McKenzie Meadows

McKenzie Meadows Homeowner Association, Inc.
Rules & Architectural Guidelines

Adopted 12/01/2022

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1.0 Introduction

1.1 Applicability

This guide to Rules and Regulations ("Guide") is adopted pursuant to the *Articles of Incorporation*, and the *Declaration of Covenants, Conditions, and Restrictions*, ("Declaration"). These documents provide for the establishment of reasonable rules and regulations concerning the use of individual lots and common areas. The Architectural Review Committee ("ARC") serves as representatives of the Board of Directors ("Board") while enforcing the Guide. Compliance with this Guide is required but is not the sole basis for review or approval, nor does it guaranty approval of any application. In reviewing each application, the ARC may consider any factors it deems relevant. Decisions may be based purely on aesthetic considerations. To the extent that any government ordinance, building code or regulation requires a more restrictive standard than that found in these Design Guidelines or the Declaration, the government standards shall prevail. To the extent that the local ordinance is less restrictive than these Design Guidelines, and any standard contained therein, or the Declaration, these Design Guidelines and the Declaration shall prevail. Each owner acknowledges that determinations as to such matters are purely subjective in nature and that opinions may vary as to the desirability and attractiveness of a proposed addition or modification.

1.2 Purpose

This document is not intended to replace the Declaration, but to clarify the process by which homeowners may customize and modify the exterior presentation of their homes and/or lots. The intent is to provide consistent guidance to owners regarding requirements for additions and modifications to property in the community and matters of particular concern to the ARC when considering applications for approval of such conditions and modifications. Additionally, the Guide sets forth various restrictions on other matters relating to community standards and the overall appearance of property in the community.

1.3 Application and Review Process

Unless otherwise specifically exempted by the Declaration or this Guide, ***each and every proposed exterior modification/addition to residential units or lots require prior approval of the ARC***. Submit the *Request for Architectural Approval* form to the management company at the address noted on the request form.

Each application must include:

1. A complete application.
2. A copy of the lot survey showing the size and location of the proposed modification/addition
3. A list and description of the materials to be used.
4. Color samples **and photographs** may assist the ARC in rendering its decision and expedite the review process. Photographs may include the areas to be modified, the items to be installed, etc.

The ARC may require submission of such additional information as may be reasonably necessary to consider any application. Review of the application and notification to the applicants shall be conducted as described in the Declaration. The Board and the Committee shall have 60 days to review submitted plans and to approve or disapprove those plans, as provided in the Declarations, although generally, a decision is rendered much earlier. Where specifically permitted to proceed without prior approval, such permission shall only be effective so long as the Owner complies with every requirement of this Guide. The ARC is not responsible for ensuring structural integrity or compliance with state and local building codes. Homeowners must obtain all necessary building permits and other government approval that may be required for the proposed modification or addition. ARC approval does not constitute engineering approval. ARC approval is aesthetic in nature. Improvements and consequences are the sole responsibility of the homeowner or person making the improvements.
It is strongly encouraged that you share and discuss your plan and application request with your neighbors on either side of your property and directly behind or adjacent to your property. Their signature on the form only indicates that they are aware and have viewed the planned activities, not that they approve, as their approval is not solicited. This notification may prevent any questions or an objection surfacing after any installation work has been performed.

2.0 General Architectural Standards

2.1 Antennas, Satellite Dishes (DBS, MDS, DSS)

Pursuant to FCC Section 207 of the Telecommunications Act of 1996, the Association will not require prior approval for antennas/dishes in the attic, crawl space, garage, or other interior space of the dwelling, or another approved structure so as not to be visible from the exterior of the residence. However, homeowners who wish to place a satellite dish on the exterior of the residence must submit a *Request for Architectural Approval* to the ARC.

The following rules apply to antennas and satellite dishes installed on the exterior of the residence:

- Freestanding antennas/dishes (mounted on a pole anywhere on the lot) are **not** permitted.
- A maximum of two satellite dishes measuring one meter or less (39") in diameter may be erected on any lot.
- The cables must be hidden or buried. It is the owner's responsibility to assure that the installer performs this task. If installation is required in other than the following approved locations, include a statement from the installer with an ARC application.

