

**THE SOUTHERN PINES
HOMEOWNERS ASSOCIATION
ARCHITECTURAL CONTROL RULES AND REGULATIONS**

Revised June 25, 2012

The Declaration of Covenants and Restrictions for the Southern Pines Community states:

Any and all exterior changes, additions, improvements or installations to any lot must receive written approval by the Architectural Control Committee prior to installation; including but not limited fences, decks, recreational equipment (including basketball goals), any structure, storage shed, clearing, excavation, grading, and other site work, exterior alteration or modification including the change of paint color; landscaping, removal of plants, trees, or shrubs. All such exterior modification shall be in strict compliance with the Architectural Guidelines, the Covenants, Conditions and Restrictions, and until the approval of the Architectural Control Committee has been granted.

The following guidelines are provided to assist homeowners in the understanding of the community's basic architectural requirements. These guidelines are not intended to cover every possible issue that may come before the Architectural Control Committee.

Architectural Approval is in addition to any permits required by the local government. These guidelines will serve for the life of the community but may be amended from time to time by the Board of Directors.

Maintenance of Lots and Improvements. It shall be the responsibility of each Owner to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on their Lot. No waste shall be accumulated in any Dwelling or on any Lot. Each Owner shall:

- A. Mow the Lot at such times as may be reasonably required in order to keep the grass and other vegetation no longer than four inches and prevent the unsightly growth of weeds;
- B. Remove all debris or rubbish;
- C. Prevent the existence of any condition that reasonably tends to detract from or diminish the aesthetic appearance of the Property;
- D. Prevent debris and foreign material from entering drainage areas;
- E. Keep the exterior of all improvements in such a state of repair or maintenance as to avoid their becoming unsightly.
- F. Woodpiles must be screened.

Animals, Pets, & Livestock:

- A. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, or any portion of any lot, except that dogs, cats or other usual and common household pets not exceed a total of three (3) may be permitted on a Lot, provided that they are not kept, bred or maintained for any commercial purposes.
- B. All pets shall be confined to their respective lots or on a leash at all times. The owners of such permitted pets shall confine in such a manner so as to prevent such permitted pets from being a nuisance, including barking which may annoy or disturb other homeowners.
- C. Pet owners who do not observe these considerations will be required by the Board of Directors to remove pets from the community.
- D. It is the owner's responsibility to clean up after their pet within the community including lawns, common areas, street and sidewalks.
- E. Dog kennels are prohibited.

Nuisances. No noxious, unlawful or otherwise offensive activity shall be carried out on any Lot, nor shall anything be done thereon which may be or may become a serious annoyance or nuisance to the neighborhood, including without limiting the generality of the foregoing, noise by the use of any musical instruments, radio, television, loud speakers, or other equipment or machines, or loud persons. No Lot shall be used, in whole or in part, for the storage of any property or thing that will cause it to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept upon any portion of the Properties that will emit foul or obnoxious odors.

Firearms. The discharge of firearms within the Properties is prohibited. The term “firearms” includes bows and arrows, slingshots “B-B” guns, pellet guns, and other firearms of all types, regardless of size. Firearms enforcement is under the restriction and governance of the local authorities. Notwithstanding anything to the contrary contained herein or in the Bylaws, the Association shall not be obligated to take action to enforce this Section.

Fireworks. The discharge of fireworks within the community is prohibited. Fireworks restriction is under the governance of the local authorities. Notwithstanding any thing to the contrary contained herein or in the Bylaws, the Association shall not be obligated to take action to enforce this Section.

Flagpoles. Flag poles 15 or 20 foot in height may be approved based on requested placement location. US Flags only.

Trash Cans. All trash cans and other similar items on Lots shall be located or screen from street view and neighboring lots. All rubbish, trash and debris shall be stored in appropriate containers with secure lids. Trash shall be regularly removed from lot and not be allowed to accumulate. No owner shall burn or permit burning of garbage or other refuse.

