



ELLER FARMS

DESIGN & COMMUNITY
GUIDELINES

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I. INTRODUCTION

As members of a planned community, Eller Farms Owners, their tenants, and invited guests enjoy a variety of benefits. In return, they are asked to cooperate with their neighbors to create and maintain a harmonious living environment that protects and enhances the value of both the individual properties and common areas within the Eller Farms Community. Maintaining such a mutually beneficial living environment is best achieved by developing and following rules and regulations that clearly inform all members of the expectations with respect to use of open spaces, common areas, and individual homes.

All terms used but not defined herein shall be given the meanings ascribed to them in the Declaration of Covenants, Conditions and Restrictions for Eller Farms Community Association (the "Declaration") and any supplements or amendments thereto, unless the context requires otherwise.

THESE GUIDELINES ARE NOT ALL-INCLUSIVE AND NO INFERENCE SHOULD BE MADE THAT THE FAILURE TO INCLUDE A PARTICULAR TYPE OF IMPROVEMENT, MODIFICATION, ALTERATION, ADDITION, OR EXTERIOR CHANGE SOMEHOW EXEMPTS THAT CHANGE FROM THE APPROVAL PROCESS.

THESE DESIGN & COMMUNITY GUIDELINES SUPERSEDE ALL PREVIOUS GUIDELINES OR STANDARDS, AND SHALL REMAIN IN EFFECT UNTIL OTHERWISE RESCINDED, AMENDED, MODIFIED, OR REPEALED BY A MAJORITY OF THE BOARD OF DIRECTORS.

II. COMMUNITY GUIDELINES

Appearance & Maintenance

- It is the responsibility of each homeowner and resident to maintain their property in such a way that it adds to the overall beauty and harmony of the Eller Farms Community.
- The exterior of all homes and lots shall be maintained so as to have a clean and tidy appearance.
- Examples of violations include:
 - Accumulation of uncontrolled growth, weeds, garbage, trash, junk, furniture, appliances, or any other materials that may become a breeding place for animals or create an unsafe condition.
 - Unmaintained grass and weeds that reaches a height of 12”.
 - Placement of garbage or materials outside of required containers.

Garbage & Recycling

- Owners, residents, and tenants are responsible for picking up litter, debris, or trash in any open space that originated from their Lot or Unit. No trash, containers or receptacles, debris, or litter may accumulate or be stored in a visible location on the Property or Lot.
- All garbage and recycling containers must be units designated or provided by trash or recycle providers.
- Garbage and recycling containers must be stored within the garage or located to the rear or side of the home so the containers are not visible from the street, with the exception of collection days. Garbage and recycling containers may be stored behind a privacy screen or other enclosure approved in writing by the ARC.
- On collection days designated by the service providers, containers must be placed in the designated locations of pick up only. Trash and recycle containers shall only be placed out for collection twenty-four (24) hours. All containers must be removed from view no later than twenty-four (24) hours after collection.

Noise

- All residents shall comply and follow all applicable Johnston County regulations and ordinances.

Open Spaces, Common Areas, Landscape Buffers, & Stormwater Control Measures

- Landscape buffers located on the Community's perimeter and in the North Carolina Department of Transportation right-of-way are the responsibility of the Association and shall be maintained by the Association. These landscaped areas have been designated as part of the overall Community installed by the developer as required by Johnston County on the approved subdivision plan and final recorded plat. Homeowners are not to remove any existing plants or trees or make any improvements in the landscape buffer areas if adjacent to their lot.
- Homeowners and residents of Eller Farms may not construct or install anything in the open spaces or common areas.
- Homeowners, residents, nor the Association may alter, construct, install, or otherwise change those areas within the riparian buffers, stormwater pond, resource conservation areas, or other protected areas. These are special use areas that do not allow residents to construct projects, discharge water, trespass, dump waste

(including yard dirt or yard waste of any kind). These activities require special permission from Johnston County and/or the State of North Carolina.

- Resource conservation areas and riparian buffers located in the Association's open spaces are intended to remain in a natural, wooded state.
- *See Amenities Community Guideline for additional information.*

Parking & Vehicles

- All motor vehicle laws of the State of North Carolina shall be observed on all roads in Eller Farms.
- Parking is prohibited on any lawns, and common areas in the Eller Farms Community.
- Street parking is discouraged. Residents are encouraged to utilize their driveways and garages instead of parking on the street.
- Tractor trailers and 18 wheelers are prohibited.
- Recreational Vehicles, Boats, Trailers, Etc.
 - Recreational vehicles, watercrafts, boats, trailers, campers, etc. shall not park on the street other than for loading and unloading purposes.
- Portable storage containers, such as PODS, are permitted on a temporary basis. The container must be stored completely in the driveway. Containers cannot be placed over any portion of the public sidewalk. The container may be used for a maximum of sixty (60) days. After this period, the container must be removed.
- Mailbox Parking:
 - Residents shall limit to parking at the mailbox areas to fifteen (15) minutes in order to allow other residents to access their mail. Vehicles parked at the mailboxes for longer than fifteen (15) minutes without prior notice to the Association may be towed at the owner's expense.

