



Community Wide Standards

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Building a Better Neighborhood

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INTRODUCTION

The Declaration of Protective Covenants for North Forke Plantation provides for a design review process through which property improvements must be approved by an Architectural Review Committee (ARC). 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 ARC's role is to preserve, protect and enhance the value of the properties in North Forke Plantation by enforcing the Declaration of Protective Covenants. The ARC is chartered with ensuring uniform and equitable compliance with these covenants.

The following Community Wide Standards 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. Some homes have modifications which were not approved by the ARC. This can result in fines and liens against the home. Some might have modifications which have been grandfathered in. Please do not assume you can complete a modification because you see it on other NFP homes.

As a final introductory comment, please remember – REQUEST APPROVAL BEFORE BEGINNING ANY IMPROVEMENT OR MODIFICATIONS! The vast majority of problems occur when a homeowner begins a project without written approval from the ARC. Projects initiated without prior ACC approval are subject to fines. **See Covenant Enforcement and Fine Structure.**

The contents of these guidelines, and any actions of the ARC 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 ARC, 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

A Form for Request for Modification Review, hereinafter "Form", is provided for use in requesting review/approval of an exterior modification. Forms are available on the website at www.northforkeplantation.com or by calling the Management Company.

The ARC has 30 days to review and respond to modification requests, and that 30 days does not begin until all required documentation (I.e., required information, pictures, neighbouring signatures, drafts, etc) have been properly submitted to the Management Company. Failure to submit the completed applications will delay the approval process. Modification requests must be approved, in writing, before any work begins.

There are, however, modifications that may be completed without ARC 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:

- Repainting with same color (reference Guideline #1) •
- Patios (reference Guideline #3)
- Exterior Lighting (reference Guideline #4) Flag Poles (reference Guideline #4) Garden Plots (reference Guideline #5)
- Ornamental Trees and Shrubbery (reference Guideline #5) Basketball Goals (reference Guideline #6)
- Children's Wading Pools (reference Guideline #7)

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.

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, storm doors and windows, awnings, construction of driveways, retaining walls, raised landscape bed confinement structures, 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 Gwinnett County authorities make changes to the plans as approved by the ARC, the owner must submit such changes for approval prior to commencing construction.

Homeowners are advised that a Gwinnett County building permit will be required for certain exterior building alterations.

Painting

Painted brick is prohibited, and any brick treatments must be reviewed and approved by the ARC. Repainting requires prior written approval UNLESS one of the following criteria are met.

1. The colors will not be changed (If original color is unknown, please verify with the retailer that the new paint color is the same)
2. Use of the current, pre-approved color palettes designed for North Forke Plantation found at www.northforkeplantation.com. Please note that the palettes specify certain paint colors for certain areas. If you would like assistance in selecting accent colors or areas to be painted, please feel free to contact a member of the ARC or your preferred paint retailer.

Requirements for modification requests to change paint color:

- a. Paint sample—change to paint brand, color, and number
- b. Photographs and written description of specific areas to be repainted

Awnings

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 or finish must be compatible with the home's primary and trim colors. Addition of awnings or coverings requires the following information:

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

Roof Replacements/Repairs

- a. Roof replacements and repairs do not require prior written approval if the original color and roofing material are being used. If there are to be any changes to the original roof, please submit a modification request.

Doors and Windows

A form must be submitted for all door replacements and storm windows/doors.

- a. Picture of proposed new doors/windows, including color and style

- b. Picture of existing doors/windows to be replaced or on which storm windows/doors will be installed

Detached Buildings

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

- a. size shall be limited to 600 square feet;
- b. building must be located in the rear of the primary home within the extended sidelines of the home;
- c. building may not be used for any purpose that may be deemed by the ARC to cause disorderly, unsightly, or unkempt conditions; and
- d. detached building exterior materials must match the exterior materials and colors used on the original home.

Detached buildings being used as a primary garage are an exception to the above general guidelines. In either case though, approval from the ARC is required.

Dog Houses

A Form must be submitted for all doghouses. All doghouses must be located 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.

Chain link dog-runs or wire pens are prohibited.

