

Ivey Walk Home Owners Association, INC.

COMMUNITY ARCHITECTURAL APPEARANCE GUIDELINES

As governed by the Architectural Control Committee (ACC)

Building a Better Neighborhood

Last updated: October 9, 2021

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INTRODUCTION

The Declaration of Protective Covenants for Ivey Walk provides for a design review process through which property improvements must be approved by an Architectural Control Committee (ACC). This provision applies to both new construction as well as any exterior modification of existing homes/ properties, and was created for the sole purpose of achieving harmony, balance and a high standard of quality within the community.

As an administrative arm of the Board of Directors, the ACC's role is *to preserve, protect and enhance* the value of the properties in Ivey Walk by enforcing the Declaration of Protective Covenants. The ACC is chartered to ensure uniform and equitable compliance with these covenants.

The following *Community Design Guidelines* are provided to amplify and supplement our community's covenants. Homeowners are encouraged to study these guidelines as well as the covenants. Note that in the event of a conflict, the Declaration of Protective Covenants will control.

As a final introductory comment, please remember - **REQUEST APPROVAL BEFORE BEGINNING ANY IMPROVEMENTS OR MODIFICATIONS!** The vast majority of problems occur when a homeowner begins a project without written approval from the ACC. Each request for project approval is unique to the lot to which it pertains. Each request will be evaluated on the individual and unique elements of the project. *Unauthorized actions by a homeowner and/or prior ACC action on requests of a similar nature will not serve as a precedent for any subsequent request for project approved. All decisions of the ACC will be final.*

The contents of these guidelines, and any actions of the ACC or its agents, are not intended to be, and should not be construed to be an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction, nor ensuring compliance with building codes, zoning regulations or other governmental requirements. Neither the Association, the Board, the ACC, nor member thereof shall be held liable for injury damages or loss arising out of any approval or disapproval, construction or through such modification to a lot.

APPLICATION INFORMATION

An Application for Modification, hereinafter called "Form" is provided for use in requesting review/approval of an exterior modification. This form should be submitted

to the ACC at least 30 days prior to the anticipated time that you intend to begin work. Modification requests must be approved, in writing, before any work begins.

There are, however, modifications that may be completed without ACC approval. The following exterior modifications, *and only these modifications*, do not require a Form to be submitted as long as certain conditions as described in the following Guidelines are met:

- Patios (reference Guideline #4)
- Exterior Lighting (reference Guideline #5)
- Flag Poles (reference Guideline #5)
- Ornamental Trees and Shrubbery (reference Guideline #6)
- Garden Plots (reference Guideline #6)
- Basketball Goals (reference Guideline #7)
- Children's Wading Pools (reference Guideline #8)

A completed Form must be submitted through the ACC for all other types of improvements or modifications, **The verbal approval of any sales agent, developer, builder, or association representative is not sufficient.** All modification approvals must be in writing.

Summary of ACC Procedures

STEP 1: SUBMISSION OF PLANS & SPECIFICATIONS

- a) Application for approval should contain any/all applicable requirements as appropriate from the following:
- b) Two copies of site plan showing location of all proposed and existing structures on the lot including building setbacks, open space, driveways, walkways and parking spaces including the number thereof and all siltation and erosion control measures.
- c) A foundation plan.
- d) A flood plan.
- e) Exterior elevations of all proposed structures and alterations to existing structures, as such structures shall appear after all back-filling and landscaping is completed.
- f) Two sets of specifications of materials, color scheme, lighting scheme and other details affecting the exterior appearance of all proposed structures and alterations to existing structures.
- g) Two sets of plans for landscaping and grading.

STEP 2: APPROVAL OF PLANS AND SPECIFICATIONS

Approval of any plans and specifications relating to any lot or structure shall be final as to that lot or structure and such approval may not be revoked or rescinded thereafter, provided there has been adherence to, and compliance with, such plans and specifications, as approved, and any conditions attached to any such approval.

- a) The ACC shall take action on any plans and specifications submitted as herein provided within thirty (30) days after receipt thereof, providing that the application has met the minimum requirements of the application procedure.
- b) Approval by the ACC, if granted, together with any conditions imposed by the ACC, shall be placed in writing on the plans and specifications and shall be returned to the applicant.
- c) Failure by the ACC to take actions within thirty (30) days of receipt of plans and submitted for approval shall be deemed approval of such plans and specifications.
- d) Upon the approval of the plans *and* specifications by the ACC, no further approval will be required unless such construction has not substantially commenced within six (6) months of the approval of such plans and specifications or unless such plans and specifications are materially altered or changed
 - i. Failure to adhere to the original ACC Application for Modification shall result in, but not limited to, the removal of that portion of structure that is found to be in violation at the homeowner's expense.
 - ii. Failure to adhere to the original ACC Application for Modification will result in fines as outlined in these Guidelines under Covenant Enforcement Procedures (see page 30).

STEP 3 DISAPPROVAL OF PLANS AND SPECIFICATIONS

- a) The ACC has the right to disapprove any plans and specifications submitted for any of the following reasons:
- b) The failure to include information in such plans and specifications as may have been reasonably requested;
- c) The failure of such plans or specifications to comply with the Declaration of Covenants or the Design Standards;
- d) Any other matter, which, in the judgment of the ACC, would be likely to cause the proposed installation, construction or alteration of a structure to:
 - i. fail to be in conformity and harmony of external design and general quality with the standards of the Development or
 - ii. as to location, to be incompatible with topography, finished ground elevation and surrounding structures.

In any case in which the ACC shall disapprove any plans and specifications or approve the same only as modified or upon specified conditions, such disapproval or qualified approval shall be accompanied by a statement of the grounds upon which such action

was based. The ACC shall, if requested, make reasonable efforts to assist and advise the applicant in order that an acceptable proposal may be prepared and submitted for approval.

GUIDELINE #1: Exterior Building Alterations

General Guidelines

A Form **must be submitted for all** exterior-building alterations. Building alterations include, but are not limited to, doors and windows, storm doors and windows, awnings, all detached buildings, dog houses, construction of driveways, garages, carports, porches and room additions to the home.

The original architectural character or theme of any home must be consistent for all exterior components of the home. Once the character is established, whether it is traditional, contemporary, etc., no change may alter that character.