Seasonal Decorations

- Temporary "Seasonal Decorations" related to a holiday, religious observation, national/state observation, cultural observation, celebration, or seasonal event shall not be displayed earlier than sixty (60) days prior to an event and must be taken down within twenty-one (21) days following the event.
- Temporary and seasonal decorations must be at least three feet (3') from the public sidewalk. Electrical cords/extension cords may never be located across or over public sidewalks.

Yard Sales, Estate Sales, Garage Sales, etc.

- The barter, sale, or exchange of new or used personal property at any Lot, commonly referred to as "yard sales," "moving sales," "estate sales," "attic sales," "rummage sales," and/or "garage sales," will be allowed only if (a) sponsored by the Association, or (b) expressly authorized in writing by the Board.
- Residents wishing to hold a Yard Sale must adhere to the following guidelines:
 - Minimum of fourteen (14) day notice of intended date of Yard Sale must be given in writing to the Board and Management Company.
 - Yard Sale may not last longer than one (1) weekend (for example, Friday through Sunday).
 - The number of Yard Sales per Lot is limited to two (2) per calendar year.
 - Residents holding a Yard Sale must comply with all County ordinances (i.e., noise, signage, parking).
 - Yard Sales may be held between the hours of 7:00 a.m. and 5:00 p.m.

III. ARCHITECTURAL & DESIGN GUIDELINES

General Principles.

The purpose of the Reviewer is to promote and uphold consistent application of the Design Guidelines. The Design Guidelines propose those qualities in Eller Farms that enhance the attractiveness and functional utility of the Community. Those qualities include a harmonious relationship among structures, vegetation, topography, and overall design of Eller Farms. The primary objective of these Guidelines is to encourage and maintain the excellent design of a community of individual residences which, when viewed together, produce an outstanding and consistent total community environment. However, prior approval of an ARC Request does not guarantee subsequent approval on the same or another property within the Community.

To the extent that local government or county ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Design & Community Guidelines or the Declaration of Covenants, Conditions, & Restrictions for the Eller Farms Homeowners' Association, the local government or county ordinance, code, or regulation shall prevail.

Owners, residents, tenants, and invited guests are cautioned that nothing in these Design & Community Guidelines, and governing documents relieves them of the responsibility for complying with federal, state, county, and local laws, ordinances, and other legal requirements such as obtaining from the County, necessary approvals and construction permits for architectural changes or projects they intend to undertake. Despite the Association's approval, county or other government permits shall be required for a wide range of home improvement or modification projects. In addition, county or other government-imposed specifications must be honored. In short, government approvals and Association's approvals are separate and unrelated.

The Architectural Review Committee, Board of Directors, Declarant, and Designated Homebuilders shall not have any liability in connection with or related to approved or disapproved plans, specifications or improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the addition or its effect upon existing or future damage. Review of plans by the Architectural Review Committee is for aesthetic purposes only.

Prior to submitting an Architectural Review form, the requestor is expected to familiarize themselves with the terms of the Covenants, Conditions, and Restrictions, By Laws, and other governing documents to comply with the necessary review and approvals before submitting a request for to make any architectural and landscaping changes, improvements, and repairs. Additionally, any exterior additions, changes, installation of any accessory structures, temporary or permanent shall require approval.

- (1) ***Design Compatibility:*** The proposed changes, construction, and work must be compatible with the design characteristics of the Lot and Unit and neighboring properties. Compatibility is defined as harmony in style, scale, material, color, and construction details. In general, all ARC Requests shall be reviewed on an individual basis for material, installation method, color, and location.