Standard, approved placement of a satellite dish is:

- Attached to or mounted on a deck or patio in the rear of the residence and extending no higher than the eaves of that portion of the roof of the dwelling directly in front of such antenna; or,

- Attached to or mounted on the rear wall or rear roof of the residence so as to extend no higher than the ridgeline of the residence at a point directly above the position where attached or mounted to the wall.

2.2 Birdbaths, Birdfeeders, Birdhouses and Statuary

Birdbaths, fountains, birdfeeders and houses, and all other statuary require a *Request for Architectural Approval* application and ARC approval. The Guidelines permit two (2) approvable items maximum in the front area.

If approved, birdfeeders and birdhouses must be no larger than one foot in width, one foot in depth, and one foot in height. Any pole on which a birdhouse or birdfeeder is located may not exceed two inches in diameter and six feet in height (including the house and feeder).

Fountains, birdbaths, birdhouses, and bird feeders shall not be placed in the front yard, side yard, or in common areas or wetlands/marshes.

Statuary of any kind, and any other exterior decor shall require a *Request for Architectural Approval* application and ARC approval.

2.3 Clotheslines

No clotheslines of any type are approved or will be allowed to remain on any Lot.

2.4 Decks, Patios, Porches and Sunrooms

Decks, patios, porches, sunrooms, fire pits, knee walls, permanent built in grills, and paver or concrete pads for grills are approvable items, and require ARC approval with a *Request for Architectural Approval* application.

During the Declarant Control Period, all proposed decks, patios, porches and sunrooms will only be approved if similar in size and constructed materials as those originally available by the builder, per plan (See Exhibit 2 for further explanation). Decking material, if wood, may be stained a natural wood color, and must be maintained. All decks, patios, porches and sunrooms require ARC approval with a *Request for Architectural Approval* application. Included in the ARC request should be the type and color of stain or paint, and screen, siding and roofing details, including materials and color.

Patios may be approved in the rear area of the lot only. Acceptable patio materials are stone, brick, stamped concrete, and plain concrete. Due to unique topography in some rear lots, retaining walls may be considered in the rear area only to create even patios. All proposals for patios require ARC approval with a *Request for Architectural Approval* application and the

owner is advised that permitting may be required. Any permits, if required, are the responsibility of the owner. Stone fire pits are approvable items provided that they are permanent in nature and attached to an existing patio or approved patio expansion and will be counted towards impervious square footage. Non-permanent fire pits are also approvable items and must be kept in good repair and stored out of the line of view from the street and neighboring properties while not in immediate use.

No indoor-outdoor carpeting may be installed on any porch, patio, or deck. Personal property such as bicycles and recreational equipment should be stored inside the home or garage.

Pergolas are approvable. Acceptable pergola material is pressure treated timber. Pergolas must be place immediately adjacent or attached to the home as a permanent structure. Pergolas may be finished with any of the approvable stains fencing, or they may be painted to match the existing house trim. All proposed pergolas may only be located over an existing patio or an approved patio extension. Pergolas must be maintained and kept in good repair.

Required building permits and placement within the building envelope is mandatory. Any utility easements must not be entered or obstructed.

2.5 Pets

Owners are required to maintain control of their pets at all times. Pets must be on a leash or restrained in the yard by use of invisible fencing or an approved fence.

Animal nuisance of any kind will not be tolerated, including noise and improper waste disposal. While outside the confines of the owner's property, animal waste will immediately be collected by the owner and disposed of in an approved waste receptacle.

Other than household pets, no other animals, livestock or poultry of any kind shall be raised, bred or kept on the properties. Dogs, cats or other household pets may be kept in homes provided that such pets are not kept, bred or maintained for any commercial purpose. It is suggested that homeowners familiarize themselves with any applicable municipal ordinances relating to pets.

2.6 Exterior Colors, Shutters, Doors, Other Exterior Modifications

Changes to existing exterior paint and roof color require a *Request for Architectural Approval* application and ARC approval. Changes to existing exterior paint color will only be approved if the new color scheme does not exceed 4 different colors on the home's façade (including but not limited to shutter, board and batten, shutters, and door colors). Changes to existing exterior color scheme will only be approved if the desired color/s were originally offered by the builder. Community color book can be made available upon request for approvable colors.