If County authorities make changes to plans already approved by the ACC, the owner must submit such changes to the ACC for re-approval prior to commencing construction.

Each request for project approval is unique to the lot to which it pertains. Each request will be evaluated on the individual and unique elements of the project. Unauthorized actions by a homeowner and/or prior ACC action on requests of a similar nature will not serve as a precedent for any subsequent request for project approved. All decisions of the ACC will be final.

The contents of these guidelines, and any actions of the ACC or its agents, are not intended to be, and should not be construed to be an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction, nor ensuring compliance with building codes, zoning regulations or other governmental requirements. Neither the Association, the Board, the ACC, nor any member thereof shall be held liable for injury, damages, or loss arising out of any approval or disapproval, construction or through such modification to a lot.

A form should be submitted to the ACC at least 30 days prior to the anticipated time that you intend to begin work. Modification requests must be approved, in writing, before any work begins. **The verbal approval of any sales agent developer, builder, or association representative is not sufficient.**

Failure to adhere to the original ACC Application for Modification shall result in, but not be limited to, the removal of that portion of structure that is found to be in violation at the homeowner's expense.

Homeowners are advised that a County Building Permit will be required for certain exterior building alterations.

Exterior Painting (see guideline #2)

Awnings and Structural Roof Extensions

Awnings are only permitted on the rear of homes or on side windows and doors not visible from the street. No part of an awning should be visible from the street. A Form **must be submitted** for all awnings. Awnings or coverings must be either canvas or a structural extension of the home's existing roof. Colors and finishes must be compatible with the home's primary and trim colors and in accordance with the ACC approved Color Palette. Addition of awnings or coverings requires the following information:

- a) A picture or drawing of all windows/doors on which awnings will be installed and their location (back or side only; awnings are not allowed on the front of the home).
- b) Picture depicting style of awning to be installed.
- c) Color samples and materials list.

Detached Buildings and Structures

General Detached Buildings and Structures Guidelines

A Form **must be submitted** for all detached buildings and structures. Detached buildings and structures are discouraged, but will be considered subject to the following guidelines:

- a) ACC approval of a detached building or structures will be based upon the proposed usage, construction type, size, exterior colors, and materials used within the project and their consistency with the home and other existing structures, consistency of the project in relationship to the home and neighboring dwellings.
- b) Size shall be generally limited to 600 square feet, unless otherwise approved by the ACC;
- c) Detached buildings are only permitted behind the rear line of the house going to the rear property line, and should be located in the rear of the home outside of direct visual sight lines (standing right in front of the house) from the street. Primary emphasis on placement on the lot should be to minimize visual impact on adjacent properties or from the street.
- d) Detached building exterior materials must match the exterior materials and colors used on the original home, unless otherwise approved by the ACC. Permanent installations utilizing metal or plastic as the primary exterior material are not allowed.
- e) A detached building being used as a primary garage is generally not permitted under any circumstances, and will only be approved by the ACC on an exception based circumstance.
- f) The building may not be used for any purpose that may be deemed by the ACC to cause disorderly, unsightly, or unkempt conditions.

Garden Sheds, Pool Houses, Storage Sheds, and other similar detached structures

The following additional guidelines apply:

- a) The size shall be generally limited to 300 square feet, should not extend more than 20 feet on a side, and should not stand taller than 14 feet in total height. Detached buildings outside of the above parameters will require specific approval by the ACC.
- b) The building may not be used for any purpose that may be deemed by the ACC to cause an unsightly, disorderly, or unkempt condition.

Play Houses / Tree Houses

The following additional guidelines apply:

- a) Play houses may not be larger than 100 square feet or 12 feet in total height.
- b) Tree houses may not be larger than 100 square feet,
- c) Play houses and tree houses are only permitted behind the rear line of the house going to the rear property line, and should be located in the rear of the home outside of direct visual sight lines (standing right in front of the house) from the street. Primary emphasis on placement on the lot should be to minimize visual impact on adjacent properties or from the street.
- d) Total elevation of any tree house should not be higher than roofline of primary house
- e) Tree Houses' exterior materials must either match the exterior materials and colors used on the original home, or be an approved paint or stain fence color as outlined under Fences (see Guideline #10) unless otherwise approved by the ACC.
- f) ACC approval does not assume liability for the structure in regards to the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction, nor ensuring compliance with building codes, zoning regulations or other governmental requirements. Neither the Association, the Board, the ACC, nor any member thereof shall be held liable for injury, damages, or loss arising out of any approval or disapproval, construction or through such modification or construction of such structure and/or lot.

Dog Houses

The following additional guidelines apply:

A Form **must be submitted** for all doghouses. All doghouses must be located behind the rear line of the house going to the rear property line, and should be located in the rear of the home outside of direct visual sight lines (standing right in front of the house) from the street where they will have minimum visual impact on adjacent properties or from

the street. Construction type, size, and exterior colors/materials will be specific criteria governing approval.

- a) Dog houses may not be larger than 10 square feet or 4 feet in total height.
- b) Chain link dog-runs, "tethered" line dog runs, or wire pens are prohibited.
- c) Dog Houses' exterior materials must either match the exterior materials and colors used on the original home, or be an approved paint or stain fence color as outlined under Fences (see Guideline #10) unless otherwise approved by the ACC.

Water Gardens, Water Features, and Ponds

Water Gardens, Water Features, and Ponds may only be installed in rear yard areas. There are no additional guidelines applicable to Water Gardens other than those generally applicable to all structures. Water and electrical safety should be seriously considered. This guideline is not applicable to freestanding fountains which are addressed under **Guideline 4: Exterior Decorative Objects**.

GUIDELINE #2: Exterior Painting

General Painting Guidelines

Repainting requires prior written approval any time the house is painted. **A form must be submitted for all exterior paint projects**, including re-painting the same color. Re-painting the same color, however, will usually result in an expedient approval by the ACC subject to consideration of "Color Fading" as addressed below. A paint **color change** must either conform to the Ivey Walk Color palette or be specifically approved for addition to the Ivey Walk Color Palette by the ACC. A submission for a request for color change requires the following information:

- a) Paint sample(s).
- b) Description of specific area of the home to be repainted, and in which colors.
- c) 2 color minimum (trim and body)
- d) 4 color maximum (trim, body, shutter and door, accent)
 - i. an accent is defined as an architectural detail such as columns, capitals, cornices, decorative moldings or millwork, etc...