- (2) **Workmanship:** The quality of workmanship evidenced in the proposed changes, construction, improvements, etc. must be equal to or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and ARC assume no responsibility for the safety or livability of the new construction, improvements, or architectural changes.
- (3) **Building Architecture:** In general, any exterior addition or alteration to an existing dwelling unit shall be compatible with the design character of the original structure.
- (4) **Building Repairs:** No building or structure shall be permitted to fall into a state of disrepair. The owner of every dwelling unit or structure is responsible at all times for keeping the buildings in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the Owner is responsible for immediate repair or reconstruction. Roofs must also be kept in good repair at all times.
- (5) **Appearance:** All architectural changes, alterations, additions, improvements, or other work. will be reviewed on an individual basis. The Reviewer will review materials, colors, location, scale, and other details of the proposed change or improvement to determine compliance with the architectural intent of the existing structure with specific emphasis given to the maintenance of a cohesive neighborhood architectural style that maintains scale, detailing, materials, color(s), and design intent of the original builder and developer.
- (6) **Location:** In general, with the exception of building alteration, the location for building additions will be governed by the maximum building area that is defined by the County in respect to the minimum setback requirements from the property line. SEE SETBACK AND LOT RESTRICTIONS. All changes, alterations, additions, repairs, improvements, or other work, shall maintain proper drainage on the property. SEE DRAINAGE.
- (7) **Materials:** Materials for use on any changes, alterations, additions, repairs, improvements, or other work must meet or exceed the quality of and be consistent with the materials used in connection with the original structure or landscaping. In general, the Reviewer must seek to maintain the quality of materials and workmanship of the original property.
- (8) **Requirements:**

Compliance with current County building codes must be met with any changes, alterations, additions, improvements, construction, and other work. The review and approval of an ARC Request shall not be a substitute for compliance with the permitting and approval requirements of the County or other governmental authorities. It is the responsibility of the homeowner applicant to obtain all necessary permits and approvals prior to starting any changes, alterations, additions, improvements, construction, and other work.

Applicants are responsible for ensuring compliance with all standards and procedures within these Architectural & Design Guidelines. Owners are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplemental Declaration.

All changes, alterations, additions, improvements, construction, or other work must conform to the approved ARC Request.

As a condition of approval of an ARC Request, each Owner and all successors-in-interest shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any changes, alterations, additions, improvements, construction, or other work.

The review of Architectural shall require the submission of an application to the Management Company, IRJ, who will forward the application to the ARC for review. Depending on the scope of the Architectural Request, the ARC may require the submission of all or some of the plans and specifications listed below in addition to the submission of an ARC Request:

- Plot plan or official survey of the lot, showing property lines, the exact placement of the dwelling structure, all easements, buffers, and impervious surface calculations (if applicable).
- Floor plan showing decks, patios, stoops, retaining walls related to the main structure, detached accessory structures, enclosures, HVAC equipment and utilities, and screening for the same, connections to driveways, sidewalks, and walkways.
- Front, rear, and side exterior elevations showing building materials and finishes, and indicating the height of the residential dwelling structure or exterior freestanding structures.
- Exterior finishes showing the current color scheme of the home and color scheme of the proposed change or improvement (including manufacturer and samples/colors), and other details affecting the exterior appearance of the proposed improvements.
- Landscaping plan showing the location of existing vegetation and landscaping, location of the proposed landscaping improvements, and other landscaping details.
- Other information, data, pictures, and drawings as may be reasonably requested, including, without limitation, detailed plans for irrigation, drainage, and other features.

Standards & Specifications.

Drainage

- All drainage and grading must be indicated on the ARC Request submitted to the ARC for review.
- All architectural changes, alterations, additions, improvements, or other work shall not interfere with the established drainage pattern over or across any Lot. The established drainage pattern is defined as the drainage pattern engineered and constructed by the Developer and approved by the County prior to the conveyance of title from the homebuilder to the homeowner.
- Homeowners shall not alter the established drainage pattern to redirect stormwater into or towards neighboring properties or open space. Only minor alterations to the established drainage pattern will be considered by the ARC.
- If a change, alteration, addition, improvement, etc. is planned to affect drainage, Owners are required to provide a plan that details and takes into consideration the drainage patterns and runoff as a result of the change, addition, alteration, or improvement.

Exterior Freestanding Detached Structures

- Exterior freestanding structures shall include storage sheds, gazebos, pergolas, greenhouses, and similar accessory items.

- All exterior freestanding structures shall be confined to the back yard. The location for exterior freestanding structures will typically be governed by the maximum building area that is defined by the County with respect to the minimum setback requirements from the property lines.
- All external detached freestanding structures must comply with all applicable County regulations, ordinances, permitting requirements, and inspection requirements.
- Structures such as storage sheds must be of similar architecture to the main home, with the same or similar colors and materials, including shingles. For example, if the main house has horizontal vinyl siding, the accessory structure is to have vinyl siding or a similar material with horizontal pattern with the same color as the main house.
- All exterior freestanding structures shall maintain proper drainage on the Lot.
- Metal and temporary vinyl storage structures will not be approved.

Exterior Paint, Color Changes, Material Changes, etc.