Outside Lighting. Except for seasonal Christmas decorative lights, which may be displayed between December 1 and January 15 only, all exterior lights must be approved. Generally, requests for installation of outside lighting will be approved subject to the following conditions: b

- A. No more than double floodlights will be installed without specific approval from the Architectural Control Committee not to exceed 150 watt or 90 watt Halogen bulbs.
- B. Landscape lighting shall be low-voltage type lighting and must be directed down.
- C. “Up” directed lighting and fixtures must be specifically approved by the Committee.
- D. All exterior light (i.e. landscape, security, etc.) must fall within property limits. Lighting that is directed offsite shall be prohibited.
- E. All exterior lighting approved for installation must be maintained, light bulbs in operable condition to insure uniform illumination on each Lot.

Fencing Requirements:

- A. Fences are generally approved, provided such fences do not exceed 6 feet in height. Shadowbox, spaced picket and wrought iron fences are preferred. Black vinyl chain link and board on board privacy fences may be considered for approval.
- B. Stockade fences are prohibited.
- C. Any fence adjacent to a pond shall not exceed 48 inches in height and limited to spaced picket, black vinyl chain link or wrought iron style. Spacing between pickets to be no less than one-half the width of the face of picket.
- D. Corner Lots:
 1. Any fence on a corner lot shall not exceed 48 inches in height.
 2. Corner lots are considered as having two front yards. Generally, fences on corner lots will not extend beyond the side building setback line.
- E. Fences installed in any easements are subject to special review of the fence location. Fences approved and installed in easement is at the owner’s risk and will not be replaced and/or repaired due to necessary work performed in easement.
- F. Approval for fence installation in an easement REQUIRES VARIANCE from the city of Greenwoody..

Fencing – Construction and Maintenance

- A. All fencing shall be constructed of quality materials and of a high quality professional installation; non compliance will result in modifications or professional reinstallation at the homeowner’s expense.

- B. All fencing shall be properly braced and all posts shall be placed into the ground with concrete at such a depth so as to insure the fence will be secure and will not move.
- C. All fence bracing or ribbing shall be on the inside of the fence unless otherwise approved by the Architectural Control Committee.
- D. All fences must be maintained and repaired in a reasonable fashion.
- E. Any warped fence boards shall be replaced as needed.
- F. All wood fences shall be stained and treated with a quality wood preservation at least every three years to maintain the appearance of the fence.

Fencing – Invisible. Requests for invisible fencing will be subject to the Architectural Control Committee's approval of the proposed fence location prior to installation. All controller boxes and other equipment shall be hidden from view. Invisible fences are subject to the same easement restriction. Invisible fence must be installed no less than 5 feet within the lot lines.

Sight Distance at Intersections.

- A. All property located as street intersections shall be landscaped so as to permit safe sight across the street corners.
- B. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain where it would create a traffic or sight problem.

Play Equipment:

- A. No playground equipment including, but not limited to, swing sets, trampolines, tree houses, or similar structures shall be erected on any Lot without prior approval by the Committee.
- B. No metal play sets shall be approved.**
- C. Portable/temporary play equipment such as, but not limited to enfant wadding pools shall be removed from yard when not in use. Not allowed to remain when out overnight or out of season.
- D. All basketball backboards must be high quality materials with clear Plexiglas backboards and kept in good repair.
- E. No portable goals may be situated for play in the street.
- F. All portable goals must be removed from lot or stored from view from street other lots the months of November, December, January, February and March..
- G. Trampolines must be placed within foot print of home to be screened from street view and stored It is the owner's responsibility to clean up after their pet within the community including lawns, common areas, street and sidewalks.

Easements.

- A. Any improvement, installation, addition or change in a drainage, sewer, utility, and landscape or access easement must be approved by the Committee and is at the risk of the owners' risk and will not be replaced and or repaired due to necessary work performed in easement.
- B. **Any pipeline easement shall remain unchanged and vacant.**

Decks.

- A. The Architectural Control Committee must approve prior to the commencement of construction the deck design, materials and any stain or color treatment.
- B. The deck shall be constructed of treated lumber or cedar.
- C. Railing on deck shall not exceed four feet (4') in height.
- D. Local building permit may be required.
- E. Decks shall be constructed of quality materials and professional quality installation.

must be submitted and approved by the Architectural Committee prior to the commencement of construction. Requests for screened-in porches, garage and room additions will be approved subject to the following guidelines.

