

Design Guidelines for Hearon Pointe Subdivision

Johnston County, NC

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ARTICLE 1: OVERVIEW

Hearon Pointe Subdivision was designed to provide lasting community value and exceptional quality of life. To preserve these values, a set of standards was created to ensure consistency and quality.

These Design Guidelines (“Design Guidelines” or “Guidelines”) provide the adopted standard for the Hearon Pointe community. These standards are intended to serve as a consistent set of guidelines for new construction and exterior changes. When planning a new building, fence, landscaping, or exterior change, please refer to these Guidelines.

The Design Guidelines act as a supplement to the ***Declaration of Covenants, Conditions, and Restrictions for Hearon Pointe Subdivision*** (“Declaration”). Where conflict between the Guidelines and the Declaration may exist, the standards of the Declaration shall control. Please read the Declaration in addition to these Guidelines.

Owners are responsible for repairs to existing structures, landscape, paint, turf grass, additions, etc. **No application is needed to effect repairs and restoration to the original condition.** If you are unsure or have questions, please contact the Homeowner’s Association regarding whether an application is required.

Please retain these Design Guidelines as part of your permanent papers for reference and provide them to future owners of your home. Pursuant to the requirements set forth in the Declaration, you **MUST** obtain approval **IN WRITING** from the Architectural Review Board **BEFORE** the start of any exterior change. Do not commit to labor or materials until you have received written approval.

PROCESS

Planning a change to your home’s exterior? Building a new fence, or planting a new row of hedges? Adding a shed or trampoline? Most changes require approval by the Architectural Review Board (“ARB”). The process is simple!

Don’t buy any materials or make any changes until receiving written approval!

Step 1: First, review “Article 3” to understand the Review Process.

Step 2: Head to the Table of Contents to find the Article and Section that best fits your project description. Read these standards carefully!

Step 3: Submit your application to the ARB as described in the Review Process. The ARB will review and provide written approval or denial, or let you know they need more information.

Step 4: Once you have written approval from the ARB and any other required agency approvals (such as building permits), you may begin!

ARTICLE 2: RESPONSIBILITIES

2.1 Homeowners

Each homeowner has the responsibility to read and understand the Design Guidelines and the Declaration or ask for clarification from the Architectural Review Board (“ARB”) or the Board of Directors. Homeowners proposing to make external changes to their property shall complete and submit an Architectural Request Form to the Association in accordance with the standards set forth herein. Each homeowner is responsible for the adherence to the policies, standards, and control measures established by the Association and Board of Directors. Problems or violations should be reported to the Association.

2.2 Architectural Review Board

The Architectural Review Board (or “ARB”) is responsible for reviewing architectural requests, making site inspections of requested modifications (before and after if required), and offering recommendations or changes to the Board of Directors regarding the Design Guidelines.

Per the Declaration, the architectural Committee has up to sixty (60) calendar days to officially respond to an Architectural Review Board request. It is imperative that each homeowner plan to allow for the time required.

Each Architectural Review Board request will be reviewed and approved on its individual merits. Previous approval of a similar request does not guarantee future approvals on current or additional properties. The Architectural Review Board will notify the homeowner of the approval/rejection of the request. The Architectural Review Board will provide completed and approved/rejected requests to the Board of Directors for inclusion in Board meeting minutes and for filing.

Pursuant to the Declaration, the Declarant or its designee(s) shall act as the Architectural Review Board until such time that all dwellings have been constructed upon all of the Lots and conveyed to Owners other than Builders, or until such time the Declarant or its designee shall delegate such responsibility to Members of the Association.

“Each homeowner is responsible for the adherence to the policies, standards, and control measures established by the Association and Board of Directors.”

ARTICLE 3: REVIEW PROCESS

3.1 Approval Required

Written approval is required from the Architectural Review Board for the following:

- New building or other structure, including garage, shed, or other accessory structure
- New location of a building or structure
- Alteration of a building or structure
- Site work (including staking, clearing, excavation, grading, and other site work, exterior alterations of existing improvements, or planting and removal of landscaping)
- Decks, patios, driveways, walkways
- Signs and flags (however, see “exempt” signs and flags below)
- Basketball hoops, swing sets and similar sports and play equipment
- Garbage cans (when stored outside)
- Woodpiles
- Major landscaping
- Swimming pools
- Walls
- Dog runs and animal pens
- Fences
- Satellite dishes and antennas
- Alteration in the exterior appearance of any building or structure, including exterior color or finish
- Other site improvements or uses as determined by the Architectural Review Board

Applications may be acquired from the ARB.

The ARB has 60 calendar days to review a complete application.

Authorization is not official until a written approval is provided.

Please also review Article VII of the Declaration for more details about the review process.

Exempt from review:

- Repairs and restoration to the original condition
- North Carolina or United States flags, political signs, seasonal décor, and antennas which meet the standards set forth herein
- For Sale and Open House signs that meet the standards set forth herein
- Items as noted in these Guidelines as exempt from review or as determined by the Architectural Review Board

3.2 Builder / New Home Construction Application Process

The information in this Section 3.2 is specific to builders developing new homes. Homeowners seeking approval for modifications or additions to their property should review Section 3.3, below.

3.2.1 Required Materials

Architectural Review Board approval is required prior to commencement of any new development. The builder shall submit all required materials to demonstrate compliance with the Design Guidelines. An Architectural Review Application is required to accompany all required materials. The Architectural Review Board review will cover elements relating to site planning, exterior design and landscape, and all other provisions covered in the Design Guidelines and any other applicable Governing Documents. In some circumstances, additional information may be required in order to fully describe proposed development.

3.2.2 Modifications to Approved Plans

All changes to an approved plan, including changes to landscaping, color, or architectural details, must be approved in writing by the ARB.

3.2.3 Responsibility to Comply with Other Regulatory Agencies

In addition to conforming with the principles of the Design Guidelines, it will be the responsibility of the builder to also meet all applicable local, state, and national regulations. This includes, but is not limited to, zoning, health and safety standards, building electrical, plumbing, mechanical, structural, accessibility, and fire codes.

3.3 Homeowner Application Process (Modifications / Improvements)

All proposals not related to construction of a new home must follow this process.

3.3.1 Process

Approval from the Architectural Review Board is required prior to commencement of any changes to Lots, except as may be exempt within the Governing Documents. Applicant shall submit a completed Architectural Review Application and attach all required exhibits.

The process for review and approval is as set forth in Article VII of the Declaration. Homeowners should review this Article. Per the Declaration, the architectural Committee has up to sixty (60) calendar days to officially respond to an Architectural Review Board request. It is imperative that each homeowner plan to allow for the time required.