- Exterior color and material changes that differ from the original material and color must be approved in writing (including but not limited to changes in siding, exterior trim, doors, and roofs).
- Periodic repainting and re-staining with the same or existing color for maintenance does not require prior written approval.
- Roof replacement with the same color and style roofing does not require prior written approval.

Hot Tubs, Spas, & Swimming Pools

- All hot tubs, spas (located outside of the residence), or pools (above ground or in ground) must be submitted to the ARC for review and approval.
- Small temporary pools for children do not require prior ARC approval but must be stored out of sight or screened from the street when not in use.
- Hot tubs, spas, and pools must be screened from view from the street and not located within a buffer or easement and shall not encroach upon neighboring properties.
- Any support structure materials must compliment the main house and back porch, patio, or deck.
- All safety, health, and other regulations and ordinances of all governing agencies having jurisdiction requirements must be met (enclosures, fencing, plumbing, electricity, etc.).
- Hot tubs, spas, and swimming pools may not be installed on townhome properties.

Landscaping

- Landscaping of a minor nature and small areas of a yard, such as adding shrubs, bushes, flowers, etc. do not require an ARC request or prior written approval. These are considered normal improvements and are strongly encouraged.
- ARC approval is required for planting new trees on any lot. New trees shall be planted away from foundations, drives, and walkways to limit potential damage caused by root growth.
- Resodding and re-seeding lots does not require ARC approval.
- Plantings shall be made in proportion to the home and lot. All landscaping planting beds shall be maintained to prevent overgrowth of individual plants or weeds.
- Edging around landscaped areas does not require ARC approval, but if used, should be consistent with the existing style and aesthetics of the Eller Farms Community.

- Landscaping planting beds, vegetable gardens, and improvements or alterations that affect the overall impervious surface of the Lot shall not encompass more than 70% of the total area available for the yard and the remaining 30% shall remain grass. *See Setbacks & Lot Restrictions.*
- Mature plant size shall be considered by homeowners in determining locations of bushes, trees, shrubs, etc. near property lines and the plantings shall be set back sufficiently to account for mature growth.
- Gardens, such as vegetable, herb, and water gardens shall be confined to the rear yard.
- Any landscaping alterations, improvements, changes, additions, etc. will maintain proper drainage on the lot. *See Drainage & Grading.*
- Some lots in the Eller Farms Community have Resource Conservation Areas and/or riparian buffer. These areas are intended to remain in a natural, wooded state. These are special use areas that do not allow residential owners to construct projects, discharge water, dump yard waste, or remove existing trees. For additional information about Resource Conservation Areas and riparian buffer rules, contact the County or North Carolina Department of Environmental Quality.
- Drainage Easements:
 - Residents with drainage easements on their lot are responsible for maintenance and ensuring positive drainage.
- Street Trees:
 - Street trees planted by the builder in the front yard, in or near the right-of-way, shall not be removed, relocated, or replaced.
 - If a street tree is dead or dying, it must be replaced with a tree of the same variety and size in the same location within one (1) month of removal of the original tree.
- Hedges and Screen Plantings:
 - Hedge or screen planting which form a barrier between properties should have:
 - Agreement with neighbors for maintenance access and aesthetics.
 - Setbacks to allow for plant growth to prevent encroachment.

Parking Pads & Driveway Extensions

- The layout or design should preserve and compliment the original driveway. Parking pads and driveway extensions shall be constructed adjacent to and contiguous with the original concrete driveway.
- The surface shall be concrete and at the same level and finish as the existing concrete driveway. Rock, stone, gravel, etc. drives or parking extensions are not allowed.
- It is the sole responsibility of the Owner to inquire with the County as to the permit requirements, impervious restrictions, and widening restrictions.
- *See Setbacks & Lot Restrictions.*

Play Structures & Recreational Equipment

- Play Structures: Swing sets, playgrounds, play houses, play equipment, tree houses, sandboxes, and similar items are classified as play structures for the purposes of this guideline.
- Recreational Equipment: Basketball goals*, trampolines**, horseshoe pits, permanent volleyball courts, and similar items are classified as recreational equipment for the purposes of this guideline. This guideline does not apply to temporary volleyball nets, badminton nets, portable goals, or similar items.
- Play structures and recreational equipment require prior written approval by the ARC.

