



EAST RIVER

DESIGN & COMMUNITY
GUIDELINES

TABLE OF CONTENTS

<u>I.</u>	<u>INTRODUCTION</u>	3
<u>II.</u>	<u>COMMUNITY GUIDELINES</u>	4
	Amenities	4
	Appearance & Maintenance	5
	Garbage & Recycling	5
	Maintenance-Free Community	5
	Noise	6
	Off-Road Vehicles, etc.	6
	Open Spaces, Common Areas, Landscape Buffers, & Stormwater Control Measures	6
	Parking & Vehicles	6
	Pets	7
	Seasonal Decorations	7
	Yard Sales, Estate Sales, Garage Sales, etc.	7
<u>III.</u>	<u>ARCHITECTURAL & DESIGN GUIDELINES</u>	8
	General Principles	8
	Standards & Specifications	10
	<i>Decks, Patios, & Porches</i>	10
	<i>Drainage</i>	11
	<i>Exterior Freestanding Detached Structures</i>	11
	<i>Exterior Paint, Color Changes, Material Changes, etc.</i>	11
	<i>Fences</i>	12
	<i>Flags</i>	12
	<i>Garbage Can Containment, Screening, & Similar Enclosures</i>	12
	<i>Hot Tubs, Spas, & Swimming Pools</i>	13
	<i>Landscaping</i>	13
	<i>Parking Pads & Driveway Extensions</i>	14
	<i>Play Structures & Recreational Equipment</i>	14
	<i>Privacy Screens & Partitions</i>	15
	<i>Recreational Vehicles, Watercrafts, Trailers, Campers, etc.</i>	15
	<i>Satellite Dishes & Antennas</i>	15
	<i>Setbacks & Lot Restrictions</i>	16
	<i>Signs</i>	16
	<i>Solar Panels</i>	16
	<i>Walkways</i>	17
<u>IV.</u>	<u>MISCELLANEOUS</u>	18
	Additional Questions & Information	18
	Limitation of Liability	19

I. INTRODUCTION

As members of a planned community, East River 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 East River 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 East River Homeowners 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

Amenities

- Residents and their guests using any amenity in East River, including, but not limited to any playground, pavilion, dog park, private greenway trail, etc. that is maintained or owned by the Association must abide by the following rules, as well as any additional rules posted at the amenity or common area.
- All amenities and common areas used by residents or their guests will be at their own risk.
- Vandalism, defacement, or destruction of any part of the amenity or common area is prohibited and the resident will be responsible for any costs of repairs, replacement, damage, etc. including any damage caused by their guest(s) and/or pet(s).
- Children must be accompanied by a parent or guardian at all times when using any East River Amenity or common area.
- Central Park Pavilion:
 - The Central Park Pavilion is available to all East River Owners and legal residents.
 - First come, first serve basis.
 - Trash receptacles are for the use of East River residents disposing of garbage while using the pavilion.
 - Anyone using the pavilion must leave the facilities as they found them. A service fee may be charged to any resident that does not comply. Tables and benches must be cleaned and returned to their original location after use.
 - Noise and music levels shall not be unreasonably loud, annoying and interfere with other residents' right to quiet enjoyment of their property. All Town of Smithfield noise ordinances must be followed.
- Playground:
 - Residents agree and acknowledge that they are using the playground at their own risk and assume all risk associated with use.
 - Playground equipment is reserved for children twelve (12) years old and younger;
 - Children must be accompanied by a parent or guardian at all times when using the East River playground.
 - Rough play as well as foul and abusive language while using any amenity or common area is prohibited.
- Dog Park:
 - Dog owners agree and acknowledge that they are using the dog park at their own risk and assume all risk associated with use. Dog owners are responsible for any damage and/or injury caused by their dogs and acknowledge that the use of the dog park may expose them and their dogs to injury.
 - No children under the age of twelve (12) are permitted in the fenced area of the dog park.
 - Dogs are permitted to be in the dog park provided that they are able to be controlled by their owner.
 - Dogs must be leashed upon entering and exiting the East River dog park.
 - Dog owners shall remain in the dog park and shall maintain visual observation of their dog at all times.
 - Dogs must be current on all vaccinations and tags as required by the Town of Smithfield and Johnston County.

- Dogs with known violent propensities or aggressive behavior are prohibited from using the East River dog park. Any dog showing signs of aggression while in the dog park shall be removed immediately by the dog owner.
- Owners shall pick up their dog's waste. Waste must be put in tightly sealed plastic bag and properly disposed of in designated waste receptacles.
- Owners are required to fill any holes created by the owner's dog in the dog park.
- See *Open Spaces, Common Areas, Landscape Buffers, & Stormwater Control Measures Community Guideline* for additional information.

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 East River 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.
 - Addition of an exterior freestanding structure without prior ARB approval.
- See *Maintenance-Free Community Guideline* for additional information.

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 ARB.
- 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.