Each Architectural Review Board request will be reviewed and approved on its individual merits. Previous approval of a similar request does not guarantee future approvals on current or additional properties. The Architectural Review Board will notify the homeowner of the approval/rejection of the request.

Approval from the Architectural Review Board shall be received PRIOR to applying for a building permit.

3.3.2 Required Materials

Items listed below may not be applicable to every project, and the Architectural Review Board may require more or less information depending on the scope of the project.

In most cases, the documents need not be professionally prepared, but may be drawn as a sketch, photos provided, etc., so long as the scope and impact of the request is clearly depicted. Required materials include:

Completed Architectural Review Application

Applicant shall include a completed Architectural Review Application.

Impervious Surface Calculations

Impervious surface calculations *should be* included on site plans for projects increasing the impervious surface on the Lot, to ensure maximum impervious surface area is not being exceeded. However, the Architectural Review Board is not responsible for, and does not specifically review, impervious surface requirements. Such review is left to the jurisdiction of the County.

Site Plan / Plot Plan

Applicant shall include a site plan (may be hand-drawn or an aerial image) indicating proposed additions/alterations to anything within or on property boundaries and easements. Depending on the scope, this may include but is not limited to impervious surface limits (driveways, walks, patios, etc.), existing trees to remain (and any proposed to be removed), grading and drainage, house and garage or accessory building footprints and setbacks, garage and driveway locations, all porches, patios, decks, air conditioning, etc., the location, length, height, and design of all screen walls, retaining walls and/or fences, and the location, height, and design of any other features, including, but not limited to, satellite dishes and solar panels. Easements, septic systems, etc. should be considered and shown if work is taking place on or near such areas.

Landscape Plan

The Landscape Plan, if required, shall indicate impervious surface limits (driveways, walks, patios, etc.), location of all proposed planting areas, plant materials, and other proposed and existing improvements, such as patios, decks, retaining walls, walkways, fences, shade structures, irrigation systems, and drainage plan (in greater detail than site plan). If applicable, existing trees to remain on lot will also need to be shown. Easements, septic systems, etc. should be considered and shown if work is taking place on or near such areas.

Floor Plans (for additions, as applicable)

Floor plans shall include the existing house dimensions and footprint, including square footage, all proposed additions, room layout of addition, location and size of new doors and windows, and the square footage for each addition.

Elevations (for accessory buildings, additions, or changes to the exterior architecture)

Elevations shall include views of all sides which show the architectural style of the proposed addition, new building, or existing home with proposed changes clearly called out. Details may include but are not limited to the following depending on the scope of the project: materials, placement of windows and doors, trim details, eave and fascia details, chimneys and flue cap details, entry and garage doors and trim, existing and proposed grades, decks, columns, posts and railings, vent locations, gutter and downspout style and locations, and a description of all exterior materials, finishes and colors, exterior lighting fixtures, roofing, chimneys, skylights and solar panels. It should be remembered that the design of all elevations, not just the front, are important.

Finishes

Specific colors to be used shall be submitted along with list of materials for exterior walls, trim, doors, windows, and roof, including the name, color and number of the material. Include detailed information on chimney caps, any solar panels and skylights, exterior fixtures, etc.

3.3.3 Responsibility to Comply with Other Regulatory Agencies

In addition to conforming with the principles of the guidelines, it will be the responsibility of the homeowner to also meet all applicable local, state, and national regulations. This includes, but is not limited to, zoning, health and safety standards, building electrical, plumbing, mechanical, structural, accessibility, and fire codes.

3.3.4 Site Visits

The Architectural Review Board reserves the right to conduct periodic site visits to ensure consistency between what is built with what was originally submitted. Any visible deficiencies or deviations in construction from the approved plans which are considered to be not in compliance with the Design Guidelines will be reported in writing to the homeowner. The homeowner will respond in writing within ten (10) days of notification of their intention to rectify the problem.

3.4 Governmental Agency Approvals

Approval from the Architectural Review Board does NOT constitute or replace approval by Johnston County or any other governmental entities or agencies. Please contact appropriate entities for approval (including but not limited to building permits, zoning permits, septic permits, and similar approvals).

ARTICLE 4: DESIGN AND USE STANDARDS

4.1 Land Use and Building Type

No Lot shall be used except for single-family residential purposes; provided, however, Builders may use any Lot owned by Builders as a temporary sales office and/or model for the purposes of carrying on business related to the development, improvement and sale of property in the Properties. The temporary sales office may be a trailer and shall not be required to have a foundation.

No structures shall be erected or allowed to remain on any Lot except one detached single-family dwelling, a private (enclosed) garage, and any such accessory buildings as may be approved in writing by the Declarant or the Architectural Review Board, as the case may be.

4.2 Lot Design

4.2.1 Impervious Surface

Each lot shall be limited to the impervious surface shown on the subdivision plat as approved by Johnston County. This limit will include the building envelope and any accessory building or hardscape, so all must be considered in the overall lot layout.

Methods for calculating impervious surface shall be consistent with those used by Johnston County.

4.2.2 Natural Features

Trees and landforms should be preserved whenever possible. The Architectural Review Board shall consider preservation of existing trees when reviewing builder and homeowner architectural review applications.

4.2.3 Building Setback

Any house, garage or other approved building constructed on any Lot shall be constructed with the setback requirements set forth in the approved subdivision plans.

4.2.4 Porches, Stoops, Balconies, and Decks

Porches, stoops, balconies, and decks shall be required to adhere to setback requirements as listed on the approved subdivision plans.

4.2.5 Accessory Buildings

No accessory building of any nature whatsoever (including, but not limited to, detached garages and storage buildings) shall be placed on any Lot without the prior written approval of the Declarant or the Architectural Review Board, either of which shall have sole discretion relating to the location and type of accessory building which shall be permitted on any Lot.

Accessory buildings shall be located rear of the dwelling, except that detached or partially detached garages may be placed in side yards. The Architectural Review Board may approve accessory dwellings in side yards on a case by case basis if site topography or other unique features make this a desirable location.

Article 4 is divided into multiple sections and most questions about what is or isn't allowed can be answered here.

Please review Article 4 in its entirety, as there may be multiple factors that affect the allowed design (for example, 4.2.5 describes where accessory buildings may be located, but 4.3 explains the allowed materials).

Acceptable accessory building uses include:

- Garage
- Workshop
- Studio
- Storage
- Garden Shed

Smaller accessory structures, such as playhouses, doghouses, and chicken runs are permitted without written approval of the Architectural Review Board. Landscape screening may be required. Such structures must be located in the rear yard.

Temporary structures are prohibited.

4.2.6 Driveways and Walks

Driveways shall extend at least 25 feet from the property line, or sidewalk if present, to prevent vehicle overhang.