Shutters & Doors require a *Request for Architectural Approval* and may only be approved if they

are similar in style to that which was originally offered by the builder on other homes and matches the style of the home.

Repainting using an existing paint color, re-roofing, minor repairs, and the like shall not require the approval of the Committee.

Installation of privacy film requires a *Request for Architectural Approval.* Privacy film is only approvable if installed on front doors, and is "frosted glass". Privacy film with any design is not approvable.

Example of "frosted glass" privacy film: 

2.7 Exterior Lighting, Seasonal Decorations

All permanent exterior landscape lighting or décor requires a *Request for Architectural Approval* application and ARC approval prior to installation. General rules on exterior lights, include:

- Low voltage light fixtures may be used for low-level path lighting, up-lighting, down lighting and landscape architectural accent lighting.
- Lights along a path or outlining a natural area must be in the mulched area and at between four (4) and six (6) feet apart and should not exceed eight (8) in number in the front.
- Low voltage/solar lights should not be installed along driveways unless there is a special need that is approved in the ARC Request.
- Tree-mounted down lights shall be shielded from both street and neighbors view such that the light source is not readily visible from the street.
- Low voltage and security fixtures shall be located and aimed carefully so that they do not constitute a nuisance or hazard to any homeowner or neighboring resident. A lighting layout plan for low voltage fixtures shall be submitted to the ARC for review and approval.
- Junction boxes shall be placed below grade or screened to minimize daytime visibility of hardware.
- No colored or multi colored lights or changing color lights are permitted except at holiday times. Low voltage light fixtures may not exceed 18" in height. Light

fixtures shall conform to the architectural character of the home and will be subject to approval by the ARC.

Holiday decorative lights are pre-approved from Thanksgiving through the 15th of January. Other holiday or seasonal decorations are approved without application two weeks prior to the event until two weeks after the event. After such events, all holiday décor and lights, and any item used to secure the lights to the home must be removed entirely.

2.8 Fences and Privacy Screening

No fence, other than the types listed below, shall be constructed or erected on any lot.

Approval must be sought through a *Request for Architectural Approval* application and ARC approval must be granted prior to installation.

Owner is responsible for any municipal permits required for fence installation.

There are three approved fence styles:

1) **Black aluminum fence – Townhomes & Detached Homes**

   Minimum height: 4 feet, maximum height of 5 feet.
   Note that a "puppy panel" at bottom is allowed.



2) **Solid wood privacy fence – Detached Homes Only**
   treated pine #2 grade, 6 feet in height

   Fence is required to be either stained with an approved stain ("Pulte Gold" from Home Depot or similar) or clear sealant. "Pulte Gold" stain is available at Home Depot, ask an associate to look up "Pulte Homes" under phone number 919-816-1100 to retrieve the color formula called "Pulte Gold". Application must specify the choice.



3) **Vinyl solid panel – Townhomes Only**, *white* in color

6 feet in height, with flat top.



Fencing notes:

- Owner is responsible for any municipal permits required for fence installation.
- Acknowledgment of the fence application is required of neighboring and affected owners.
- Fences may be allowed to make short perpendicular crossings of easements. Fences are prohibited from running laterally within an easement of any kind.
- Owners may tie-in their fence with existing neighbor's fence with permission and acknowledgement by the affected owner, and signatures should be reflected in the application. Any agreement between neighbors to share a fence is considered a private agreement to which the HOA and the Board of Directors will have no responsibility. Tie-in of owner's fence to common area fencing or walls *may* be allowed at the Board's discretion, depending on the circumstance.
- All fences must be placed within the Owner's property.
- Fences may enclose all or part of the rear yard only. Fences may not exceed 15 feet forward from the rear corners of the home not including any rear options (i.e. sunroom, screened porch, etc.).

- Corner Lot Fencing - may fence-in the side yard adjacent to the roadway, the fence may not extend more than 30' forward from the rear house corner (not including any rear options) and may not be closer than 15' back from the front corner (excluding the front porch). The fence must be installed at least 5' off the side yard property line to leave at least 5' of grass or other landscaping outside the fence on the property.
- Fences must be maintained and kept in good repair.
- Each fence shall include at least one gate. Please note that enclosing your yard *may* mean the loss of landscape maintenance to that portion of the yard that is fenced, or the landscape company may charge an optional additional fee to continue mowing within a fenced yard. Owners must leave the gate unlocked on service days, and the fenced area must be free of debris, lawn furniture, pet waste, and other items that would prevent maintenance to be carried out. Animals must not be present at the time of maintenance. The Association's landscape vendor will use their judgement as to whether a fenced yard is able to be serviced based on the above.