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The Ivey Walk Color Palette

The Ivey Walk Color Palette is based upon the original palette of colors available from the subdivision's original builder, and includes all past and present color choices approved by the ACC and implemented within the subdivision. Additional colors within the palette may be approved for general usage or may be limited to only specific uses such as Trim, Shutter and Door, Accent, or Base House color. The Color Palette should be regarded as a 'living' document in that it will evolve over time to reflect current and future changes in community standards. The ACC reserves the right to add or remove colors from the palette, to restrict the use of specific colors to specific purposes, and to restrict the combination of approved colors in their usage as base/trim/shutter/accent combinations. Any color choices submitted to and approved by the ACC will be considered to have been added to the color palette in the same manner as the submission, and as such will be available as viable choices to other homeowners. In the event that a previously approved color is determined by the ACC to no longer be in use and is inconsistent with current community standards, the ACC may either change the usage restrictions on that color, or may eliminate the color from the color palette all together.

The ACC may, at its discretion, remove a color from the color palette currently in use within the community, but cannot disapprove its continuing usage by a homeowner for the purpose of repainting to the same color and usage.

The ACC will make every effort to put together and maintain a physical document containing the Ivey Walk Color Palette.

Color Fading

Over time many homeowners may experience some color change due to fading and/or weathering. A 'faded' or 'weathered' color is not considered to be an approved color,

and a homeowner requesting to repaint a home to the color of a 'faded' or 'weathered' color must seek specific approval from the ACC for the color change.

In addition, the burden of proof that the original color of a now 'faded' or 'weathered' color is within Ivey Walk's Color Palette remains with the homeowner. Therefore, the ACC advises that all homeowners should maintain original color chips or samples in order to prevent future automatic approval difficulties.

GUIDELINE #3: Decks and Retaining Walls

A Form **must be submitted** for all decks and retaining walls. ACC approval of decks and retaining walls will be based upon the proposed usage, construction type, size, exterior colors, materials used within the project and their consistency with the home and other existing structures, consistency of the project in relationship to the home and neighboring dwellings. The following, without limitation, will be reviewed: location, size, conformity with design of the house, relationship to neighboring dwellings, and proposed use. The following information is required.

- a) A site plan denoting location, dimensions, materials and color is required.

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Homeowners are advised that a County Building Permit will be required for certain exterior building alterations.

Decks

The following additional guidelines apply:

- a) The deck may only be in the rear and not extend past the sides of the home.
- b) Materials must be cedar, cypress, or No.2 grade or better pressure treated pine Or approved engineered wood.
- c) Color must be natural, or stained according to guidelines (see Fences Guideline #10), subject to ACC approval.
- d) Vertical support for wood decks must meet minimum county standards for wood post or painted (black) metal poles, preferably boxed in as to appear to be wood posts - brick or stucco columns matching the home are also acceptable.

Homeowners are advised that a building permit may be required for a deck

Retaining Walls

ACC approval of decks and retaining walls will be based upon the proposed usage, construction type, size, exterior colors, materials used within the project and their consistency with the home and other existing structures, consistency of the project in relationship to the home and neighboring dwellings.

The following additional guidelines apply:

- a) All exposed concrete block or poured concrete foundations and/or retaining walls must be veneered with natural stone, brick or stucco to compliment the existing structure.
- b) Retaining walls constructed of landscape timbers or cross-ties is discouraged.
- c) With prior color approval, prefab retaining wall blocks such as are available at home improvement stores may be used.

GUIDELINE #4: Patios / Walkways / Driveways / Curbing

Each request for project approval is unique to the lot to which it pertains. Each request will be evaluated on the individual and unique elements of the project. Unauthorized actions by a homeowner and/or prior ACC action on requests of a similar nature will not serve as a precedent for any subsequent request for project approved. All decisions of the ACC will be final.

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A form should be submitted to the ACC at least 30 days prior to the anticipated time that you intend to begin work. Modification requests must be approved, in writing, before any work begins. **The verbal approval of any sales agent developer, builder, or association representative is not sufficient.**

Failure to adhere to the original ACC Application for Modification shall result in, but not be limited to, the removal of that portion of structure that is found to be in violation at the homeowner's expense.

Homeowners are advised that a County Building Permit will be required for certain exterior building alterations.

Patios / Walkways

A Form **must be submitted** for patio covers, trellises, permanent seating, railing and other items.

Patios and walkways are to be constructed of stone, concrete, masonry, or similar durable construction material for reasons of maintainability. **ACC approval is required for all patios and walkways of new construction** except as noted below. If replacement of patio or walkway is done with identical material, no ACC approval is required. A patio or walkway shall not be constructed on a grade such that it adversely affects drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.

Submission of a Form for a patio/walkway **is not required**, however, if all the following guidelines are met:

- a) The patio/walkway is located in the rear yard; and
- b) The patio/walkway does not extend beyond the sidelines of the house; and
- c) The patio/walkway does not extend to within 10 feet of rear property lines; and
- d) The patio/walkway's elevation above ground level at any point does not exceed 6 inches for patios and 4 inches for walkways.

Driveways

Additions and/or revisions to existing driveways will be approved by the ACC only if they are determined to be in harmony with existing construction and landscaping. Driveways and additional parking pads shall match the concrete color and texture of the original and existing driveway and shall not exceed in width a measurement greater than that of the home's garage.

Curbing

Concrete landscape curbing or borders should be in harmony with and complement the color scheme of the home. Acceptable borders may consist of stacked stone, brick or wrought iron. Any curbing involving poured concrete, stone of which is a permanent structure must be approved by the ACC. A form is not required for curbing if all of the following criteria is met:

- a) must be removable/non-permanent
- b) does not exceed 12" in height
- d) plastic weed barriers may not be greater than the same height of the lawn

GUIDELINE #5: Exterior Decorative Objects

General Guidelines

Exterior decorative objects include items such as bird baths, bird feeders., bridges, wagon wheels, sculptures, fountains, pools, antennas, benches and porch swings, free standing poles of all types, flag poles (see below), and items attached to approved structures. Exterior decorative objects both natural and manmade placed in the front or side yards require approval by the ACC.