4.3 Building Specifications, Architecture and Materials

Architectural and material requirements are outlined below. Changes to colors of buildings or architectural elements must be approved by the Architectural Review Board.

4.3.1 Dwelling Size and Height

No dwelling shall be erected or allowed to remain on a Lot, having an area of the main structure, exclusive of open or screened porches, breezeways, carports, steps, garages and decks, of less than 1,800 square feet.

Dwellings shall not exceed two and one-half (2 1/2) stories in height, exclusive of basement.

4.3.2 Architectural Diversity

To provide visual interest in the community, no home architectural design or primary color shall be replicated within the house on either side of the subject house. However, because some lots may be larger or have natural vegetation such that visual interest is naturally created, this requirement may be waived by the Architectural Review Board on a case by case basis.

4.3.3 Siding Materials

Wall materials allowed will include: standard-size brick, natural stone and synthetic stone, wood clapboard, and fiber cement siding (such as hardi-siding). Vinyl siding is permitted but must be at least .042 inches thick.

Other materials must be approved in writing by the Declarant or the Architectural Review Board, as the case may be.

4.3.4 Corner Lots

Corner lots shall pay attention to detailing on elevations facing the street. Enhanced detailing and window treatment used on the front elevation are recommended to be carried around to the side elevation that faces the secondary road. Wraparound porches are encouraged. If possible, the garage and driveway shall be placed away from the intersection.

4.3.5 Porches, Stoops, Balconies, and Decks

All porches, stoops, balconies and decks should be integrated into the overall design of the house and scaled appropriately.

Detailing should match the architectural style chosen and also add visual interest to the building.

Porches shall be painted or stained.

Two-story porches are permitted.

Porches shall be constructed of concrete, wood, brick, etc.

Porches shall not be constructed of mill-finished aluminum. Porches may be constructed on pressure treated wood as the structural elements and covered with painted/stained finished wood exterior trim.

Concrete porches shall be veneered in brick, wood lattice, or other veneer.

Rail, balusters, and spindles allowed for all front and side applications will include painted or stained wood, brick, and metal (including cable rail if the appearance matches the style of the house). In addition to the materials previously listed, synthetic materials from manufacturers will also be allowed under Architectural Review Board approval. All materials shall be consistent with the architectural styling of the house.

Railings of side steps shall match or complement the railing of front porch.

Screening will be required under any deck that exceeds two (2) feet in height above ground. Screening may include landscape plantings and/or lattice. Lattice should be wood (2"x2" minimum suggested), vinyl allowed if having the three dimensional appearance of wood (flat vinyl is not allowed).

Flooring on front porches will be a painted or stained material including wood, composites (Trex, Geodeck, Eon) or masonry (brick, slate, etc.).

4.3.6 Garages

One garage is permitted and shall be capable of containing not less than two (2) nor more than three (3) mid-sized cars.

Garages have the option of being attached to the building, partially attached, or detached.

Garages shall be constructed of the same materials and colors as the main building.

Garages shall be built onsite with a stem wall foundation.

All garages shall have upgraded garage doors including all of the following:

- Glass window inserts are required on all garage doors.
- Decorative hardware

The color of the doors should be complementary to the colors of the home.

Garages may not exceed the height of the dwelling.

Detached and partially detached garages are considered accessory buildings.

While not required, it is recommended that front facing garages not extend past the front elevation of the house to ensure the garage is secondary to the primary mass of the house.

4.3.7 Accessory Buildings

Acceptable accessory buildings include:

- Garage
- Workshop
- Studio
- Storage
- Garden Shed

While a garage is considered an accessory building, garages shall be consistent with the standards set forth in Section 4.3.6, while all other accessory buildings shall follow the guidelines set forth below.

Accessory buildings shall be constructed of the same materials and colors as the main building. Materials that mimic the main building materials are permitted.

Accessory buildings shall not exceed 180 square feet (as noted above, garages are not held to these standards but are instead regulated in Section 4.3.5).

No more than three (3) accessory buildings may be present on a Lot.

Very small structures such as dog houses or small animal coops do not require approval provided they are constructed of high quality materials and are screened from view from the road. Structures which violate the intent and standards of these Guidelines may require removal, at the discretion of the Architectural Review Board.

Accessory buildings may not exceed the height of the dwelling.

Manufactured homes are not permitted as accessory buildings.

If accessory buildings are not placed directly on the ground (for example, if placed on skids), they shall have lattice, veneer, or other screening around the entire structure's foundation to provide an appearance of permanence. Such veneer shall be consistent with the materials on the home. Landscaping may be used as a screening material.

4.3.8 Roofing

The standard material shall be roof shingles, though other high quality materials could be approved on a case by case basis. Roof shingles will carry a minimum 25-year warranty. Standing seam metal roofing will be allowed as a secondary roofing material.

All vent stacks, gas flues, and roof vents should be located on the rear slope of the roof wherever possible. Homeowners should consider prefinished materials to match the roof color but this is not a requirement.

4.3.9 Gutters

Gutters, downspouts, and flashing shall complement the architecture and colors of the home. Alternative materials such as copper will be allowed if architecturally appropriate.

4.3.10 Chimneys

Chimneys located at the front elevation, extending through the roof from the center of the house, or on the side of a house on a corner lot will be made of masonry and any kickout would be required to continue down to the foundation. Chimneys on the sides of houses on interior lots or the interior side (opposite the side facing the road) on corner lots may be boxed out and finished with siding as approved by the Architectural Review Board. Chimney flues shall be constructed of metal or tile.

4.4 Swimming Pools, Hot Tubs, and Spas

All proposed swimming pools, jacuzzis, spas, and hot tubs must be submitted to the Architectural Review Board for review and action prior to construction. Submittal should also include the deck, fencing design and layout, materials and equipment. Landscape screening and enhancement of the pool, hot tub, and spa areas may be required. Owners may be required to install safety features such as locks or covers for these items when not in use. All state and any local code regulations must also be met.

All swimming pools must be located to provide minimal visual impact to surrounding property and streets. All pumps, filters and equipment must be screened from street and adjacent property view. Any swimming pool shall be an integral part of the deck or patio area and/or the rear yard landscaping. Any pool shall be located in the rear yard.

4.5 Easements

Each Lot may have utility, drainage, and planting easements as shown on the recorded plat or as described in the Governing Documents. Fences may be placed in utility and planting easements so long as drainage, required landscaping, and other features are not adversely impacted. Fences may not be placed in drainage easements.

4.6 Nuisance

No noxious or offensive activity shall be conducted upon any Lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood including, without limitation, the storing or parking of inoperative motor vehicles or the maintenance of or repair to motor vehicles except within completely enclosed garages constructed in conformity with these covenants and applicable laws and ordinances.