GUIDELINE #2: Decks

A Form must be submitted for all decks. 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;

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

1. in most cases, the deck may not extend past the sides of the home;
2. Materials must be composite (i.e. Trex) or wood (cedar, cypress, or No. 2 grade or better pressure treated pine
3. color must be natural, white, or finished to coordinate with the exterior color of home;

4. vertical support for wood decks must be a minimum 4x6 inch 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

GUIDELINE #3: Patios/Walkways

Patios/Walkways

A Form must be submitted for patio covers, trellises, permanent seating, railing and other items. Submission of a Form for a patio/walkway is not required, however, if all of the following guidelines are met:

1. the patio/walkway is located in the rear yard;
2. the patio/walkway does not extend beyond the sidelines of the house;
3. the patio/walkway does not extend to within 10 feet of side or rear property lines; and
4. the patio/walkway's elevation above ground level at any point does not exceed 6 inches for patios and 4 inches for walkways.

GUIDELINE #4: Exterior Decorative Objects

General Guidelines

If any decorative objects are placed in the front or side yards or near entries, a Form must be submitted for all exterior decorative objects, both natural and manmade. Exterior decorative objects include items such as bird baths, bird feeders, bridges, wagon wheels, mailbox ornaments, or "toppers" (generally not taller than 16 inches), sculptures, fountains, pools, antennas, benches and porch swings, flower pots, free standing poles of all types, flag poles (see below), and items attached to approved structures. Objects will be evaluated on criteria such as sitting, proportion, color and appropriateness to surrounding environment.

Exterior 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 all of the following criteria:

1. lighting does not exceed 12 inches in height;
2. the number of lights does not exceed 10;
3. lighting is for highlighting shrubs near the home or architectural features;

4. individual lights must not exceed 100 watts, are white or clear, non-glare
5. type and located to cause minimal visual impact on adjacent properties and streets, and
 - i. lighting is installed in a professional looking manner.
 - ii. Lighting is warm white, not colorful or blue.
 - iii. Lighting that highlights home exterior and architectural elements should be 2500-2700 kelvin
 - iv. Lighting that highlights accent plants and moonlighting (downlighting from a higher point into the trees) should be 3000-4000 kelvin

Here are the recommended lumens for outdoor lighting. Please refer to these recommendations to maintain professional curb appeal during night hours. Homeowner may be issued a violation letter if outside the following lumens, especially if it's disruptive to neighboring homes:

- Step lights: 12-100 lumens
- Hardscape lights (on walls): 50-185 lumens
- Landscape lights: 50-300 lumens
- Path lights: 100-200 lumens
- Landscape spotlights: 120 lumens
- Lamp posts: 120-180 lumens
- Pond/pool lights: 200-400 lumens
- Motion sensor lights: 300-700 lumens
- Flood lights: 700-1300 lumens

Flag Poles

A Form is not required to be submitted for a single flag pole staff attached to the front portion of a house. The size of any flag displayed may not be greater than 3x5 feet. Freestanding poles require ARC approval.

Plants, Flower Pots, and Door Decorations

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 and must not contain artificial flowers. Neatly maintained front porch flower pots that coordinate with exterior home colors and containing evergreens/flowers do not require submission of a Form.

Holiday decorations

Exterior holiday decorations should be displayed no earlier than one month before the holiday and removed no later than one week following the holiday. The only exception is Christmas, whereas Christmas decorations may be displayed as early as Thanksgiving and removed no later than January 7th.

Holiday lighting should be done in a courteous manner and thought given on how to avoid disturbing fellow neighbors. While festive lights and displays brighten our streets, they can also interfere with traffic flow and potentially impede emergency vehicles from quickly reaching other homes. If a holiday display is more elaborate, the use of timers is encouraged so that the lights do not shine too brightly into neighboring homes past midnight.

GUIDELINE #5: Exterior Landscaping & Maintenance

General Guidelines

Landscaping should relate to the existing terrain and natural features of the lot, utilizing plant materials native to the Southeastern United States. The amount and character of the landscaping must conform to the precedent set in the surrounding North Forke Community. No artificial flowers or trees are permitted (e.g., no fake light up flowers/plants). The following maintenance guidelines apply:

1. Each homeowner is responsible for removal of debris, clippings, etc. from the property line to the center of the street. Yard debris shall not be blown, swept or raked into the streets or drainage structures. All landscape materials shall be trimmed as necessary to clear sidewalks, traffic signs and provide safe sight distances for traffic. All planting

areas should be properly maintained at all times, and, after the first frost, all affected material should be removed. At the end of the growing season, all dead plants should be removed.