- a) A Form **must be submitted** for **all** exterior decorative objects.
- b) ACC approval of exterior decorative objects will be based upon the sighting, size, proportion, color, materials used, appropriateness to surrounding environment, the consistency of the object in relationship to the home and neighboring dwellings.

- c) Exterior decorative objects placed in the homes rear yard, outside of visible sight lines from the street, do not require ACC approval.
- d) Unapproved decorative objects that receive a formal complaint will be evaluated by the ACC and subject to removal

Exterior Landscape & Security Lighting

Except as provided below, a Form **must be submitted** for all exterior lights of lighting fixtures not included as a part of the original structures. A Form is not required if the lights meet the following criteria:

- a) each individual light does not exceed 12 inches in height;
- b) the number of lights does not exceed 10;
- c) Individual lights must be white or clear non-glare type and not exceed 100 watts;
- d) all lights should be aimed to cause minimal visual impact on adjacent properties and streets;
- e) Unapproved exterior landscape / decorative lighting that receive a formal complaint will be evaluated by the ACC and subject to removal.

Seasonal Colors

- a) Holiday (Christmas) lighting may not be erected prior to Thanksgiving and must be taken down no later than 1 week after the New Year.
- b) All other exterior holiday decorations may not be erected before 30 days prior and must be taken down not later than 10 days following.

Flag Poles

A Form **is not** required to be submitted for a single flag pole staff attached to the front or side portion of a house, where the flag size does not exceed 3x5 feet.

Freestanding flag poles are not permitted, and will only be approved on an exception basis.

Mailboxes and Mailbox Posts

A post mounted mailbox is required to be placed at the end of each Homeowner's driveway in order to receive service from the USPS. All mailboxes will conform to the following standard.

- a) The mailbox must be a standard USPS approved mailbox whose dimensions are no less than 19 inches length, 6.5 inches in width, and 8.5 inches in height.
- b) The mailbox must be a standard USPS approved mailbox whose dimensions are no greater than 21 inches length, 7.5 inches in width, and 9.5 inches in height.
- c) The mailbox shall be constructed of metal only. Plastic mailboxes are prohibited.
- d) The color of the mailbox must be black.
- e) The mailbox must be mounted on a standard mailbox post of wooden construction only. Metal or plastic posts are prohibited. No brick or stone encasements.

- f) The mailbox post may be either unfinished, or stained with a translucent or semi translucent stain. Mailbox posts shall not be either painted or stained with an opaque stain color.
- g) The mailbox and post must meet all USPS standards and restrictions with regard to location, mounting and construction.
- h) Mailboxes and post must be reasonably maintained, any formal complaint will be evaluated by the ACC and appropriate action taken.

Plants and Flower Pots

Front doors and entry area decorations must be tasteful and in keeping with the style and colors of the house. Plants and flowerpots must always be neat and healthy. Neatly maintained front porch flower pots that coordinate with exterior home colors and containing evergreens/flowers **do not** require submission of a Form.

Fountains

Outdoor fountains in front or side yards are not generally permissible, and will only be approved on a case by case basis by the ACC.

GUIDELINE #6: Exterior Landscaping & Maintenance

General Guidelines

Landscaping should relate to the existing terrain and natural features of the lot. ACC approval of a landscaping project is required when the activity will result in major changes to existing landscaping or when grading or contour modifications are required. **THE APPLICATION FOR ANY LANDSCAPE PROJECT MUST SPECIFY A FIRM START AND COMPLETION DATE**

The general appearance of each lot and the residence thereon, including landscaping must conform to the level of upkeep that is accepted as community standard. Failure to maintain property to this standard will subject the owner to the imposition of fines and/or liens on the property. Any formal complaint will be evaluated by the ACC and appropriate action taken. This standard includes, but is not limited to:

- a) Repairing, painting, maintaining, and other appropriate external care of all structures:
 - i. rotting wood visible from street must be repaired;
 - ii. peeling paint visible from street must be repaired;
 - iii. mildew growth visible from street must be repaired;

- b) Lawns must be kept to preserve the integrity of the appearance of the community of a whole.
 - i. Over seeding and restoring lawn grasses;
 - ii. Watering, fertilizing, mowing and edging lawn grasses;
- c) Pruning and trimming trees and shrubbery, hedges and other vegetation so that the yard presents a manicured appearance and the visibility of motorists and pedestrians is not obstructed;
- d) Removal of all "volunteer" or "wild" growth of weeds or non-landscape quality vegetation; Grasses on all sides of the house, including back and sides must be kept at a reasonable height should not exceed 3" in height, Fescue should not exceed 6" in height.
- e) Prompt repair of any barren lawn areas to reduce erosion potential;
- f) Renewal of pine straw or bark mulch used in islands or naturalized areas is required to be maintained according to community standards. The ACC suggests annual renewal at a minimum. Barren areas must be covered by suitable landscape materials such as bark mulch, pine straw or decorative rock. Any formal complaint will be evaluated by the ACC and appropriate action taken.
- g) Pressure washing of concrete visible from street subject to water restrictions.

Trees and Shrubbery

A Form **is** required to be submitted for ornamental / specimen trees. A form **must also be submitted** for screen planting (row or cluster style) and property line plantings. Forms must include a description of the sizes and types of trees or shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings.

Replacing dead or diseased shrubs with the identical specimen does not require approval.

Removal of mature, healthy, living specimen and native trees requires ACC approval

If trees are removed then stumps must be removed and area landscaped.

Vegetable Garden Plots

A Form **is not** required for garden plots if all the following guidelines are met:

- a) The plot is located behind the rear line of the house so as to minimize the visual impact on adjacent properties or from the street; and
- b) the size of the plot is limited to 150 square feet

All garden plots must be cleared at the completion of the growing season.

Firewood

The following guidelines apply to the storage of firewood:

- a) Firewood piles are to be maintained in good order and must generally be located within the sidelines of the house and in the rear yard.
- b) Woodpile coverings are allowed only if the cover is an earth tone color and the woodpile is screened from the view of the street. For example, a tarp-covered woodpile may be located under a deck with shrubs planted around it.