4.7 Mechanical Equipment and Above-Ground Fuel Tanks

4.7.1 Screening and Placement

All exterior mechanical equipment, including above-ground fuel tanks, shall be screened from exposure to streets or adjoining lots. This includes HVAC units, condensers, meters, satellite dishes, above ground fuel tanks, etc. Equipment shall be placed in low-visibility areas. Approval from the ARB shall include approval of a specific location and screening material.

Screening of free-standing equipment such as HVAC units and fuel tanks need not provide 100% screening but must soften the visual impact of the equipment, and may consist of landscaping materials such as shrubs.

All meters shall be located on the least visible side, or rear of the house.

Dryer vents shall be on the side or rear of the house.

4.7.2 Antennas

Permitted Antennas

No rule shall regulate or prohibit:

- (1) an antenna that is one meter or less in diameter and used to receive direct broadcast satellite services, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite; or
- (2) an antenna that is one meter or less in diameter or diagonal measurement and designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite; or
- (3) an antenna that is designed to receive television broadcast signals.

Requirements as to location and screening may be set forth in these Guidelines below, in order to minimize obtrusiveness as viewed from streets and adjacent property, consistent with the Federal Communications Commission's Over-the-Air Reception Devices rule, 47 C.F.R. 1.4000 adopted pursuant to the Telecommunications Act of 1996, as amended from time to time.

Declarant or Association Rights

Declarant and/or the Association shall have the right, without obligation, to erect an aerial, satellite dish, or other apparatus for a master antenna, cable, or other communication system for the benefit of all or a portion of the Properties, should any master system or systems be utilized by the Association and require such exterior apparatus.

Antenna Size and Location

No satellite dish shall be installed which exceeds 40 inches in diameter.

A satellite dish or antenna otherwise permissible under these Guidelines may be installed without the written approval of the Architectural Review Board provided that such antenna or satellite dish is installed on the roof of the house and is invisible from any adjacent street.

Antennas or satellite dishes shall be placed in such a way as to minimize visual disturbance from adjacent streets or neighboring properties. Residents seeking to install a satellite dish or antenna at some location other than the roof of the house and/or is visible from an adjacent street but otherwise permissible under these guidelines must seek Architectural Review Board approval. Such requests shall include a description of screening by materials such as lattice or landscaping and shall be installed at the location least visible from any adjacent street necessary to receive or transmit acceptable quality signal.

Number of Antennas

No more than one satellite dish or antenna may be installed unless more than one satellite dish or antenna is necessary to receive the desired service(s), the basis for the necessity of multiple satellite dishes or antennas is confirmed in writing to the Architectural Review Board, and one or more satellite dishes or antennas are removed as soon as the applicable service(s) are terminated.

4.7.3 Solar Collectors

All solar collectors require Architectural Review Board approval. A drawing showing location of the unit on the roof must be submitted to the Architectural Review Board. Solar collectors shall be located as inconspicuously as possible. Whenever possible, collectors should be placed on the rear of the home or on the side that has the least public exposure. If collectors will be placed on front of the home, a higher standard architectural panel may be required. Collectors shall be attached only to the roof, not free standing or ground mounted. If possible, the plumbing and supports for the collectors should be camouflaged and all metal parts painted to match the roof color. There shall be a minimum exposure of piping. The ideal installation is one that is laid flat on the roof. No topping or removal of trees on association common areas or within planting easements shall be allowed.

4.7.4 Exterior Lighting

Security lighting is permitted if it conforms to the overall design of the house. It should be attached and directed in such a way to avoid unwanted illumination carrying over to adjacent lots.

Lighting must be uniform in color around the perimeter of the home.

Lamps must be shielded and directed to prevent glare or spill-over of light onto neighboring properties.

Solar and outer landscape lighting will be reviewed and approved by the Architectural Review Committee on a case-by-case basis.

4.8 Mobile Homes, Manufactured Homes, etc.

No mobile home, manufactured home, modular home, trailer, or other like structure shall be located or installed on any Lot. As used in this document, mobile home, manufactured home or modular home shall mean a structure, assembled in whole or in part in a location other than on the Lot itself, transportable in one or more sections, any section of which, during transport, is four (4) feet or more in width and ten (10) feet or more in length, which may or may not be built on a permanent chassis and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Notwithstanding the preceding, a temporary sales trailer without foundation may be used on any Lot during the development and marketing of the Properties.

4.9 Parking

4.9.1 On-Street Parking

Residents must park their vehicles in the garages or driveways. The use of the garage for storage or other use does not warrant the use of on-street parking for residents except as a temporary use. Overnight parking on the street by residents is not permitted.

Guests of a resident may park their vehicles on the street provided that the resident and guest have utilized all available parking spaces in the garage or driveway serving the unit where the resident lives.

4.9.2 Parking in Yards

Parking in yards or anywhere not delineated as a parking area on the approved site plan is prohibited. All parking areas must be approved by the Architectural Review Board and constructed per the requirements of these Design Guidelines and any other governing agencies.

4.9.3 Type of Vehicles Allowed

No commercial vehicles, trailers, boats, recreational vehicles, junked, dismantled, wrecked, unregistered or abandoned vehicles may be parked on any Lot without the prior approval of the Architectural Review Board, except that such vehicles may be parked in the enclosed garage.

The Architectural Review Board may require screening or other such requirements to reduce the visual impact of such vehicles but shall not be obligated to allow such vehicles.

If screening or placement to avoid visual impact is required as part of the approval by the Architectural Review Board, the approval shall include an approved site plan with the location of the parked vehicle as well as location and type of any screening.

For the purposes of this Section, “commercial vehicles” shall be defined as trucks or vans with commercial writing on their exteriors or vehicles primarily used or designed for a commercial purpose, and vehicles with advertising signage attached or displayed on such vehicle’s exterior, but shall not

include passenger vehicles with identifying decals or painted lettering not exceeding a total area of one square foot in size or official vehicles owned by governmental or quasi-governmental bodies.

During construction of a dwelling, Builders shall be allowed to park construction vehicles on the Lot; however, Builders shall be responsible for re-grading, re-seeding, or re-mulching any areas damaged by construction parking.

4.9.4 Parking in Common Areas

Parking of vehicles overnight in Common Areas is prohibited, except that occasional overnight guest of an Owner or occupant of a Lot may park their vehicles in such areas, if any, which the Board has designated for parking, but only while staying in the dwelling and only in places designated by signage or painted lines as parking spaces. Bicycles may be parked or left in the common areas only on bicycle racks provided by the Association. Neither the Declarant nor the Association shall have any responsibility or liability for theft, vandalism, or other loss or damage to vehicles or contents of vehicles parked or left in the Common Area at any time.