2. Each homeowner should keep the lot and all improvements thereon in good order and repair including, but not limited to, seeding, watering, mowing, pruning and cutting of all trees and shrubbery and the painting or other appropriate care of all buildings and improvements. This should be done in a manner and with such frequency as is consistent with good property management and the precedent set in the surrounding North Forke Community.
3. Mulching... All landscape beds must be covered with suitable mulch such as pine straw, chopped pine bark mulch, wood mulch of a consistent color, etc. Rock, stone or pebbles are not considered suitable mulch.
4. Edging... The preferred landscape bed edging is a neat cut trench. Other edging, if used, must be flush with the ground and be of a uniform type. **ALL** raised edging projects must be approved by the ACC prior to installation.
5. Landscape walls... A Form must be submitted showing all applicable details.
6. Tool Storage... Outdoor storage of garden tools and hoses must be screened from view. Any tools or items stored under a back deck or porch should also be screened from view.
7. Homeowners with street lights on their property are responsible for the maintenance and trimming of branches or any other objects that may obstruct the street lamp.
8. Garbage, Trash Bins... Outdoor storage of garbage cans and trash bins must be screened from street view. They should be placed and removed from curbside within 24 hours of pick-up service.
9. Mold or mildew accumulation shall be removed as necessary from mailboxes, homes, decks, etc.
10. Signs... Commercial and multiple real estate signs are strictly prohibited by the covenants. Signs that recognize children in the household, such as a student's sports teams, achievements, graduation, etc. are limited to one sign per student and are expected to be removed following the conclusion of the season or event. Other signage is discouraged.
11. Seasonal plants that grow to heights of four feet or more require approval by the ARC.

Trees and Shrubbery

A Form is **not required** to be submitted for ornamental trees and shrubbery. However, a Form **must 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.

If you are hiring a company for tree removal, please obtain ARC approval prior to their work date. This assures neighbors have been notified and plans are in keeping with ARC

Guidelines. Please take note: Removal of trees which cannot be replaced will be assessed a \$300/tree fine (plus replanting cost of ARC's required replacement) if removed without written ARC approval. Removal of living native trees is discouraged and must be pre-approved. Please remember that stump removal is a required part of the tree removal. If you have an emergency situation (e.g., storm damage) and you believe you need immediate emergency tree removal, please take pictures, document the issue, and email your plan to the Management Company.

Garden Plots

Garden Plots are planting areas or beds that contain anything other than ornamental plants, including, but not limited to vegetables, herbs, fruits and the like.

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

1. the plot is located behind the rear line and within the side lines of the house and screened so as to minimize the visual impact on adjacent properties or from the street;
2. the size of the plot is limited to 150 square feet;
3. the maximum height of plants, at full growth, would, based on expected or typical growth, be less than four (4') feet; and
4. the maximum height of plants, at full growth, is less than four (4') feet.

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

Firewood

The following guidelines apply to the storage of firewood:

1. 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.
2. 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 #6: Play Equipment

General Guidelines

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

1. the play equipment shall be located in the rear yard and within the

extended sidelines of the house.

2. for corner lots or where the equipment is not otherwise shielded from street view, screened fencing or landscaping is required.
3. the play equipment shall be sized and located such that it will have minimal visual impact on adjacent properties.
4. play equipment, exclusive of wearing surfaces (slide poles, climbing rungs, swing seats, etc.) will generally be required to be painted to blend into the surrounding environment (earthtone colors comparable to dark green or brown).
5. temporarily placed equipment such as soccer goals and bike ramps should be removed from street view each evening.

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

Play Houses/Tree Houses

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

1. Play houses and tree houses must be located where they will have minimal visual impact on adjacent properties.
2. In most cases, materials used must match existing materials of the home.
3. Play houses or tree houses may not be larger than 100 square feet or 12 feet in total height.

*Note: Play houses and tree houses, once approved, **must** be maintained to preserve the approved decor.*

Basketball Goals

A Form **is not** required to be submitted if **ALL** the following guidelines are met:

1. preferred goal backboard orientation is perpendicular to primary street
2. goal is located no further forward than the front line of the house;
3. backboard is white, beige, clear or light gray;
4. backboard and net are well maintained to prevent unsightly appearance
5. post is painted black; and,
6. if freestanding or portable, one rectangular guideline surrounding the hoop is permissible.