GUIDELINE #7: Play Equipment

General Guidelines

A Form **must be submitted** for all play equipment, including trampolines. The following guidelines apply:

- a) The play equipment shall be located in the rear yard and within the extended sidelines of the house;
- b) The play equipment shall be sized and located such that it will have minimal visual impact on adjacent properties.
- c) Equipment, including basketball goals, found to be in disrepair is subject to removal based on review by ACC.

Play equipment (except basketball goals) are strongly suggested to be of wood construction, environmentally and aesthetically compatible. Metal or plastic play equipment will generally require more fencing and landscaping to shield from view and will generally be required to be painted to blend into the surrounding environment (earth tones).

NOTE: A (permanent) baseball backstop or similar item is not play equipment and must comply with the fence guidelines (see Guideline #10).

Play Houses / Tree Houses

A Form **must be submitted** for all play houses and tree houses. The following guidelines apply:

- a) play houses and tree houses must be located where they will have minimal visual impact on adjacent properties:
 - i. In most cases, materials used must match existing materials of the home.

- ii. Play houses or tree houses may not be larger than 100 square feet or 12 feet in total height.
- iii. See detached structures in Guideline #1

Note: Playhouses and Tree Houses once approved must be maintained to preserve the approved decor.

Basketball Goals

A form **is not required (change to covenants) for freestanding portable basketball goals**. Permanent basketball goals are not permitted. Only basketball goals of a free-standing or portable nature are permitted. General guidelines are as follows and should be considered in your application:

- a) Backboard is white, beige, clear, or light gray. Other colors will be considered if muted.
- b) post must be painted black.
- c) one rectangular guideline surrounding the hoop is permissible.
- d) may not be attached to the house
- e) Should be placed to minimize visual impact from the street.

Note: Negative impact related to time of use, lighting and noise on adjacent properties should be avoided. As with all improvements, basketball goals must be maintained to the original condition.

GUIDELINE #8: Private Pools

Children's Portable Wading Pools

A Form **is not** required to be submitted for children's portable wading pools (those that can be emptied at night) as long as they do not exceed 18 inches in depth and whose surface area does not exceed 36 square feet. Portable wading pools must be stored when not in use.

Above-ground Pools

Aboveground pools are prohibited.

In-Ground Pools

A Form **must be submitted** for all in-ground pools. The following information is required:

- a) appearance, height, and detailing of all retaining walls must be consistent with the 'architectural character of the house - some terracing may be acceptable;

The following additional guidelines apply:

- a) Privacy fencing must meet Ivey Walk ACC and county fence guidelines (see Guideline #10);
- b) Maximum pool area is 1,000 square feet;
- c) Glaring light sources which can be seen from neighboring lots may not be used; and
- d) Landscaping enhancement of the pool area and screening with landscaping is required
- e) Approval through the local health department to ensure pool doesn't have an impact on primary and secondary locations for septic system.
- f) Meets all County requirements for fences around pools

Hot Tubs

A Form **must be submitted** for exterior hot tubs. Hot tubs must be screened from adjacent properties and streets.

GUIDELINE #9: Private Tennis Courts

No personal tennis courts.

GUIDELINE #10: Fences

The original design concept of Ivey Walk promotes a feeling of open space; therefore, fencing is not generally encouraged. However, should an owner desire to erect a fence, a [request] Form **must be submitted** to the ACC for approval. A request for fencing must include the following information:

- a) A picture or drawing of fence type listing all materials being used;
- b) dimensions including height, span between posts, post size, and crossbeam size and number of rails;
- c) a site plan denoting the location of the fence together with information as to existing fences erected on adjacent properties;

- d) acknowledgment of adjacent property owners approval or disapproval.

The following guidelines have been adopted for fences in the community:

- a) Fences must be built from wood. Fences consisting of chain link, wire, or PVC are prohibited
- b) the maximum height must not exceed 6 feet;
- c) the maximum span between posts shall be 10 feet;
- d) the minimum post size shall be 4x4 inches;
- e) **the crossbeam structure (rails) shall not be visible from any street (e.g* finished sides of the fence must be turned to the outside); structure side of the fence must face towards interior of yard on all sides**
- f) Where the fence height is 4 feet or less, the rails must consist of at least two 2x4 inch rails per section and where the fence height exceeds 4 feet the rails must consist of at least two 2x6 inch or three 2x4 inch rails per section.
- g) the fence must be left natural (if wooden) or stained an ACC approved color;
 - i. entire fence (both sides) all the way around must be finished.
- h) fences shall not be located closer to any street than the rear edge of the home (On corner lots, the application is evaluated on a case by case basis due to lot configurations and house placement. Fence approval for corner lots will require more landscaping and set back distances to avoid a 'stockade' appearance).
- i) Fencing should be of an open type, such as split rail, board, cross buck, open space picket, etc... Solid fencing such as a stockade type of fence will only be considered on a case by case basis.

Ongoing maintenance requirements

- Pressure washing, painting staining, repairs (including portions of fence not readily visible from street)
- the initial finish and maintenance aspects of the fence in relation to weathering and deterioration over time;
- the ability to maintain property between fences;
- landscaping is required to soften the view from the street;
- the minimum height requirement established by the county for a private pool fence;
- Compatibility (style and finish) of proposed fence to any existing fence on adjacent properties;
- the chosen fence style should be proportionate to the home and lot;
- drainage - is there space between the fence and the ground in areas where water needs to pass underneath?
- utilities - has consideration been given to provide access to electric and gas meters, and has consideration been given to utility easements (i.e, sewer / septic)?

Fences traditionally are the most frequent request received by Architectural Control Committees of any homeowner's association. At the same time, fences tend to generate the most controversy between an ACC, the homeowner, and owners of adjacent property. Ivey Walk's fence guideline is intended to establish a standard that is appropriate to the aesthetics and values of the community.

