway extension on their lot. Some municipalities restrict the widening of driveway approaches due to the utility easements or right-of-way requirements. It is the sole responsibility of the Owner to inquire with the City as to the permit requirement and widening restrictions.

***Materials:***

**Concrete shall be the only allowable material.** The preparation of the soil base shall be consistent with sound construction practices to minimize the risks of settling, excessive cracking, and improper drainage. Concrete paint/stain is not allowed!

| | |
|---|---|
| **Dimensional limitations:** | Maximum width of 9’-0”. Each property will be reviewed individually. |
| **Set Back Requirements:** | Minimum set back from side property line is 18” except that the setback may be less with specific approval of the ACC on cul-de-sac lots because of lot configuration and size. |
| **Drainage/Slope:** | 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 property or to the house foundation. |

A Plot Plan / Survey Map and a drawing of the proposed parking pad (including dimensions, placement, etc.) must be submitted with all Applications.

# Pets

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, 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. No more than two (2) birds are permitted. The Board shall determine a reasonable number of other usual and common household pets.

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

Owners must comply with the City and County Sign Ordinances regarding the housing and Ownership of pets. In no event, however, shall monkeys, snakes, pigs, or ferrets.

Fecal waste deposited by any pet on portions of the Community, other than the Lot of the Owner must be immediately removed and property disposed of by the Owner. Fecal waste deposited by any pet on or around the Lot of its Owner must be cleaned up and removed within seven (7) days. 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. If the Owner fails to honor such request, the pet may be removed by the Board, or an agent for the Board.

Pets are not permitted inside the clubhouse, inside the pool area, pool cabana, or inside any Association building.

*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.

# Architectural Control Guidelines Section 3.18

# Play Sets, Recreational Equipment, and Basketball Goals

***Note: Playground, toys, or recreational equipment may not be placed or stored in the front, side, or rear yards of Townhome Lots due to landscape maintenance restrictions.***

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

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

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

***Appearance:***
Playground and recreational equipment should blend with the natural surroundings to the extent possible and shall be an appropriate size for the backyard. Landscaping or fencing should be planned to screen playground 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, playground equipment should be placed in the rear yard. The location of play areas and of recreational equipment must take into account the impact on adjacent properties, noise concerns, safety concerns, and the minimization of any offensive visual impact on neighbors or public areas.

Recreational equipment should be also placed in the rear yard area where applicable (i.e., trampolines). Potentially dangerous items such as trampolines should be located 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.

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

The Association reserves the right to request removal of an installation that does not meet the above listed criteria. A Plot Plan / Survey Map, drawing of the recreational equipment (placement, dimensions, specifications, colors, materials, etc.) and neighbors' signatures (in view of equipment and/or affected by possible noise) are a requirement with all Applications.

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

***Basketball Goals:*** Basketball goals fall into three categories: 1) portable, 2) permanent pole-mounted, and 3) permanently mounted to the house. As with all other exterior changes, homeowners are required to submit an Architectural Request Form Application for permanent pole-mounted or house-mounted basketball goals and, if approved, are required to perform periodic maintenance as necessary to keep it in good condition. For permanent basketball goals, slope and length of the driveway will be taken into consideration by the ACC when reviewing a basketball goal installation. 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 shall be stored completely out of sight or at least pulled up against the side of the house out of view from the street when not in use. Furthermore, portable goals should be sufficiently secured when in use to prevent injury or property damage. Basketball goals of any kind shall not be within 10 feet of the street. All basketball goals should be positioned to avoid impact to adjoining property, streets, and personal safety.

# Playhouses, Forts, and Play Structures

***Note: Playhouses may not be placed or stored in the front, side, or rear yards of Townhome Lots due to landscape maintenance restrictions.***

***Appearance:***
Playhouses, Forts, and Play Structures must be a natural wood color or match the color of main residential dwelling structure.

***Location:***
Playhouses, Forts, and/or Play Structures shall be in the rear of the main dwelling structure and not visible from the street.

***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.

The Association reserves the right to request removal of an installation that does not meet the above listed criteria. A Plot Plan / Survey Map, detailed plans for the construction and/or installation of the Playhouse, Fort, or Play Structure (placement, dimensions, materials, colors, etc.) and neighbors' signatures (in view of the structure and/or affected by possible noise) are a requirement with all Architectural Request Form Applications.

# Rain Barrels

***General:***
Rain barrels can be used in the Community to collect rain water for later use in landscaping and gardens. Owners can help the City 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 2 rain barrels allowed per Single-Family Lot and 1 rain barrel per Townhome 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.

# 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 / 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. Rain barrels must be located within existing landscape planting beds.

***Materials:***
"Natural" building materials such as stone, slate, brick and pressure treated timbers will be considered as acceptable materials. These materials must be landscape grade. Railroad ties are prohibited. Materials and colors chosen should complement the existing main residential structure on the Lot.

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




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




***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. Neighbors' signatures are required with all Applications.

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 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.

# Roofing/Roof Accessories and Equipment

***Requirements:***

Roof pitches and overhangs may vary as dictated by architectural design. 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 previous does not require prior approval.