4.10 Use of Common Area and Amenities

Residents and their guests using any amenity – including but not limited to any playground, walking trail, pool, etc. – or common area owned by the homeowner's association must abide by the following rules as well as any additional rules posted at the amenity or common area:

- All amenities and common area may be used by the residents or their guests at their own risk;
- Amenities and common area may be used from dawn until dusk unless otherwise signed;
- Playground equipment is reserved for children 12 years and younger;
- Vandalism, defacement, or destruction of any part of the amenity or common area is prohibited;
- Failure of any resident or their guests to comply with these guidelines, any other rules, of the community, or any requirements of the covenants for the community may result in the loss of privilege to use the amenities.

4.11 Animals

No animal, livestock or poultry of any kind shall be raised, bred, kept or allowed to remain on any Lot other than the usual and common household pets and chickens as noted below, with the following standards:

- a) no more than four (4) dogs may be kept by an Owner, and any dogs that are kept shall be housed inside the Owner's home;
- b) no pets shall be kept, bred, or maintained for any commercial purposes;
- c) household pets must be kept and contained on an Owner's property within an approved fence enclosure or coop, to be approved in writing by the Declarant or Architectural Review Board;
- d) no animals shall be kept, chained or tied to a stake of any kind;
- e) no person shall keep, permit and/or cause the keeping of any animal otherwise allowed which habitually or frequently makes such sounds, cries or other utterances as may disturb the quiet, comfort or repose of any person with the Properties (by judgement of the Board);

- f) any pet that is not on the Owner's premises shall be on a leash and accompanied by a responsible person;
- g) no "runs" or tethered animals shall be erected or permitted on the Properties;
- h) no pot-belly pigs may be kept on any Lot;
- i) animals shall not create a nuisance (by judgement of the Board) by odor, animal waste, or any other reason; and
- j) up to five (5) chickens may be permitted (hens only; roosters shall be strictly prohibited) but shall be kept in a fully enclosed coop, which must be approved by the Architectural Review Board. Coop shall be built of high quality materials and shall be located in the rear yard.

The Owner responsible for an animal being on the Properties shall promptly clean up or remove from any portion of the Properties not owned by such Owner all solid bodily wastes from that animal.

4.12 All-Terrain Vehicles

No all-terrain vehicles, dirt bikes or go-carts will be permitted to operate on any street or Lot within the subdivision. Golf carts that are properly authorized for operation on public streets and operated by a licensed driver may be driven within the Properties, however.

4.13 Landscaping

4.13.1 Generally

Native and drought-tolerant species are encouraged to conserve water, reduce or eliminate the need for pesticides and fertilizers, and minimize maintenance.

Development should preserve existing vegetation and minimize disturbance and compaction of existing soil structure wherever feasible.

4.13.2 Review Required

Approval by the Architectural Review Board is required for all plantings associated with new construction of a home, as well as planting of large trees or major landscaping projects by homeowners.

Modification of any plantings within the planting easements requires architectural review.

Major landscaping is defined as any of the following, and must be submitted for architectural review:

- a) Landscaping that changes topography or impacts the grading
- b) Mass plantings and/or hedges
- c) Retaining walls, stonework or fencing
- d) Large Landscaping borders
- e) Significant landscape lighting and yard lamps
- f) Large "Yard Art" (statuary, benches, fountains, arches, banners, etc.) (also see Section 4.19)

Minor landscaping activities, such as naturalization of an area of the yard, planting trees, shrubs (except mass plantings) and flowers, and modifying planting beds, do not require approval, unless they involve changes to the contour of the land.

As noted above, large-scale plantings and planting of hedges must be submitted as a landscaping plan to the Architectural Review Board. Individual plantings generally do not require approval.

If cumulative individual plantings over a period of time result in a yard becoming overplanted and overgrown in the opinion of the Board, the homeowner in question may be required to remove some trees or shrubs to create a more properly scaled landscape.

4.13.3 Lot Development / New Home Construction

Approval by the Architectural Review Board is required for all plantings associated with new construction of a home.

At initial construction, lots shall have sod placed in the front yards and corner lots shall be required to have sod on the side lot property lines that parallel the road right of way from the edge of pavement to the top of the back slope of the street side ditch line.

4.13.4 Required Planting Areas

Foundation plantings are required along the face of any structure oriented toward a street. The extension of additional plantings is encouraged. Landscape beds consisting of foundation, shrubs and groundcover plantings around the entire perimeter of all structures are encouraged.

The entire area of the lot not occupied by structures or paving shall be landscaped with plants or lawn grasses unless within the drip line of a tree preservation area (these areas must be mulched as a minimum).

Plantings required as part of the Johnston County approval of the subdivision shall be installed using the specifications on the approved Landscape Plan for the subdivision.

4.13.5 Species

Initial plantings associated with new construction shall follow any applicable approved landscape plans. When species are not listed, builders may choose species, though final decision shall be that of the Declarant or Architectural Review Board. Native or native-friendly species are recommended.

Non-required planting species may be selected by the homeowner. Native plant species are encouraged.

Invasive species as identified as “Rank 1” or “Rank 2” by the North Carolina Native Plant Society are prohibited and must be removed if planted. (See <http://www.ncwildflower.org/invasives/list.htm>)

4.13.6 Planting Size Requirements

Plants and trees required as part of the approved Landscape Plan shall be planted at the size specifications as shown on the approved Plan.

Replacements of damaged or dead required plants (those shown on the initial approved Landscape Plan) shall be at a minimum the initial required planting size.

Initial Plantings: Required plants installed by the builder, Association, declarant, or other entity at the initial site or Lot development shall meet the following size requirements for all plantings. Residents providing additional non-required plantings on their Lot shall not be required to meet these requirements unless part of a screening requirement, which may carry its own size requirements.

- Shade Trees: Minimum installed size – two (2) inch caliper or eight (8) feet in height
- Evergreen Trees: Minimum installed size - six (6) feet in height
- Ornamental Trees: Minimum installed size - 1 1/2” caliper or eight (8) foot height for multi-stemmed trunks

- Foundation Plantings: Minimum installed size - 24 inches height and three (3) feet on center

4.13.7 Drainage and Grading

There shall be no interference with the established drainage pattern over any property except as approved in writing.

Owners may make minor drainage modifications to their lots provided they do not alter the established drainage pattern.

The routing of all underground piping as it relates to gutter and downspout locations on the primary residence and any accessory building must be submitted for review.

4.13.8 Planting in Utility Easements

No trees shall be planted within this easement.