- A. The additions shall be constructed of quality materials.
- B. The roofline shall follow the natural roofline of the home.
- C. Roof shingles, siding and trim shall match the materials and colors of the primary residence.
- D. Local building permit may be required.

NO Sheds, Storage Barns, Outbuilding, Pool Houses, or Other Such Structures.

Sheds, Storage Barns, Outbuilding, Pool Houses, and Accessory Structures are **prohibited**.

Retaining Walls:

- A. Any proposed retaining wall must be materially (i.e. stone, brick, etc.) and architecturally compatible with the exterior finishes of the residence and shall be approved by the Architectural Control Committee prior to installation.
- B. Retaining walls, which divert ground water onto adjoining properties or which otherwise substantially change the existing drainage pattern, will not be approved.

Unlicensed Motorized Vehicles. Motor scooter, mini bikes, ATV and/or any other unlicensed motorized vehicles are prohibited in the community, common areas and streets.

Vehicle Parking:

- A. Vehicles shall be parked only in the garages or driveways. Parking is allowed on dedicated streets ONLY on temporary periods or when an Owner has a social function and the invited guests will not be able to park on such Owner's driveway. No Overnight Parking shall be permitted.
- B. Commercial vehicles, vehicles primarily used or designed for commercial purposes, tractors, mobile homes, recreational vehicles, trucks weighing in excess of three-quarter of a ton, trailers, campers, boats and other water craft and boat trailers shall be parked only in enclosed garages.
- C. Stored vehicles and vehicles which are inoperable or unlicensed shall not be permitted in the community except within enclosed garages.

In-Ground Pools, Hot Tubs, Jacuzzis, and Spas:

- A. **Above Ground Pools, Hot Tubs, Jacuzzis and Spas are prohibited.**
- B. A detailed design plan must be provided to the Committee for its review and approval prior to the commencement of any in ground pool construction.
- C. In ground pools must comply with state and local government laws and regulations.
- D. No alteration to the existing grade of any lot may be done without the prior approval of the Architectural Control Committee. Any proposed grade changes must be shown on the proposed plans.
- E. In ground pool applications will not be considered unless accompanied by an application for an acceptable fence design and minimum height of 5 feet.
- F. Committee may require added landscaping to screen pool from adjacent neighbors.
- G. Requests for pool houses, storage sheds or mini-barns will be **denied**.
- H. The design and installation is expected to be professional in appearance and to be maintained in reasonable condition.

Landscaping:

- A. All landscaping plans are subject to Committee approval in accordance with the guidelines and procedures.
- B. The Committee may, in its discretion, modify such plans to promote the integrity and aesthetic appearances of Property.
- C. No tree(s) shall be removed or plant trees without approval by the Committee.
- D. No Owner shall be allowed to plant trees, landscape or do any gardening in any of the Common Areas, except with express permission from the Committee.
- E. Vegetable gardens may be approved by the Committee provided:
 - 1. Planted in raised bed constructed of landscape timbers or cedar not to exceed 12 inches in height.
 - 2. Located so as not to be visible from street.
 - 3. Maintained with the same requirements as a landscape bed.
 - 4. Corn is prohibited.

Mailboxes:

- A. Each Owner shall maintain their mailbox in good condition.
- B. As necessary the Owner shall replace their mailbox with the same type, size, color and lettering/numbering as the original installation unless a change in design and color is approved by the Committee.

Leasing or Renting. Any Owner who leases a Dwelling Unit shall lease the entire Dwelling Unit and shall have a written lease, for a period of at least six months, which shall provide that the lease is subject to the provisions of this Declaration and any failure of the lessee to comply with the terms of this Declaration shall be a default under the lease. Such owners shall provide

the Association with the names of renter and upon demand from the Association will provide a copy of such Lease.