# Satellite Dishes and Antennas

## I. Preamble

WHEREAS, the *2018 Market Homeowners Association* ("the Association") is responsible for governance and maintenance of the *2018 Market 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 Owner'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 Owner's 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 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

existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing 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 Owner'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 (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 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 declamatory 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 / Survey Map with exact location/placement of satellite dish/antenna, specifications, mounting plans and neighbors' signatures, if the proposed antenna or satellite dish is visible from their property, should be submitted to the ACC for approval.**

# Architectural Control Guidelines Section 3.24

## Seasonal Decorations / Yard Decorations

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

***Requirements:*** Owners are expected to only install yard decorations that are in good harmony with the Community. Pink flamingos, windmills, wishing wells, 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 two (2) yard decorations are permitted in the front and side yard. Not more than six (6) yard decorations total are allowed on any Lot. Not more than one (1) fountain is allowed on any Lot and 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 and Yard Decorations must be at least 3 feet from the public sidewalk or 3 feet from the curb where no sidewalk exists.

Temporary/seasonal decorative lights may be placed on trees, shrubs, fencing, decks, and the exterior of the home located on an Owner'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, or fountain, which, including any pedestal, stands no more than four (4) feet tall. However, the combined total number of yard decorations, whether temporary or permanent, in the backyard (behind the rear corner of the home) 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 two (2) yard decorations are permitted in the front or side yard of any Lot and shall not exceed 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 30 days prior to an event and must be taken down within 15 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 9th.

# Setbacks and Lot Restrictions

Building setback requirements from property lines are established by the City and established building ordinances.

The location of all improvements or alterations on any Lot must comply with the minimum building setbacks shown on the applicable Plot Plan / Survey Map for such Lot.

The location of all improvements or alterations on any Lot are subject to the restrictions related to any and all sight distance triangles, right-of-ways, landscape easements/buffers, and public and private easements, including but not limited to utility easements, sewer/sanitary easements, stormwater easements, drainage easements, and retaining wall easements as depicted on the Plot Plan / Survey Map for the Lot and the recorded plats for the Community.

Eaves, steps, and open and covered porches will not be considered as part of a building; however, this Section will not be construed to permit any portion of any improvement on any Lot to encroach upon another Lot or onto Common Area or other portion of the Community.

# Siding

Owners shall seek the approval of the ACC before installing or replacing siding which differs from original material and/or color. For material that is the same as original, no approval is required.

# Signs / Banners

All signs must also comply with the City and 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 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 property, 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 (i.e. foreclosure or eviction) or an approved improvement (i.e. 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. Sign is to be removed at either the Owner'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 **REQUIRE** approval by the ACC:
   1. One temporary sign or banner related to a holiday, religious observation, celebration, or seasonal event.

A Plot Plan / Survey Map with exact placement of the sign, dimensions, and sign content should be submitted to the ACC for approval.

C. 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.

# Solar Panels

Solar panels / equipment shall not be installed without the prior written approval of the ACC. Any solar panels 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 should be located on the rear or side roof of a home whenever possible. The ACC will review in advance and approve in writing all equipment placement.

# 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 Townhome residences, Single-Family residences, and Common Areas, including any clubhouse, cabana, gazebo, or other structure constructed upon Common Area. "Townhome" shall be defined as any attached residence in the Community with a shared or common wall.

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 of the amenity structure or any combustible building materials of structures, furniture, or assets owned, insured, or maintained by the Association or the Declarant, including on any Townhome balcony. "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, or maintained by the Association or the Declarant, including on any Townhome balcony. "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 and Patios

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

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

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

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

A Plot Plan / Survey Map of the property, a drawing of the exact placement and dimensions of the patio or walkway, materials, color, and installation method are required 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 color on the side visible from outside the Lot.

# Woodpiles, Tanks, Etc.

***Requirements:***

No exposed, above ground tanks will be allowed. 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.

# Yard Sales

***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," and/or "garage sales," 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 guidelines:

- 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 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 in 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 per calendar year.
- Event sales may only be held between the hours of 7:00 A.M. and 3:00 P.M. The City's quiet hours must be observed while setting up/taking down the sale items.
- A maximum of two 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 two (2) days prior to the sale event and must be removed immediately after the completion of the sale event. Signs may be placed on another Owner's property within the Community with their permission.
- Noise relating to the sale event should be kept to a minimum (i.e. no loud music).

***Requirements:***

Inspections: The Owner/Applicant shall schedule and coordinate a review of all construction activities with the ACC to verify compliance with the approved plans and specifications. The ACC 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 or 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 of Covenants and the Rules voted on by the Board. If you disagree 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 or common area facilities caused by the Owner/Applicant, its contractors, sub-contractors, agents 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/Applicant.

Conduct: The Owner/Applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in 2018 Market. 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 Noise Ordinance for which no work can begin before __7__A.M. and must stop by _8__P.M. Monday thru Friday and __8__A.M. to __6__P.M. Saturday and Sunday. Employees violating this policy may be asked to leave the premises and may be denied future access to 2018 Market.

Site Cleanliness: All sites must be maintained in a clean and orderly manner at all times. 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 Association, the ACC, nor the officers, directors, members, employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against Declarant, the Association, the 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 and executed by the Declarant on this _____ day of _____, 2018.

**DECLARANT:** LENNAR CAROLINAS, LLC

By: _____
Troy J. George
Vice President and Division President

These Architectural Control Guidelines are hereby adopted by the Association on this _____ day of _____, 2018.

**ASSOCIATION:** 2018 MARKET HOMEOWNERS ASSOCIATION, INC.

By: _____
Candice N. Blakeslee
President, Board of Directors