GUIDELINE #11: Vehicles & Parking

Within any 7 day period:

- 1) No boat, trailer, camper, utility trailer, recreational vehicle, hobby vehicle, collectible, covered vehicle or similar type vehicle not used as primary transportation may be parked or stored in open view on residential property for longer than 72 hour period without the expressed written consent of the ACC. This includes visiting family and friends.
 - a) Parking of vehicles noted above and those similar on lawn is prohibited unless it is done so in the rear yard and within the extended sidelines of the house; it shall also be located such that it will have minimal visual impact on adjacent properties.
- 2) No commercial vehicle or any vehicle displaying signage may be parked or stored in open view on residential property for longer than a 24-hour period without the expressed written consent of the ACC..
- 3) No portable storage container, POD, or other similar item or vehicle may be stored or parked in open view on residential property for longer than 48 hours without the expressed written consent of the ACC.
- 4) No construction refuse container or other similar rubbish containers may be stored or parked in open view on residential property for longer than 48 hours without the expressed written consent of the ACC.
 - a) Construction refuse containers used in conjunction with any legally permitted construction project are exempted from the above policy for the reasonable duration of the project. Not to exceed 2 weeks.

The following additional guidelines apply:

- a) all vehicles parked in open view and not in a garage must be operable
- b) no vehicle may be parked on any yard, sidewalk, or right-of-way; and
- c) as a general rule, parking of vehicles on the street is discouraged. Temporary parking (four hours or less) is allowed if not a nuisance to neighbors or impediment to traffic flow. Homeowners are responsible for guest parking and must ensure that guests park in a safe manner and do not impede access to other driveways and traffic.
 - i. Parking within 50 feet of an intersecting street and 25 feet of fire hydrants is prohibited at all times.

- ii. Cars should be parked on one side of street during high volume events to avoid impeding safe traffic flow and as a courtesy to neighbors trying to maneuver in or out of driveways.

GUIDELINE #12: Antennas, Satellite Dishes

All antennas must be installed behind the site lines of the house and require ACC approval.

The Satellite Dish must be placed in the location that is least visible to public view.

Installation

The Satellite Dish must be painted so as to blend into the background to which it is mounted or placed. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. No cabling shall be allowed on the roof surface or on the surface of the exterior siding or brick of any home.

Maintenance

The owner or occupant shall be responsible for the maintenance and repair of the Satellite Dish including, but not limited to;

- a) *reattachment of Satellite Dish, and any components thereof within forty-eight (48) hours of dislodging, for any reason from its original point of installation;*
- b) *repainting or replacement, if for any reason the exterior surface of the Satellite Dish becomes worn, disfigured or deteriorated.*

GUIDELINE #13: Miscellaneous Exterior Installations

- a) Mailboxes: changes to mailboxes other than staining posts must be approved by the ACC; reference back to Guideline #5
- b) Driveways, Walkways, and Parking areas must be paved with materials that are in harmony with the community and as approved by the ACC; reference Guideline #4
- c) Clotheslines of any sort are not permitted; and
- d) Storage: All tools, lawn and garden equipment, portable recreation equipment, canoes, garbage cans, and wood piles shall be kept in a garage or screened by adequate planting or approved fencing so as to be concealed from view by neighboring residences and from the street.

- e) Garbage: Containerized household trash and/or garbage cans and any landscape trash are to be placed at the curb **no earlier than 6 PM** on the day prior to collection. Garbage cans are to be removed from the curb **no later than 9 PM** on collection day.
- f) Air Conditioner Units visible from the street must be screened by an approved method. **Window air conditioners are not approved for use,**
- g) Swimming pool, hot tub, or spa installations must be approved by the ACC.
- h) Tennis courts are not approved for individual residences.
- i) Any Decorative Appurtenances such as sculptures, bird baths, fountains, gazebos, or other similar embellishments appropriate for a residential community which will be visible from the street must be approved by the ACC.
- j) Solar Energy Collector installations must be approved by the ACC. -,
- k) Exterior Lighting must be ACC approved Seasonal and decorative lighting should be tastefully employed and left up for a reasonable length of time.
- l) Out Buildings must meet guides set forth for additions to structures and **MUST** be approved by the ACC
- m) Pet Runs are prohibited.

GUIDELINE #14: Business Use

Each lot shall be used for residential purposes only, and no trade or business of any kind may be conducted in or from a Lot or any part of the Property, including business uses ancillary to a primary residential use, except that the Owner or Occupant residing in a dwelling on a Lot may conduct such ancillary business activities within the dwelling so long as...

- a) The existence or operation of the business activity is not apparent or detectable by sight, sound or smell from the exterior of the dwelling;
- b) The business activity does not involve visitation of the Lot by employees^ clients^ customers' suppliers or other business invitees; provided, however, this provision shall not preclude delivery of materials or items by United States Postal delivery or by other customary parcel delivery services (U.P.S., Federal Express, etc.);
- c) The business activity conforms to all zoning requirements for the Property;
- d) The business activity does not increase traffic in the Property;
- e) The business activity does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; and
- f) The business activity is consistent with the residential character of the Property and does not constitute a nuisance or a hazardous or offensive use, or threaten the security or safety of other residents of the Property.

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: (i) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required thereof.

GUIDELINE #15 Amenity Rules and Parking

Tennis Courts

a) Rules

- a. For residents and their guests only.
- b. Guests must be accompanied by resident.
- c. Children 13 and under must be accompanied by an adult.
- d. Limit play to 1 hour if others are waiting.
- e. NO smoking of any kind or vaping on courts.
- f. No food, glass or alcoholic beverages.
- g. No pets, chairs, tents, or other furniture permitted.
- h. Proper footwear required.
- i. Do not abuse net, fences or other equipment.
- j. NO skateboarding, rollerblading, bikes scooters or anything of the like.
- k. NO hockey, soccer, baseball or other type sports on courts.
- l. Gates must be closed at all times.
- m. All Tennis court rules, regulations and courtesies should be observed.
- n. Play at your own risk.
- o. No littering.
- p. No climbing of fence or gates.
- q. You must have your key fob with you for proof of allowable access.

b) Access

- a. Court gates are open from 9:00 a.m. to 9:00 p.m.
- b. Only for residents and for their guests only.
- c. Children 13 and under must be accompanied by an adult.

c) Fines - All rules/access must be followed to avoid fines/penalties.

- a. Any damage caused by a resident or guest will be responsibility of the resident. The resident will be liable for any financial cost to restore to pre-damage state.
- b. Repeating violations by a resident could result in a suspension of amenity access.

Park/Dog Run

a) Rules

- a. For residents and their guests only.
- b. Guests must be accompanied by a resident.