- Play structures and recreational equipment should be placed/located in the rear yard and take into account the neighboring properties, safety, and noise.
- All play structures and recreational equipment, whether temporary or permanent, should be constructed with proper materials and be properly anchored to ensure safe usage.
- It is recommended that play structures and recreational equipment be located within fenced areas to prevent access by unsupervised and unattended child users and be adequately landscaped to screen from view. Otherwise, they must be properly shielded from view by landscaping surrounding areas with mature evergreen shrubs, trees, etc.
- Basketball Goals:
 - All basketball goals, portable and permanent, should be positioned to avoid balls striking vehicles and neighboring properties and take into account personal safety.
 - Courts may not be painted or permanently outlined on the driveway.
 - Portable basketball goals do not require ARC approval, however portable basketball goals are not to be placed on the street or in the right-of-way.
 - Portable goals should be sufficiently secured to prevent injury or property damage but only per the manufacturer's recommended instructions and not weighed down with cement blocks, sandbags, or other miscellaneous items.
 - Permanent pole mounted and permanent house mounted basketball goals are considered exterior changes and require homeowners to submit an ARC Request Form. Distance from the street, slope, and length of driveway will be taken into consideration by the ARC when reviewing permanent basketball goals.
- Trampolines:
 - Unfenced lots with trampolines shall require a release of liability form to be signed and submitted with the ARC Request Form.

Satellite Dishes & Antennas

- The Association does not prohibit the use of satellite dishes, antennas, or other structures designed for the receipt or transmission of television, radio, or other communication signals on any Lot, however the Association does regulate the size and location. Prior ARC approval is required prior to installation of any satellite dish or antenna.
- Satellite dishes are to be no more than 30" (one meter) in diameter, with hidden cable.
- Preferred placement of the dish is on the rear roof.
- If placement is necessary on the side of the yard, applicant may be asked to screen with plant material in order to camouflage the satellite dish or antenna from view of the street or from other lots to the maximum extent possible. Dishes and antennas placed in the front yard are prohibited, unless written ARC approval is received. Should a Homeowner determine that a satellite dish or antenna cannot be located in compliance with the above guidelines without (i) precluding reception of an acceptable quality signal, or (ii) unreasonably increasing the cost of installation, maintenance, or use of the satellite dish, then the Homeowner may apply for approval of an alternative location in which an acceptable quality signal can be received.
- No more than one (1) satellite dish and one (1) antenna per service provider.

- Homeowners shall be responsible for all maintenance and repairs. Homeowners shall not permit their satellite dishes or antennas to fall into disrepair or become safety hazards.

Setbacks & Lot Restrictions

- Setback requirements from property lines are established by County ordinance and based on location/street where the property is located.
- Lots in Eller Farms shall not be subdivided.
- Improvements, additions, changes, or alterations that affect the overall impervious surface of the Lot shall not encompass more than 70% of the total area available for the yard and the remaining 30% shall remain grass.
- The location of all improvements, changes, additions, or alterations on any lot in Eller Farms are subject to restrictions related to any and all sight distance triangles, public right-of-way, landscape easements/buffers, and public and private easements, including but not limited to utility easements, sewer/sanitary easements, stormwater easements, drainage easements, and retaining wall easements as depicted on the individual plot plans and recorded subdivision plat for the Eller Farms Community.

Signs

- All signage shall conform to applicable municipal ordinances and other governmental requirements.

Solar Panels

- Solar panels and similar equipment shall not be installed without the prior written approval of the ARC.
- Any solar panels and related appurtenances and equipment shall be designed and constructed to appear as an integrated part of the architecture of the main residence as much as possible. This shall generally mean that the panels shall be roof mounted so that the top surface is as flush with the roofs surface whenever possible, with all appurtenances recessed into the structure's attic.
- Solar panels should be located on the rear or side roof of a home whenever possible. The ARC will review in advance and approve in writing all equipment placement.

IV. MISCELLANEOUS

Additional Questions & Information

- Homeowners are encouraged to contact IRJ Property Management with any questions about ARC Requests, additional information about architectural changes, community guidelines, or general inquiries.
 - Info@IRJPM.com
 - (919) 322-4680

Limitation of Liability

Plans and specifications are not reviewed and approved for engineering or structural design or quality of materials and by approving such plans and specifications, neither the ARC, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure from such plans and specifications. Neither the Declarant, homebuilders, the Association, the ARC, Management Company, nor the officers, directors, members, employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications for approval, or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits an ARC Request, plans and specifications and every Owner agrees that such person or Owner will not bring any action or suit against Declarant, homebuilders, the Association, the ARC, Management Company, or the officers, directors, members, employees, and agents of any of them to recover any damages and hereby releases, remises, quitclaims, and covenants not to sue for all claims, demands, and causes of action arising out of or in connection with any judgement, negligence, or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands, and causes of action not known at the time the release is given.

These Design & Community Guidelines are hereby prepared, executed, and adopted by the Association on this _____ day of November, 2023.

Eller Farms Homeowner's Association, Inc.