Review Exhibit 1 for further illustration on fencing and easements.

Any desired or required privacy screening requires a *Request for Architectural Approval* application and ARC approval is required. Screening must follow fencing guidelines.

2.8 Flagpoles, Flags

Freestanding flagpoles are only allowed for American flags. All other flags must be placed in planting beds or attached to flag brace installed on the dwelling. Flags, which, in the Board's judgment, tend to incite or antagonize are not permitted.

American flags meeting the following criteria are pre-approved:

- One flagpole, not to exceed two inches in diameter and sixty inches (60") in length. The American Flag may be mounted on the front of a dwelling.

- American flags shall not exceed 4' x 6' in size, must be maintained in good condition and shall not be displayed if mildewed, tattered, or faded.

All other flags, whether attached to the home or placed in the yard, require *Request for Architectural Approval* and ARC approval before being installed.

2.10 Garage Sales, Garage Sale Signs, Items for Sale

Garage sales must be limited to a maximum of 2 (two) times per year per residence. Each garage sale may last a maximum of 48 hours. Sale items must be kept in the immediate area of the garage area.

Advertising signs may be placed at the residence 48 hours in advance of the sale and must be removed immediately after the conclusion of the sale. Signs placed other than at the residence must follow the guidelines in paragraph 2.16.

Signs advertising items for sale such as cars, boats, lawnmowers, etc. may not be displayed at the residence or on any common areas.

2.11 Garbage Containers, Recycle Containers, Garbage

Garbage containers are pre-approved to be stored in the following locations:

- Inside the garage, except on garbage collection days.
- In the rear of the dwelling, fully out of sight from the road and neighboring properties.

If storage in the side yard is desired (for end unit Townhomes or Detatched Homes), a *Request for Architectural Approval* application and ARC approval is required. Approvable screening for side yard storage includes evergreen shrubs, or fence panels, which are required to follow privacy fencing guidelines (including exterior bracing, and cooper caps), or landscaping. If a concrete pad is desired, it may not exceed 4' x 6' in size and must be 4' tall.

Garbage and recycle containers may be placed at the curb no earlier than dusk the day prior to collection and must be retrieved and stored back inside the garage or rear yard before dusk on the day of collection.

2.12 Home-Based Businesses

Home-based businesses are permitted provided the following criteria are met:

- It is not evident that home-based business is being conducted.
- No unusual traffic, other than normal residential traffic, is permitted. The Board may have sole discretion as to whether amount of traffic generated is unusual.
- Only removable signs are permitted on vehicles and said vehicles must be parked in the garage or the signs may be required to be removed while in the community.
- No items or equipment related to the business may be stored or otherwise kept on owner's lot outside of the dwelling or garage
- Business activities must comply with all applicable federal, state and local laws.

2.13 Swimming Pools

Hot tubs, saunas, and pools are not permitted. Kiddie pools, defined as hard plastic or plastic inflatable pools meant for this purpose are allowed provided, they must be placed in the back yard, out of view from the street. They may be used only during the months of May through

September, and when not in active use for this purpose, must be stored inside the dwelling or garage.

2.14 Landscape improvements

Landscape Edging borders, landscaping materials, landscape changes, gardens, vegetable gardens, and all other landscaping changes requires a *Request for Architectural Approval application* and ARC approval before being installed.

Approvable edging material must be made of the following materials:

- Fibertech 5/16 x 3 7/16" composite bender board (or equivalent)
- Coated steel coated edging, earth tone in color
- Stone pavers/concrete pavers/solid bricks with flat tops provided that they are installed at ground level with no more than a 3-inch reveal and are earth tone in color. Red or pink pavers or bricks are not allowed. Multiple layers of material are not allowed.

    - Ground-level installation shown here:



Mulch, if owner installed in any landscape beds, must be of the same type and color as that installed by the Association. Mulch red in color, made of rubber or stone is not allowed.