Shrub and groundcover beds may extend into this area. However, if utility maintenance and/or access is required, replacement of any damaged plant material will be the responsibility of the homeowner.

4.13.9 Vegetable Gardens

Vegetable gardens must be located wholly in the back portion of the lot, or in the side yard if located behind a fence or other screening. Maintenance of the garden is required, and excess debris and dead plant material must be removed at the end of the growing season.

Vegetable gardens that comply with these guidelines do not require architectural review.

Vegetable gardens may be considered in front or unscreened side yards on a case by case basis by the Architectural Review Board.

4.13.10 Maintenance

All residents must:

- mow their grass on a regular basis during the active growing seasons and “as frequently as needed” during the remainder of the year to maintain a neat and tidy appearance;
- regularly trim and/or prune plants and shrubbery along sidewalks, walking paths, driveways, walkways, fences, plant screenings and landscaping beds “as frequently as needed” to maintain a neat and tidy appearance;
- remove dead plant materials promptly and replant at appropriate times of the year;
- clear sidewalks or walking paths of any branches or limbs extending into these walking spaces;
- seed or reseed bare spots in lawn grass, and reseed the lawn as reasonably necessary during appropriate times of the year to maintain the aesthetics and overall health of their lawn;
- clear sidewalks and walking paths of any stones, rocks, mulch, or decorative items which may cause unsafe conditions; and
- maintain street trees located within the planting easement as provided for in 4.13.11.

“Topping” of trees is prohibited.

4.13.11 Street Trees and Buffer Areas

Street trees within the planting easement and buffer plantings shall not be removed or replaced without approval of the Architectural Review Board.

Street trees shall be replaced by the Association if they die or otherwise require removal, except that homeowners shall be responsible for the cost of the tree replacement if removed or damaged extensively by the homeowner.

Street trees shall be actively maintained by the Association for a minimum of one year after planting, including provisions for regular watering and staking of trees. Pruning shall be conducted as needed to ensure healthy growth and reduce future maintenance needs.

Street trees shall be generally maintained by the homeowner, including trimming as needed to remove dead wood, except for the first year of watering and maintenance, which is the responsibility of the Association.

“Topping” of trees is prohibited.

Buffer areas as shown on the approved plans are common areas and shall be maintained by the Association.

4.14 Fences

4.14.1 Fences - Generally

No fence shall be erected or maintained on any Lot until the proposed fence design, color, and location have been approved in writing by the Architectural Review Board. Refusal, or approval, of design, color, or location may be based by the Declarant or the Architectural Review Board upon any ground(s), including purely aesthetic considerations, which is the sole and uncontrolled discretion of the Architectural Review Board. No alteration to the exterior appearance of any fence shall be made without like prior written approval by the Architectural Review Board.

4.14.2 Fence Construction and Materials

Allowed materials:

- Wood
- Metal (shall be painted or powder-coated gloss or semigloss black)
- Brick and stone
- Vinyl fencing is permitted on a case by case basis

Wood fences may be painted, stained or sealed. The color, stain or seal should match, complement, or contrast the home's color scheme in an aesthetically pleasing fashion.

Chain link and roll wire fencing are not permitted. Black vinyl chain link fence may be allowed on a case by case basis by the Architectural Review Board for the rear property lines of lots facing unimproved, permanently preserved open space areas (such as riparian buffers).

Construction

Fences shall run with the slope by means of a sloped frame. Stepped fences are prohibited.

Wood fences shall be constructed on site and shall not be constructed of pre-made “panels.”

Fences shall not impede stormwater flow.

Fences shall be of a high quality construction and portray a sense of permanence.

Height

Privacy fences shall be a maximum of six (6) feet in height and shall be located in the back yard. Privacy fences should tie into the back corner of the house.

Alternatively, privacy fences may instead tie into the side of the house (the result being a portion of the side yard is fenced in). In such cases, the fence shall be set back a minimum of ten (10) feet from the front face of the house.

Fences located in the front yard shall be a maximum of three (3) feet in height and shall be decorative in nature (such as a picket fence).

4.14.3 Fence Location

Distance from Property Line

Fences are permitted along property lines or may be used to enclose a smaller portion of the Lot.

Fences located along side and rear property lines are encouraged to be installed either on the property line or a maximum of six (6) inches from the property line, with the following exceptions:

- If a drainage easement exists between lots, fence shall not be located in the drainage easement.
- Fences on corner lots have increased setback requirements (see below)

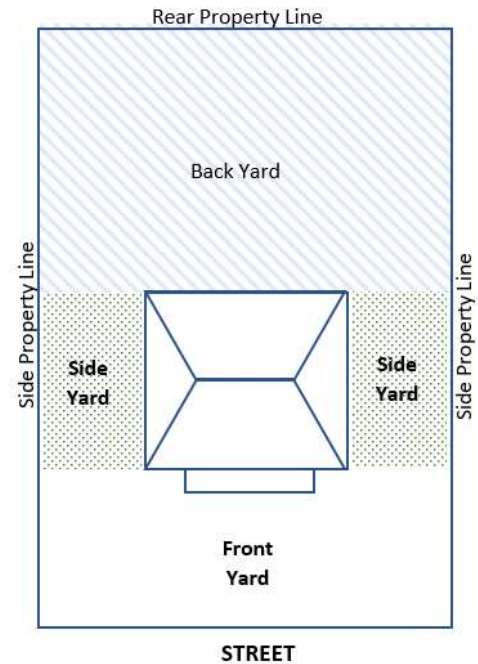
Tie-Ins and Distance Between Fences

When located along a property line, homeowners are encouraged to tie in to fences of the adjacent property. Such common use fences shall be maintained by the original installer/lot owner.

If fence does not tie into the adjacent fence, a minimum of three (3) feet is required between fences for a maintenance strip, and maintenance of the grassed area and fences shall be the responsibility of the respective homeowner(s). Grass and weeds in this area shall be maintained in a neat and tidy condition.

Fences on Corner Lots

Fences located adjacent to a street on a side property line shall be required to follow minimum building setback requirements as noted on the approved Subdivision Plans. However, decorative fences no higher than three (3) feet will be permitted outside of the building setback and up to the property line.



Fences in Easements

Fences may be placed within planting/utility easements. However, if fences are removed due to work being executed in the easements the cost and act of replacement of the fence shall be the homeowner's responsibility.

Fences shall not impede stormwater flow and shall not be placed in drainage easements. Fences found in drainage easements will be removed at the property owner's expense.

4.14.4 Fence Gates

Gates shall match or complement adjoining fences in design, materials, and construction.

4.14.5 Maintenance

It shall be the homeowner's responsibility to maintain the fence and repair damaged areas in a timely fashion. Maintenance includes regular inspection and painting/staining, washing, and repairing as needed.