Free standing or portable units should be stored when not in use for more than a month.

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

GUIDELINE #7: 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

Above ground 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;
- b) privacy fencing must meet fence guidelines;
- c) maximum pool area is 1,000 square feet;
- d) glaring light sources which can be seen from neighboring lots may not be used; and
- e) landscaping enhancement of the pool area and screening with landscaping is required.

Hot Tubs

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

GUIDELINE #8: Private Tennis Courts

A Form **must be submitted** for all tennis courts. Lot size and shape will be specific criteria governing approval. Tree removal will have a negative impact on the request. Lighted courts (other than community courts) are prohibited.

GUIDELINE #9: Fences

The original design concept of North Forke Plantation 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 ARC for approval. A request for fencing must include the following information:

- 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) color;
- d) a site plan denoting the location of the fence together with information as to existing fences erected on adjacent properties;
- e) acknowledgement that adjacent property owners are aware of the proposed construction.

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

- 1. no chain link or wire fencing is to be used;
- 2. the maximum height must not exceed 6 feet;
- 3. the maximum span between posts shall be 10 feet;
- 4. Materials must be composite (i.e. Trex) or wood (cedar, cypress, or No. 2 grade or better pressure treated pine) * Vinyl fences are not permitted
- 5. the minimum post size shall be 4x4 inches and the maximum shall not exceed 5x5 inches; *
- 6. the crossbeam structure (rails) shall not be visible from any street (e.g. finished sides of the fence must be turned to the outside); *
- 7. the rails must consist of two 2x6 inch or three 2x4 inch per section; *
- 8. the fence must be left natural (if wooden) or finished to coordinate with the house exterior trim colors; and only made up of one color of wood and not multi-tone
- 9. fences shall not be located closer to any street than the rear edge of the home (on corner lots, the fence shall not be closer to any side street than the building lot line); and the fence should join the home at the rear corners on both sides;

* Except when iron or aluminum fence is used.

Other items to be considered include:

- the initial finish and maintenance aspects of the fence in relation to weathering and deterioration

over time;

- the ability to maintain property between fences; “alleyways” between fences are discouraged.
- at the time of this publication, the minimum height requirement established by the County for a private pool fence is 4 feet; 6 feet is recommended.
- 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)?

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

GUIDELINE #10: Vehicles, Parking and Temporary Containers

The following guidelines apply:

1. No boat, trailer, utility trailer, camper or recreational or any other type vehicle may be parked or stored in open view on residential property for longer than a 48-hour period.
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.
3. All vehicles parked in open view and not in a garage must be operable and may not be unsightly. Stored, covered, wrecked, or untagged vehicles will not be in open view.
4. NO VEHICLE MAY BE PARKED ON ANY YARD
5. Curb ramps, the ramps used at the end of driveways to level the space between the driveway and the street, must have a modification request submitted. To be considered, the curb ramp should be professional-grade, single piece ramp that is the full width of the driveway and black with no other contrasting colors or company names engraved or written on the ramp (e.g., 4-foot sections must be put together, not separated) made of plastic, rubber, or similar material (no metal) and necessary for low riding cars to use the driveway without damaging the vehicle, driveway, or street. The curb ramp should be kept in good condition, replaced when wear is visible, and removed when no longer necessary.
6. 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. Homeowners are also responsible for ensuring that guests do not park opposite each other on both sides of the road which can leave little room for cars to pass and prohibit emergency vehicles' access, as fire trucks and ambulances require ample space to maneuver and respond to emergencies.

7. Temporary storage units (such as storage pods) and refuse containers or dumpsters, require submission of a form for ARC approval prior to delivery.
The form should list the type/size of container and the expected dates of arrival/departure. Such storage units and refuse containers shall not be in view more than the time required to load or unload the unit, or a maximum of seven days unless approved by the ARC due to special circumstances.
8. The NFP Board discourages the use of golf carts by unlicensed drivers.

GUIDELINE #11: Antennas, Satellite Dishes, Solar Panels

This guideline applies to installation, attachment and maintenance of direct broadcast satellite ("DBS") dishes or antennas and multi-channel, multi-point distribution services ("MMDS")

dishes or antennas (herein collectively called "Satellite Dishes", which definition shall include the supporting mast, cabling and all other components or accessories thereof) at the North Forke subdivision.