- c. Dogs are permitted:
 - i. You must pick up all waste your dog leaves.
 - ii. Disposal of waste must be in a trashcan, if available. Otherwise you must dispose at your home.
 - iii. Your dog must be supervised at all times.
 - iv. Do not allow your dog on the picnic table.
 - v. Do not allow your dog to dig holes.
 - d. Children 13 and under must be accompanied by an adult.
 - e. No climbing of fence or gates.
 - f. You must have your key fob with you for proof of allowable access.
 - g. No smoking, vaping or tobacco of any kind.
 - h. No Glass allowed.
- b) Access
- a. Gate is open from 9:00 a.m. to 9:00 p.m.
 - b. Only for residents and for their guests only.
 - c. Children 13 and under must be accompanied by an adult.
- c) Fines - All rules/access must be followed to avoid fines/penalties.
- a. Any damage caused by a resident or guest will be responsibility of the resident. The resident will be liable for any financial cost to restore to pre-damage state.
 - b. Repeating violations by a resident could result in a suspension of amenity access.

Pool

- a) Pool Parties – all parties must have party application completed. Can be found on iveywalk.net.
- a. Pool Cannot be Closed to Others: The pool and clubhouse cannot be closed for your party; hence; your party must share the area of the pool and clubhouse with the other homeowners using the pool at the same time as your party.
 - b. Pool Hours of Operation: 9:00am – 9:00pm Sunday through Saturday during the open pool season. The party must stay within these normal hours of operation.
 - c. Cleaning Deposit: A deposit of \$100 must be submitted with this form. If the pool and clubhouse area are returned clean and free of debris, your check will be returned.
 - d. If there are Children Attending: Children are of course the center focus for summer fun at the pool; however, when children gather there is a concentration of young energy which often results in either: injury to themselves, damage to the Homeowners Association property; disruption to the other homeowners using the pool at the same time as your party. From experience we have learned if rules are established prior to your

party such as no shoving, wrestling or related activities, it will assist in having the party remain in a calm state.

- e. Chaperones: For every nine (9) children (age 18 and under) attending your party, there must be one (1) adult (age 21 or over) attending as a chaperone. Chaperones print names:

b) Rules

- a. No Diving
- b. No Running
- c. No Pushing or other horseplay
- d. All children 3 years and younger, and any child not potty-trained must wear snug fitting plastic pants or a water-resistant swim diaper.
- e. No glass articles allowed in or around pool
- f. No animals are allowed in the pool or pool enclosure
- g. No food in the pool
- h. For residents and their guests only.
- i. Guests must be accompanied by a resident.
- j. Children 13 and under must be accompanied by an adult.
- k. Dispose of your trash in a trashcan.
- l. No smoking, vaping or tobacco of any kind.

c) Access

- a. Gate are open from 9:00 a.m. to 9:00 p.m. (during open pool season)
- b. Only for residents and for their guests only.
- c. Children 13 and under must be accompanied by an adult.

d) Fines - All rules/access must be followed to avoid fines/penalties.

- a. Any damage caused by a resident or guest will be responsibility of the resident. The resident will be liable for any financial cost to restore to pre-damage state.
- b. Repeating violations by a resident could result in a suspension of amenity access.

Play Ground & Gazebo

a) Rules

- a. Children 13 and under must be accompanied by an adult.
- b. No climbing of fence or gates.
- c. You must have your key fob with you for proof of allowable access.
- d. No smoking, vaping or tobacco of any kind.
- e. No Glass allowed.
- f. Dispose of your trash in a trashcan

b) Access

- a. Only for residents and for their guests only.
- b. Children 13 and under must be accompanied by an adult.

c) Fines - All rules/access must be followed to avoid fines/penalties.

- a. Any damage caused by a resident or guest will be responsibility of the resident. The resident will be liable for any financial cost to restore to pre-damage state.
- b. Repeating violations by a resident could result in a suspension of amenity access.

Parking

Parking in the amenity area is restricted to the black top area within the designated lines of a parking spot. You may not park on any green area, fenced in area or playground.

Blocking of any gate area within 25 yards is prohibited. This area must remain clear for emergency services.

At no point should the entrance to the amenities be blocked in any way.

Recreational Vehicle Parking – While we understand that you may on occasion need to utilize the amenity parking lot for brief use to maneuver vehicles in your driveway, you must follow the below or you your recreational vehicle and/or vehicle will be towed at your expense.

- a) You may temporarily park your recreational vehicle for a maximum of 4 hours.
- b) You may not take up more than 3-4 parking spots.
- c) Parking is only available in the North End of the parking lot, closest to the Park/Dog Run
- d) Parking your Recreational Vehicle in the South End of the parking lot, by the playground will result in it being towed at your expense.
- e) If you need to park longer you must seek the approval of the board of directors; iveywalk@gmail.com
 - a. Include
 - i. Indicate what you are type of vehicle you are parking
 - ii. Start date and end date of parking
 - iii. Number of parking spots you need
 - iv. Phone number where you can be reached
 - b. Limitations
 - i. Based on length and size of recreational vehicle
 - ii. You will not be able to park more than 72 hours, less if high demand
 - iii. You can only take up 4 parking spots
- f) We have the right to tow your recreational vehicle without notice if you do not follow the above guidelines.
- g) Fines. All rules/access must be followed to avoid fines/penalties.
 - a. Resident will responsible for all fees in association with the towing of vehicles(s).

- b. Any damage caused by a resident or guest will be responsibility of the resident. The resident will be liable for any financial cost to restore to pre-damage state.
- c. Repeating violations by a resident could result in a suspension of amenity access.

If you are blocking any entrance into the amenities you will be fined \$100 per hour as this limits access for emergency personal in the event there is an emergency.