4.15 Hardscape Design - Walks

All walks must be paved with concrete, brick pavers or such other material as may be approved in writing by the Architectural Review Board. Asphalt walks are prohibited.

4.16 Hardscape Design – Driveways

Driveway piping and temporary gravel driveways must be installed before any type of construction is commenced on any Lot to minimize erosion and tracking of mud onto streets.

Driveways must extend at least 25 feet from the back of the property line to prevent vehicle overhang.

Every driveway shall provide positive drainage away from the house and garage.

Architectural Review Board approval is required before extending or expanding any driveway.

Where possible, access to corner lots shall be from the least traveled street.

All driveways must be paved with concrete, brick pavers or such other material as may be approved in writing by the Architectural Review Board. Asphalt and gravel driveways are prohibited.

4.17 Hardscape Design – Retaining Walls

Retaining walls can be effectively used to preserve existing vegetation, take up steep grade, and create flat usable spaces while also creating an ornamental accent to the landscape. Retaining walls should relate to both the context of the house as well as the overall context of the materials in Heaton Pointe. Please note that as with all site improvements, consideration of the location of septic systems is imperative.

Retaining walls visible from the street or public walkways shall be made of stone or brick and shall be compatible with the main building.

Retaining walls which are not visible from the street may be made of unit masonry materials (keystone or equal), in addition to brick or stone.

Pressure treated timber may be permitted on a case-by-case basis. Railroad tie retaining walls are not permitted.

Retaining walls shall be constructed to fit the slope, to the minimum height needed.

Retaining walls shall be a maximum of six (6) feet in height. Lower walls are preferred.

Where walls exceed three (3) feet in height, the top of the wall shall be kept level, and the wall stepped at intervals along slopes.

Safety rails may be required by building codes. Every effort shall be made to reduce or eliminate the need for guardrails. Where safety rails cannot be avoided; they must be consistent in design with the architectural design of the associated structures and per code requirements.

Walls may be placed within the planting/utility easement, set back five (5) feet minimum from the edge of the sidewalk.

Retaining walls greater than four (4) feet shall be approved, signed, and sealed by structural engineer.

4.18 Trash and Waste Containers

All trash and recycle containers must be kept within a garage or in a screened or landscaped area. They shall not be visible from the street or from other houses. Any method of screening other than landscaping must be approved.

Trash and recycle containers must be kept in the screened area except on the day that the garbage is picked up. Trash pickup company shall be as assigned by the association. The containers shall be returned to the screened area or garage by 5:00 pm the following day.

4.19 Statuaries and Yard Art

Large yard art is restricted to the rear yard unless otherwise approved by the Architectural Review Board. Approval from the Architectural Review Board is not required for statuary or yard art in the rear yard (or in a fenced side yard), or for smaller decorative items such as bird baths, though if yard art accumulates and becomes visually disruptive and visible from the street, the Architectural Review Board may require that some or all be removed.

Décor and art may be placed on front porches.

Decorative signage and seasonal decor is discussed in Sections 4.23 and 4.24.

4.20 Barbecue and Outdoor Kitchen Areas

Permanent barbecues and outdoor kitchens shall be located only in rear yards and require Architectural Review Board approval. Portable fire pits and barbecues are allowed in rear yard without approval.

4.21 Rain Barrels

Rain barrels are permitted on the rear or side of the home without approval. Mosquito control must be incorporated by screening or design to prevent mosquito breeding.

4.22 Recreation Items

Play equipment shall be located in the rear yard except that basketball goals are permitted in the front or side yards on a case-by-case basis (see below). No approval is required from the Architectural Review Board for play equipment in the rear yard unless it is associated with a new impervious patio/area.

No play equipment may be higher than ten (10) feet in height, except that tree houses may be permitted on a case-by-case basis.

Trampolines and such large play structures may be permitted only in rear yards and must not be highly

visible from the front of house, streets, or public areas.

Basketball goals are to be as unobtrusive as possible and shall not be permanently mounted to the house. Free standing portable basketball goals and permanent goals mounted in the ground are permitted as long as the goal post is located within the private property boundaries at least ten (10) feet from the front property line and at least six (6) feet inside the side property line. The post, padding, etc. and all other metal shall be black (or other dark color such as dark green).

Homeowners are required to perform periodic maintenance as necessary to keep equipment and landscaping in good aesthetic and functional condition.

4.23 Flags

No rule shall regulate or prohibit the display on a Lot of the flag of the United States of America or the flag of the State or North Carolina, of a size no greater than four feet by six feet, by the Owner or occupant of such Lot, provided the flag is displayed in accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. Sections 5-10, as amended, governing the display and use of the flag of the United States. United States of America and North Carolina flags shall not require a permit provided they meet these standards.

No approval is required for the unregulated flags listed above.

Each residence may display one (1) large decorative flag in addition to the unregulated flags listed above. Large flags shall not exceed three (3) feet by five (5) feet.

All large flags must be mounted with an appropriate flag holder to the house.

Each residence may display one (1) small decorative flag in addition to the flags listed above, not exceeding 12 inches by 18 inches in size. This flag must be mounted with an appropriate flag holder.

4.24 Seasonal Items and Signage

4.24.1 No Approval Required

Providing such items are in accordance with the provisions listed below, items not requiring approval of the Architectural Review Board include holiday decorations, 'For Sale' signage, and political campaign signs.

4.24.2 Seasonal Items

Seasonal items and art are allowed 45 days prior to such "holiday" and to be removed within 15 days thereafter such "holiday." All such items shall be located within the property lines and shall not obstruct visibility at intersections (sight distance). The Architectural Review Board reserves the right to request a homeowner to remove an item if, upon inspection, the Architectural Review Board considers the item unsightly or a nuisance.

4.24.3 Political Signs

Political signs may not be displayed more than 45 days prior to the day of the election and may not be displayed more than seven (7) days after an election day.

No rule shall regulate or prohibit the indoor or outdoor display of a political sign on a Lot by the Owner or occupant of the Lot, except that the Association may adopt rules prohibiting the display of political signs earlier than 45 days before the day of the election and later than seven (7) days after an election day, and regulating the size and number of political signs that may be placed on a Lot, subject to the limitations set forth in Section 47F-3-121 of the Act. For the purposes of this document, "political sign"

means a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot.

4.24.4 For Sale Signs

Builder Signage

Signs shall not interfere with any safe sight triangles at intersections. For Sale signs on individual Lots shall be consistent with the provisions listed below for “homeowner signage.” Approval from the Architectural Review Board may be required for Builder Signage at the discretion of the Board.