SATELLITE DISHES MAY BE INSTALLED AT THE SUBDIVISION FOR RECEPTION, BUT NOT TRANSMISSION, IN ACCORDANCE WITH THESE GUIDELINES. NO OTHER ANTENNAS OR SIMILAR DEVICES MAY BE INSTALLED AT THE SUBDIVISION WITHOUT APPROVAL OF THE ASSOCIATION ARC.

Installation or attachment of any Satellite Dish is permitted at the subdivision, however, the lot owner or occupant must notify the ARC in writing using the attached Satellite Dish Notification Form. If the Satellite Dish is installed in an approved location and in accordance with these guidelines, then no further documentation is required by the lot owner or occupant except providing the notification form to the ARC.

General Guidelines

1. **Satellite Dish Sizes Limits.** Satellite dishes shall be no larger than one meter in total size. Satellite Dishes or antennas may be mounted on masts up to twelve feet in height where necessary for reception of an acceptable quality

signal and within the total size limit provided. Concealed cabling shall not count toward this total size guideline.

2. **Location.** With submission of a notification form as provided above, and without further approval of the Board or ARC. **Satellite Dishes may be installed, in order of priority, in the following locations:**
 - a) Satellite Dishes must be mounted in or on the rear of the home within the sidelines of the home so as not to be visible from the street.
 - b) If ground mounted, satellite dish must be screened from view by natural landscaping – no lattice. Any cables must be buried.
 - c) Rooftop mounting of satellite dishes is allowed only on the rear of the home.
 - d) Mounting of masts from trees is allowed, however, mounting masts are limited to twelve feet.

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

If it is determined that the Satellite Dish cannot receive an acceptable quality DBS or MMDS signal in any of the pre-approved locations designated above, then, written documentation shall be provided by the provider/installer and submitted with the notification form attesting that the installed location was selected to be the least visible from the street or adjacent neighbors.

3. **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.

The owner or occupant shall be responsible for the maintenance and repair of the Satellite Dish including, but not limited to, (i) reattachment of Satellite Dish, and any components thereof, within forty-eight (48) hours of dislodging, for any reason, from its original point of installation; (ii) repainting or replacement, if for any reason the exterior surface of the Satellite Dish becomes worn, disfigured or deteriorated.

Solar Panel guidelines

Per the Covenants no solar energy collector panels or attendant hardware or other energy conservation equipment, or electrical charging stations shall be constructed or installed on the exterior of any structure on a Lot unless as an integral and harmonious part of the architectural design of a structure, as determined in the sole discretion of the ARC. Based on the current designs Solar Panels are prohibited and this decision will continue to be reviewed until designs are more aesthetically pleasing to the community.

GUIDELINE #12: Business Use

General Guidelines

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 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, as may be determined in the Board's sole discretion.

Rental of homes for business use is strictly prohibited. This includes but is not limited to AirB&B, VRBO, or private rentals whether short or long term. Renting out a portion of a home for profit is also prohibited, examples include backyards, swimming pools or other amenities for-profit events (i.e. Swimply, etc.) renting garage or driveway space, or any other use of the property which can be construed as a for-profit rental.

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. Notwithstanding the above, the use of a Lot by an on-site management company operating on behalf of the Association shall not be considered a trade or business within the meaning of this subparagraph.

COVENANT ENFORCEMENT & FINE STRUCTURE

Apparent violations – as reported by any source – may be submitted to the Architectural Review Committee (ARC) for appropriate action. Should a management company be hired, they are to be the point of contact.

Fine Structure

Assessment of fines, as recommended by the ARC Committee and approved by the NFPHA Board of Directors, will be applied when a non-compliance of the Community Design Guidelines and/or protective covenants continues after due process has been given. Due process includes 3 warning letters, each 2 weeks apart, with opportunity to remediate the guideline infraction. A fine of up to \$50 per day will be assessed for non-compliance with the North Forke protective covenants (in particular, violations relating to location of garbage cans, multiple real estate signs, or commercial signs). A fine of up to \$50 per day may be assessed for violations of all other items listed in the Community Wide Standards. Section 15 of the Amended and Restated Declaration of Covenants entitled Authority and Enforcement provides the authority to implement and assess a fine when a violation continues to exist after due process has been taken. Removal of trees which cannot be replaced will be assessed a \$300/tree fine (plus replanting cost of ARC's required replacement) if removed without written ARC approval.