Vegetable gardens are permitted only in the rear yard behind the home. Garden areas may not exceed two (2) 4' x 4' sections separated by a two-foot minimum space, or one (1) 4' x 8' section. Gardens may be constructed of wood only and must appear neat and clean during the growing season. Debris must be removed periodically, and all dead plant material must be removed once the growing season has ended. Additional landscape screening may be required if the garden is visible to neighboring homes.

During the Declarant Control Period, if a street tree is desired to be replaced it will only be approvable if being replaced with the same species (i.e. oak for oak, maple for maple, etc.). "Street Trees" are defined as trees required by the municipality to be uniformly installed along street frontages.

2.15 Outdoor Furniture

No furniture shall be used, stored or kept on the exterior of any residence except on porches, patios, and decks. Furniture not enclosed in a room shall be limited to such types as is designed for outdoor use.

2.16 Parking, Recreational Vehicles, Campers, Boats, Trailers

No vehicles, including but not limited to, recreational vehicles, campers, boats, trailers, cars or trucks shall be parked on lawns, common areas, or sidewalks. Parking in the street overnight is not permitted. Except for occasional overflow parking, curbside parking is not permitted, and vehicles parked curbside are subject to towing. Widening of driveways is prohibited.

For events such as Garage Sales or parties, it is the responsibility of the homeowner hosting the event to inform neighbors and make provisions to prevent damage to the neighbors' yards and common areas.

Mobile house trailers (whether on or off wheels), recreational vehicles, watercrafts, boats, utility trailers and campers must be stored in the garage out of view except they may be temporarily parked in your driveway in preparation for use for a maximum amount of 48 hours, and only one 48 hour occurrence per week.

Commercial trucks, commercial busses, or other commercial vehicle may not be parked in your driveway without ARC approval.

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

2.17 Signs (General)

The placement of the following signs on any portion of the property must meet the following requirements and do not require the submittal of a *Request for Architectural Approval Application* and ARC approval:

- A single "for sale" or "for rent" sign is allowable only if it is no larger than 6 square feet and displayed inside the window of the home.
- A single garage sale sign as described in paragraph 2.10.
- Such permits as required by legal/government agencies.
- Official community events as approved by the Board.
- Political signs may be placed on the homeowner's property expressing support or opposition to a candidate or referendum issue, no more than 60 days before the election and must be removed within 2 days following the event.

- Security, burglar alarm, or dog fence signs located discreetly in the front yard of the house and measuring no more than one foot by one foot in size (1' x 1').

- Open house, yard/garage sale or community event sign in the common area, up to 3 days prior to the event. The signs must be immediately removed after the event concludes.

- Temporary signage during the period of home improvements. Signs must be removed as soon as the job is completed.

Prohibited are: all homemade signs in yards and permanent signs announcing installation of security systems or interior or exterior improvements being done in or around the home after the conclusion of the installation.

All signs must comply with all applicable federal, state and local laws and ordinances, if applicable

The Declarant, during the Declarant's development period, and the HOA Board reserves the right to deny any placement of any sign on any Lot or Common Area per the Covenants or other governing documents.

2.18 Storm Doors

Storms doors are permitted with submittal of a *Request for Architectural Approval* form and ARC approval. They must be full-view glass or glass/screen, with no decorative etching, and door frame color must match the existing front door or trim color. Split screen with retractable screens may be considered. Door hardware must also match the existing hardware (brass handle for brass handle, etc.)

2.19 Window Air Conditioners, Fans

Window air conditioning units and window fans are not permitted.

2.20 Grading, Drainage and Dirt

The grading and drainage swales in place at the time of closing are in place to support warranties existing at the time of closing and to prevent any run-off or drainage issues from your property on to any neighboring Lots. Any landscaping changes to an existing Lot after closing must be pre-approved by a *Request for Architectural Approval* application and ARC approval.

Any homeowner or resident who changes the existing grade or drainages shall be liable for all costs and expenses of repairing such changes, and any costs, liabilities, damages or causes of action arising out of such changes. ARC approval does not constitute approval for a homeowner to change any existing grading or drainages.

The installation of French Drains in rear yards to enhance drainage may be approved on a case-by-case basis given that they tie into an existing Yard Inlet, have professional certification, and do neither impede nor alter any existing swales. The installation of any river stones, or the like, without a French Drain is not permitted.