Homeowner Signage

For the sole purposes of selling a home, residents or their agents may place a single “Open House” sign on their property on the day of the open house. Approval from the Architectural Review Board is not required.

For the sole purpose of selling a home, residents or their agents may place a single “For Sale” sign on their property, subject to the following guidelines:

- Such sign may be no larger than four (4) square feet.
- Sign height as measured from the ground to the top of the sign components shall be a maximum of four (4) feet.
- Sign post/stakes may be metal or wood. Wood posts shall be a treated and stained post.
- Signs must be professionally made; no handwritten signs are permitted.
- Sign riders and handout boxes: post riders, such as “Open House,” “Under Contract,” “Sold,” etc., are permitted. Riders shall be no larger than six (6) inches x 24 inches (6”x24”). Flyer boxes shall be attached to the sign. A maximum of one (1) sign rider and one (1) flyer box are allowed per sign.
- Balloons may only be used for marketing purposes on Saturdays and Sundays
- The sign must be placed within the property boundaries, a minimum of two (2) feet inside the property line.
- Neighborhood directional signs are not allowed.
- Owner is responsible for ensuring the proper location for the sign installation.
- Signs will be removed without notice if not maintained in a vertical manner and properly maintained location and condition.
- Lights and audio are prohibited.

“For Lease,” “For Rent,” and other rental signs are prohibited.

4.25 Dumping of Materials

Dumping grass clippings, leaves, or other debris, petroleum products, fertilizers, or other potentially hazardous or toxic substances is prohibited in any drainage ditch, stream, pond, or lake, or elsewhere within the Property, except that fertilizers may be applied to landscaping on Lots provided care is taken care of to minimize runoff.

4.26 In-Home Business

Any business, trade, or similar activity is prohibited, except that an Owner or occupant may conduct business activities within the dwelling so long as all of the following guidelines are followed:

- the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell outside the dwelling unit;
- the business activity conforms to all zoning regulations of the Code;

- the business activity does not involve door-to-door solicitation in the Properties;
- the business activity does not, in the Board's reasonable judgement, generate a level of vehicular or pedestrian traffic or a number of vehicles being parked in the Properties which is noticeably greater than that which is typical of Lots in which no business activity is being conducted; and
- the business activity is consistent with the residential character of the Properties and does not constitute a nuisance, or a hazardous or offensive use, or threaten the safety or security of other residents of the Properties as may be determined in the sole discretion of the Board.

The terms "business" and "trade," as used in this section, 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: (1) such activity is engaged in full- or part-time, (2) such activity is intended to or does generate a profit; or (3) a license is required.

Leasing a dwelling unit for residential purposes consistent with the Declaration and the Association's rules shall not be considered a business or trade within the meaning of this Section.

4.27 Accumulation of Garbage

Accumulation of rubbish, trash, or garbage shall not be accumulated except in approved containers.

4.28 Mailboxes

No mailbox (which term shall be deemed to include the post) shall be erected or maintained on any Lot. Individual mailboxes are strictly prohibited and cluster mailboxes shall be constructed for mail delivery to the subdivision. The maintenance and upkeep of the cluster mailboxes shall be the responsibility of the Association.

4.29 Yard Sale and Estate Sale Guidelines

Applications for all estate or garage sales shall be submitted to the Architectural Review Board at least three (3) weeks prior to the date of the event.

Estate Sales

Only one small sign advertising the sale may be placed on the front lawn of the property where the sale will be held on the day of the sale. Sales may be run for one day only, from 7:00am to 5:00pm. Sales may be held once every five years.

Yard Sales

Single or individual yard sales are not permitted. Yard sales must occur by neighborhoods and may only be held once a year. One person in a neighborhood must assume responsibility for the yard sale, including notifying all individuals in the neighborhood of the yard sale date and details, placing any yard sale signs, and removing all yard sale signs as soon as the yard sale is over.

Article 5 Maintenance and Repair

5.1 Property Condition

Except to the extent that such maintenance responsibility is otherwise assigned to or assumed by the Association, it shall be the responsibility of each Owner, tenant, contractor, or subcontractor to prevent the development of any unclear, unsightly, unkempt, unhealthy, or unsafe conditions of buildings or grounds on any Lot which shall tend to substantially decrease the beauty or safety of the Properties, the neighborhood as a whole, or the specific area, including:

- the Owner's Lot and all landscaping and improvements comprising the Lot, and
- the landscaping within that portion of any adjacent Common Area or public right-of-way lying between the Lot boundary and any wall, fence, or curb located on the Common Area or public right-of-way within 15 feet of the Lot boundary.

The Declarant or Homeowner's Association, as applicable, shall have the right to enter upon any Lot for the purpose of correcting such conditions, including, but not limited to, the removal of trash which has collected on the Lot, and the cost of such corrective action shall be paid by the Owner. Such entry shall not be made until thirty (30) days after the Owner of the Lot has been notified in writing of the need to take corrective action and unless such Owner fails to perform the corrective action within said thirty (30) day period; provided, however, that should such conditions pose a health or safety hazard, such entry shall not be made until the Owner has been notified in writing of the need to take immediate corrective action and unless such Owner fails to perform the corrective action immediately. The provisions of this paragraph shall not create any obligation on the part of the Declarant to take any such corrective action.

5.2 Responsibility for Repair and Replacement

Unless otherwise specifically provided in the Governing Documents or in other instruments creating and assigning maintenance responsibility, responsibility for maintenance shall include responsibility for repair and replacement as necessary to maintain the property. Each Owner shall carry property insurance as required in the Declaration, unless the Association is obligated to carry such insurance pursuant to any Supplemental Declaration or other covenants applicable to the Lot, or unless the Association otherwise notifies the Owner in writing that it is carrying such insurance on the Lot (which they may, but are not obligated to do hereunder). If the Association assumes responsibility for obtaining any insurance coverage on behalf of Owners, the premiums for such insurance shall be levied as a Specific Assessment against the benefited Lot and the Owner.

In the event of damage to or destruction of structures on or comprising a Lot, the Owner shall, within 180 days thereafter, complete the repair or reconstruction of the damaged structures in a manner consistent with the original construction or such other plans and specification as are approved in accordance with the Governing Documents. Alternatively, the Owner shall clear the Lot and maintain it in a neat and attractive landscaped condition. The Owner shall pay any costs not covered by insurance proceeds.

Neither the Association nor the Declarant shall bear any responsibility for the maintenance or safekeeping of personal property of any Owner or occupant of Lot, their family, guests or invitees, nor shall the Association or Declarant be held liable for the condition of, or any loss or damage to, any such personal property except to the extent directly attributable to the willful misconduct of the Association, Declarant or their respective agents or employees.