Business Use. Without the prior consent of the Board, no trade or business may be conducted in or from any Lot, except that an Owner or occupant of a Lot may conduct business activities within the Unit so long as:

- A. The business activity conforms to all zoning requirements for the Properties;
- B. The existence or operation of the business activity is not apparent or to detectable by sight, sound or smell from outside the unit;
- C. The business activity does not involve persons coming onto the Properties who do not reside in the Properties or door-to-door solicitation of residents of the Properties.
- D. The business activity is consistent with the residential character of the Properties and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Properties, as may be determined in the sole discretion of the Board.
- E. The terms “business” and “trade”, as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider’s family and for which the provider receives a fee, compensation or other form of consideration, regardless of whether:
- F. Notwithstanding the above, the leasing of a Lot shall not be considered a trade or business within the meaning of this section.
- G. Childcare Services. No pre-school, babysitting business or such childcare services for more than six (6) children shall be allowed to operate upon any lot. The Homeowner should make consideration for this service not to be a nuisance to adjacent neighbors.
- H. This section shall not apply to any activity conducted by the Declarant or a builder approved by the Declarant with respect to its development and sale of the Properties or its use of any Lots which such entity owns within the Properties.

Signs. All signage is subject to local and state regulations.

- A. All signs *except* one standard size framed real estate “for sale” signs on an individual lot are prohibited.
- B. Signs advertising property for rent, for goods, services or home occupations are strictly specifically prohibited.
- C. One political sign per candidate or legislation is permitted provided timing and size
- D. The Declarant and its builders reserve certain sign right as outlined in the Declaration of Covenants & Restrictions

Sidewalks. The Lot owner is responsible for sidewalk maintenance. In the event any Owner or parties with whom Owner contracts for work on the Owner’s Lot, causes damage to a sidewalk or street curb such Owner shall be responsible for repairing said damage.

Street Signs. The City or County shall be responsible for the placement, replacement, care and maintenance of all street signs and markers located in the Community. These signs are subject to approval by local municipality and jurisdictions.

Construction, Earth-Moving, Excavation. No construction, significant earth-moving, or excavating work of any nature may be conducted on any Lot without first having any development plans approved by the architectural control committee.

Prohibition of Used Structures. All structures built or placed on any Lot shall be constructed with substantially all new materials, and no used structures shall be relocated or placed on any such Lot.

Private Water Systems. Private water systems will not be allowed.

Air Cooling Units. Air cooling units or other like utilities that are outside of the residential structure must be located at the side or rear of the home and except as may be permitted by the Committee. No window air conditioning units may be installed on any Lot.

Energy Conservation Equipment. No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any Lot unless it is an integral and harmonious part of the architectural design of a structure, as determined in the sole discretion of the Committee.

Heating Plant. Every Dwelling Unit must contain a heating plant installed in compliance with the applicable codes and capable of providing adequate heat for year-round human habitation of the Dwelling Unit.

SCHEDULE FOR APPROVAL

- A. The request shall be on the Request for Architectural Change Form. Approval must be received prior to commencement of installation.
- B. The Architectural Control Committee will render a decision generally within 60 days of receipt of a complete submittal of the request for approval.
- C. In the event that the Committee fails to provide written notice of approval or to request additional information within 60 days after submission of all required or requested information, the plans shall be deemed and presumed **APPROVED**.

COMMON AREA:

- A. No person shall draw water or other materials from water retention ponds or add water, except for storm water drainage approved by the DECLARANT/ARBOR or by the Committee, or other materials, whether by dumping or otherwise, to the lakes and other water retention ponds without the prior approval of the Board as to quality and quantity of materials.
- B. There shall be no docks on the retention ponds nor boating, swimming, or wading. Fishing may be permitted for owners within the community from Common Areas.
- C. The Common Areas shall be used and enjoyed only for the purposes for which it is designed and intended, and shall be used subject to the Declaration of Covenants and Restrictions.

Forms for Architectural Approval are available from:

Southern Pines HOA
11711 North College Ave, Suite 100
Carmel, Indiana 46032
Email tcross@cas-indiana.com
Main **317-875-5600**
Toll Free **877-875-5600**
Fax **317-875-5614**