All dirt, excavated or brought in, shall have a specific plan for storage in the rear area of each Lot. At no time, shall dirt be stored on any Common Area.

Prior to any digging or excavation in any Lot, it is strongly recommended that "NC No Cuts" be contacted at 811. **It is the homeowner's responsibility to avoid underground utilities and in some cases, your application *may* be denied or amended by the ARC Committee based on known utility lines on your property, or based on drainage and utility easements.**

Important Note: ARC approval on landscaping and grading does not constitute engineering approval. ARC approval is aesthetic in nature. Improvements and consequences are the sole responsibility of the homeowner or person making the improvements.

2.21 Yard Maintenance

All landscaping changes and additions, including the replacement of dead shrubs, bushes and trees, or addition of same; installation of mulch, erecting edging devices; changes to the driveway or sidewalk; and other changes of a similar nature shall require the submission of a *Request for Architectural Approval* application prior to installation. Homeowners shall be required to water the grass and plantings on their lots as needed as well as being responsible for replacing any dead plantings with material similar in nature to the original landscaping. In order to keep the same color scheme of mulch and/or pine straw utilized throughout the community, owners may not amend the type of mulch or install mulch of any type without ARC approval. All landscaping improvements made by the homeowner will be the responsibility of the homeowner to maintain and not that of the Association. All backyards (portion of the lot behind the home) are required to be at minimum 50% grass; this calculation would include existing and proposed extensions of patios, screen porches, decks, and additional landscaping.

The replacement of dead shrubs and trees, are pre-approved and do not require a *Request for Architectural Approval* application and ARC approval prior to installation if the dead or diseased shrub or tree is being replaced by an identical one in type and size (i.e., replacing a 2.5" caliper maple for a 2.5" caliper maple; replacing a one gallon size azalea with a one gallon size azalea).

For Ranch & Townhome Lots the Association will be responsible for the regular mowing, edging, and fertilization of turf on lots (based on the contracted scope of work in the landscape maintenance contract). Pine straw or mulch shall be refreshed in the Common Areas and on the planting beds of the lots per the scope of the Association's landscape maintenance contract.

All landscaping changes and additions which are not 'like to like', installation of mulch; erecting edging devices and other changes of a similar nature shall require the submission of a *Request for Architectural Approval* application and ARC approval prior to installation.

2.22 Trampolines, Play Equipment, Basketball Goals

No play equipment of any kind is allowed on any Townhome lot.

For Detatched homes, trampolines are not allowed on any lot unless the lot is fenced with a privacy fence. Additional screening may be required. Trampolines require a *Request for Architectural Approval* application and ARC approval. If approved, they must be placed in the rear yard and must be out of view or screened from view of the street.

Play Equipment is allowed but requires a *Request for Architectural Approval* application and ARC approval. If approved, they must be placed in the rear yard, directly behind the house, and must be out of view or screened from view of the front street. Approvable Play Equipment meets the following requirements, earth-tone in color (slide or swings may be blue or yellow), no more than a 150sf play area with one slide appendage, no taller than 10ft, and must not be enclosed on all sides. See Exhibit 3 for further illustration of approvable play equipment and play area.

No permanent basketball goals are allowed. Moveable basketball goals are allowed as long as they are stored on the homeowner's property, in the garage, or in a place or location that is minimally viewed from the street. The goals may not remain in the street, on the sidewalk, or in the driveway when not in immediate use.

2.23 Storage Sheds, Garages and Other Improvements

Construction, installation, or placement of a storage shed, tree house, playhouse, detached garage, or a building separate from the main dwelling on the Lot is not permitted on any Lot. Playhouses are defined as being structures that are fully enclosed (including, but not limited to, doors, windows, roofs, etc.) but are small, standalone structures. See Exhibit 3 for further illustration of playhouses. No space within any garage may be converted to living space, but will remain as required parking.

2.24 Generators

Generators require a *Request for Architectural Approval* application and ARC approval. Permanently installed low noise (<72db) natural gas emergency generators are permitted. Generators must be located adjacent to the house in the rear of a home and must have landscape screening. Permanent installation of propane, diesel, or gasoline generators will not be approved.