COVENANT ENFORCEMENT PROCEDURES

Apparent covenant violations - as reported by any source - may be submitted to the ACC to be referred for appropriate action. Should a management company be hired, they too would be a point of contact. The first action will be confirmation that a violation exists. If substantiated, the homeowner in violation will be contacted, the violation explained, and be requested to provide corrective action in a reasonable time period according to the following policy;

Upon recognition of a violation, a letter will be forwarded from the Board (or a designated management company) on behalf of the ACC advising the homeowner of the violation, stating the current condition and tier level of the violation (**according to Penalty Structure below**), steps necessary to remedy the violation and a time period in which to either respond (in writing) and/or remedy the violation. The violation will escalate to the next tier level as indicated in the Penalty Structure below if any of the following actions are not executed within the initial grace period stated;

- a) Correction of the violation;
- b) Submittal of signed notice of intent to correct the violation, including designated completion date agreed upon by the homeowner and the ACC;
- c) Submittal for request of appeal to the HOA Board
 - i. The grace period and/or daily penalty accrual will be suspended while under review by the Board. Upon notice of decision by the Board to the Homeowner, if appeal has not been won, the grace period and/or daily penalty accrual will resume until any of the above conditions are met. The Board will respond to appeals within 7 days.

When a determination has been established that a property is in violation of the Guidelines, and the property owner has been properly advised, that violation will remain active until it is resolved. Transfer of ownership of a property WILL NOT erase an outstanding violation since a violation follows the property, not the property owner.

Penalty Structure

Any resident who is found to be in violation of the Declaration of Covenants., Conditions and Restrictions and these Architectural Guidelines, Appearance and Design Standards is subject to penalties according to the following schedule:

Tier One:

- Method of Notice: Written notice mailed or hand delivered
- Grace period following date of notice of violation: 7 days
- Remedial Action: Correction of the violation within the grace period or a signed notice of intent to correct the violation with a designated completion date agreed upon by the homeowner and the ACC.
- Punitive Action: A \$ 5.00 per day fine will be assessed against the homeowner for every day that the violation exists beyond the grace period for a maximum of 30 days. At the conclusion of 30 days, the violation will be escalated to a Tier Two violation.
- Examples of Tier One violations: Failure to mow or edge lawn, renew pine straw or bark mulch or general maintenance of landscaping as outlined in Guideline #6.

Tier Two:

- Method of Notice: Written notice mailed or hand delivered
- Grace period following date of notice of violation: 7- Days; Rollover Tier One violations have no additional grace period.
- Remedial Action: Correction of the violation within the grace period or a signed notice of intent to correct the violation with a designated completion date agreed upon by the homeowner and the ACC.
- Punitive Action: A \$ 25.00 per day fine will be assessed against the homeowner for every day that the violation exists beyond the grace period for a maximum of 30 days. At the conclusion of 30 days, the violation will be escalated to a Tier Three violation.
- Examples of Tier Two violations: Minor installations of hardware, unapproved decorative items or building materials. Installation of a fountain in the front yard, construction of a small retaining wall, installation of an unapproved mailbox.

Tier Three:

- Method of Notice: Written notice which must be mailed certified return receipt through the US Postal Service.
- Grace period following date of notice of violation: 3-Days; Rollover Tier Two violations have no additional grace period. The grace period applies only to the fine per day assessment portion of the fine. Violations from Tier Two are not also subject to the \$100 per violation fine. The grace period for Tier 3 violations will begin on the date of receipt as indicated on the return USPS Return Receipt
- Remedial Action: Correction of the violation within the grace period or a signed notice of intent to correct the violation with a designated completion date agreed upon by the homeowner and ACC.

- Punitive Action: A fine of \$ 100 per non-escalated violation, a \$ 25.00 service fee, and a \$ 25.00 per day fine will be assessed against the homeowner for every day that the violation exists beyond the grace period for a maximum of 30 days. At the conclusion of 30 days, the violation will be escalated to a Tier Four violation.
- Examples of Tier Three violations: Very serious violations including painting without prior approval, the installation of unapproved outbuilding, or the construction of a large unapproved landscaping project.

Tier Four:

- Method of Notice: Written notice which must be mailed certified return receipt through the US Postal Service. Notice shall also include what actions will be taken if the violation is not corrected and the violation is escalated to a Tier 5.
- Grace period following date of notice of violation: 3 Days- from date of notice violation, except for Tier 3 rollover violations which have no grace period. The grace period applies only to the fine per day assessment portion of the remedial action and is not applicable to the \$ 200 per violation fine. Violations rolled over from Tier 3 are not also subject to the \$ 200 per violation fine. The grace period for Tier 4 violations will begin on the date of receipt as included on the USPS Return Receipt
- Remedial Action: Correction of the violation within the grace period or a signed notice of intent to correct the violation with a designated completion date agreed upon by the homeowner and ACC.
- Punitive Action: A fine of \$ 200 per non-escalated violation, a \$ 25.00 service fee, and a \$ 50.00 per day fine will be assessed against the homeowner for every day that the violation exists beyond the grace period for a maximum of 30 days. At the conclusion of 30 days, the violation will be escalated to a Tier Five violation.
- Examples of Tier Four violations: The most flagrant violations such as repainting to new house colors without prior approval or the building of a major renovation project without prior approval.

Tier Five:

- Method of Notice: None other than that required by law for the given circumstance.
- Grace period following date of notice of violation: None.
- Remedial Action: The HOA shall seek a declaration of injunctive relief or any other legal action as required from the appropriate court which is required to correct the violation. The HOA will then contract with the appropriate contracting company to enforce the relief dictated by the court.
- Punitive Action: A fine of \$ 500 per violation, a \$ 25.00 service fee, a \$ 50.00 per day fine for every day that the violation exists, the cost of any legal costs incurred as a result of the violation, any cost incurred to correct the violation, and any current and ongoing cost incurred in the recovery of any fees, fines, assessments, or any other cost associated with the violations.
- Examples of Tier Five violations: Final Level for uncorrected violations

These Architectural Guidelines, Appearance and Design Standards Supersede Any Previous Standards.

SUMMARY

It is hoped that these guidelines serve their intended purpose of providing help in understanding our community standards. If you are unsure of the need to submit a Form for a project not specifically referenced by these guidelines, please call any member of your HOA Board for assistance.

Also, please remember that these are GUIDELINES. If you feel you have a unique situation that bears consideration, submit a request. The ACC will make every attempt to approve the request given there is neither direct violation of the covenants nor any negative impact on the community as a whole.

Documentation of Changes

October 18, 2020

Added automated table of contents, changed formatting, added Guideline #15

December 27, 2020

Added No smoking, vaping or tobacco of any kind, to pool rules. It was omitted by mistake.

October 09, 2021

Added decorative rock to Guidelines #6 f).