Failure to submit Request for Modification Form

Homeowners who modify property without first submitting a Request for Modification Form will be subject to a \$40 fine and required to complete the form within 7 days of notification to do so. Failure to submit a form within 7 days will be subject to an additional \$20 per day fine until the form is submitted.

In addition to fines, homeowners may also be required to undo all completed work that does not receive ACC approval.

Finable Violations – Non Structural Fineable offenses of a non-structural nature are defined as violations of the Community Wide Standards and/or protective covenants which can be remedied by maintenance, repair or removal of a non-structural item. Examples include, but are not limited to:

- Yard mowing and maintenance
- Unapproved exterior decorative objects such as bird baths, sculptures, statues, fountains, flower pots, artificial plants, whirligigs, and flag poles.
- Awnings
- Hot Tubs
- Exterior lighting, to include landscape lighting
- Exterior lighting, to include landscape lighting
- House painting (unapproved color change)
- All play equipment, playhouses, and tree houses
- Antennas and satellite dishes

- Trellises, permanent seating, and railings
- Multiple real estate signs and commercial signs
- Visible commercial, stored, wrecked, inoperable, or unsightly vehicles

Unapproved Structural Items. Structural items are those that require a greater expense by the homeowner by virtue of their size and value. These items include, but are not limited to, construction of garages, carports, porches, decks, room additions, swimming pools, driveways, detached buildings, patio/walkway coverings, and tennis or sport courts.

Enforcing Procedures

1. Confirmation of Violation. A minimum of two members of the ARC Committee will review the alleged violation and will confirm if a violation exists.
2. Written Notice of Violation. When substantiated, the homeowner in violation will be contacted in writing. A letter will be sent by regular mail from the Chair or Co-Chairs of the ARC (or designated management company). The letter will explain the violation, state the steps necessary to remedy the violation, and state the time period in which to either respond (in writing) and/or remedy the violation. Violations must be corrected within 14 days. The homeowner has a right to appeal to the Board, in writing, within 10 days from the date of the letter.
3. Final Warning before Fine Assessment. If after the lapse of the initial timeframe, the violation continues or the violation continues and there has been no written request for an appeal to the Board, a written final warning will be sent by certified mail to the homeowner from the Chair of the ARC (or designated management company). The letter will advise a final timeframe in which to complete the required corrective action and/or homeowner response, a notice of intent to fine, and the amount of the potential fine. The homeowner has a right to appeal to the Board, in writing, within 10 days from the date of the letter.
4. Referral to Board of Directors / Fine Assessment. If after the written Final Warning, the violation continues to exist (or continues and no ACC or Board approved corrective action has begun), or the violation continues and there has been no written request for an appeal to the Board (per the Final Warning Letter), then the matter will be referred by the Chair of the ACC to the NFPHA Board of Directors. After review and agreement among the members of the Board, a fine will be assessed and the homeowner notified in writing by an officer of the Board (or designated management company), by certified mail. Depending upon the nature of the violation, a fine of up to \$50 per day will be imposed until the homeowner corrects the violation and so notifies the ACC (or designated management company). Further, failure of the

homeowner to take Association (ACC or Board) required (action will be documented and result in any or all of the following sanctions being imposed:

- suspension of the right to vote in Association matters;
- suspension of the right to use the recreational facilities and/or common areas;
- recordation of notice of covenant violation with the superior court;
- correction of the violation by the Association (abatement) with all costs charged to the homeowner.

Legal Action. As a last resort, if the violation is still outstanding, then it may be necessary for the NFPHA Board of Directors to refer the matter to the

Association's attorney. A vote will be taken by the Board prior to this action and must receive majority approval of the members present at the Board meeting. In order to enforce the guidelines and covenants, a lawsuit may be filed. Failure to pay assessed penalties or cost attributed to Right of Abatement will result in alien placed upon the property for all fines and costs, including but not limited to legal fees to correct the violation.

Repeated Offense .

If a violation is corrected by a homeowner and the same violation is repeated **Within 18 months** or has occurred within 18 months prior to the implementation of these amended Guidelines, the enforcement procedure will be by-passed and a fine will be assessed. Depending upon the nature of the violation, a fine of up to \$50 per day will be imposed until the homeowner corrects the violation and other sanctions may be imposed.

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 the ACC for assistance.

All Forms can be found on the website: www.northforkeplantation.com

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.

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