2.25 Solar Panels

Solar Panels are permitted on roofs except that they may not be place on front rooves, rear rooves if the lot backs up to a street (this does not apply to alleys) or on rooves visible from side streets for corner lots. The solar panels and piping color and texture should match the roof color and texture as much as possible so that they are as inconspicuous as possible. It is the homeowner's responsibility to ensure that the roof can carry the additional weight.

3.0 General Appearance Standards/Maintenance

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

Lawns must be well kept with uniform ground coverage. The designated lawn area should be fully covered with grass. Any brown or bare patches should be repaired during the spring or fall season. Dead trees and shrubs must be removed and replaced with plantings of similar size and shape, or if different, must be approved by the ARC before installation. Properties should be free of debris.

No items such as toys, bikes, garden equipment, chairs, wood, etc. may be left in front or side yards or on porches when not in use.

Artificial vegetation is not allowed.

4.0 Architectural Review Committee (ARC)

The Declarations establish an Architectural Review Committee (ARC) comprised of individual(s) at the discretion of the board. The ARC is charged with conducting the review of all applications for exterior changes and with rendering a decision to the applicant **within 60** days. The ARC will respond in writing with either an approval, approval with conditions, disapproval, or a request for more information on the project. More information may be required for the ARC to make an informed decision. It is the Homeowner's responsibility to provide that information in a timely manner.

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

4.1 The Architectural Review Committee Process

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

1. Owner submits to the Architectural Review Committee, in care of the management firm, an Application for Architectural Improvement. **Please note the Architectural Review Committee has sixty (60) days to review the application; however the actual time to review and reach a decision usually is much shorter. <u>The review period does not start until Community Association's management company receives the completed application</u>.** Complete applications will be considered on individual merit, using these documented standards as a basis for decision-making.

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

2. The application, noted with the date of receipt by the manager, is turned over to the Architectural Review Committee within two working days, provided all information necessary for review is received. Management will make a cursory review of the application and request of owner any additional information needed. The committee may still require additional information, as detailed in 4d, below. The **60-day timetable** begins when the application is complete and appropriate for review.

3. The committee will act on the application within the allowable **60 calendar days** from receipt; however most applications will receive a response within three weeks.

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

   a. **APPROVAL:** The application is approved as submitted.
   b. **APPROVAL WITH CONDITIONS:** The overall proposal is accepted, but with certain specified changes, limitations, or requirements that must be followed.
   c. **DISAPPROVAL:** The application is denied. The owner can appeal to the Architectural Review Committee within 15 business days. Further escalation may require the involvement of the Board of Directors. *(see Appeal Process section for more details)*
   d. **ADDITIONAL INFORMATION REQUIRED:** The Committee has determined that additional information is needed for appropriate review of the application. In this case, the entire process begins again once management receives the information. The owner should follow the same submission procedure. The Architectural Review Committee will act swiftly on all re-submissions.

5. **ARC or management inspection:** The ARC or the manager reserves the right to visit your lot and inspect the improvement, to verify that the application details were followed and to note problems encountered which might help other residents on similar projects.

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

** Please note: Many design changes require a permit and the City and/or County may not issue a permit without the written approval of the ARC. Please plan in advance. It is strongly suggested that the City and /or County be contacted to determine what permits or approvals are required from a City/County Ordinance. Architectural Review Committee approval does not substitute for municipal approval. It is the homeowner's responsibility to acquire appropriate approvals, permits, etc. from the appropriate municipality.

4.2 Architectural Review Criteria

The ARC evaluates each application on the individual merits of the application and the standards listed below. During the Declarant Control Period, Declarant has unilateral right to deny an application if approval would affect design standards.

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

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

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

Protection of Neighbors - The interest of neighboring owners will be considered, using various and appropriate criteria and exercise discretion in determining which of these criteria will be governing in each specific application.

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

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

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

4.3 Appeal Procedure

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

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

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

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

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

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

4.4 Violations and Penalties

An exterior change made without the required approval of the ARC constitutes a violation of the Declaration of Covenants and Community Guidelines. **A violation may require removal or modification of the work at the expense of the property owner**, even if the request may have been otherwise approved.

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

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

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

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

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

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

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

**** Please remember; Owners are responsible for their renters.**