Maintenance-Free Community

- Mowing and weed-eating services will be provided by the Association. Landscapers are contracted only to mow and edging services uniformly throughout the East River Community.
 - Landscapers are not responsible for moving bicycles, lawn furniture, toys, play equipment, etc. left in yards in order to mow.
 - Lots with fenced in yards shall not be maintained by the Association.

- Homeowners may opt-out of such services, however opting-out shall not change or reduce the monthly dues owed.
- Residents are obligated to maintain their own trees, flowers, shrubbery, mulch, etc. on their own Lot. Such maintenance shall include, without limitation, removing dead or dying plants, shrubs, flowers, trees, etc. and pruning and otherwise maintaining all plants, shrubbery, trees, flowers, bushes, etc.
- *See Appearance & Maintenance Community Guideline for additional information.*

Noise

- All residents shall comply and follow all applicable Town of Smithfield regulations and ordinances.

Off-Road Vehicles, etc.

- ATVs, 4wheelers, golf carts, dirt bikes, and other similar vehicles are not permitted for use in East River.
- Please note that aside from being against Community rules, utilizing these uninsured, non-street legal vehicles on public streets or private property without permission may be illegal in the Town of Smithfield.

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

- Landscape buffers located on the Community's perimeter and in the Town of Smithfield 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 the Town of Smithfield 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 East River may not construct or install anything in the open spaces or common areas.
- Homeowners and residents of East River may not enter into, construct, or install anything in the Stormwater Control Facilities.
- 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 the Town of Smithfield, Johnston County, and/or the State of North Carolina.
- The Association is responsible for maintain common areas, including the shared retaining walls and stormwater drainage pond.
- 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 East River.
- Parking is prohibited on any lawns, common areas, and over sidewalks in the East River Community. This includes blocking the portion of sidewalk going through driveways.
- 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.

Pets

- Owners are responsible for pets and actions by their pets. The Association is not responsible for damage or harm caused by an individual's pet. All residents of East River shall comply with all applicable Town of Smithfield regulations and ordinances regarding animals and pets.
- No poultry, fowl, livestock, or non-domesticated animal other than usual and common household pets.
- Any damage or animal waste caused by a pet in control or in the possession of an East River resident must be repaired or cleaned up by that resident.

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 Town of Smithfield and 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 East River that enhance the attractiveness and functional utility of the Community. Those qualities include a harmonious relationship among structures, vegetation, topography, and overall design of East River. 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 ARB 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 East River 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 or Town of Smithfield 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 Board, 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 Board is for aesthetic purposes only.

Prior to submitting the required Architectural Review Form (provided by the Association's Management Company and/or ARB), 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 ARB 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 ARB 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 Town of Smithfield 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 Town of Smithfield and/or County building codes must be met with any changes, alterations, additions, improvements, construction, and other work. The review and approval of an ARB Request shall not be a substitute for compliance with the permitting and approval requirements of the Town of Smithfield and/or 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 ARB Request.

As a condition of approval of an ARB 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 ARB for review. Depending on the scope of the Architectural Request, the ARB may require the submission of all or some of the plans and specifications listed below in addition to the submission of an ARB 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.

Decks, Patios, & Porches

- ARB request and prior written approval required.
- The size and styling of decks, patios, porches, pergolas, gazebos, and similar improvements must complement the home in size and styling and be proportionate to the home. The ARB will approve the size and type on a case-by-case basis.
- Neutral colors / translucent stains must be used for any decks, patios, porches, pergolas, gazebos, and similar improvements. Neutral colors for the purposes of this guideline shall mean any color that will blend in naturally with the home or complements the home's color scheme. Colors and stains must be submitted with all ARB Requests and will be approved by the ARB on a case-by-case basis.
- All decks, patios, porches, pergolas, gazebos, and similar improvements must meet the building requirements for the Town of Smithfield, including but not limited to permitting, inspections, setbacks, impervious restrictions, etc.
- *See Setbacks & Lot Restrictions.*
- *See Drainage & Grading.*

Drainage

- All drainage and grading must be indicated on the ARB Request submitted to the ARB 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 Town of Smithfield 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 ARB.
- 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.
- ARB request and prior written approval required.
- 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 Town of Smithfield with respect to the minimum setback requirements from the property lines.
- All external detached freestanding structures must comply with all applicable Town of Smithfield 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 sheds shall be in proportion to the house, but in no case shall exceed 120 square feet or ten feet (10') in height.
- 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.

Fences

- ARB request and prior written approval required.
- Fences are permitted for single family homes only.
- Chain-link fencing and aluminum is NOT allowed in the East River Community.
- In order to maintain a uniform style of fencing throughout East River, 5' or 6' dog-eared fence; fences are to be constructed with #2 or better pressure treated pine. All fasteners shall be galvanized.
- There shall be a minimum of one walk-through gate at least 48" inches wide for access.

- Fences shall be wood and constructed on-site and shall not be constructed of pre-made “panels.” Wood fences shall remain natural in color. Opaque stains and paint are not allowed.
- Fences shall follow the natural topography of the land.
- Existing trees shall not be removed to place the fence without prior written approval from the ARB.
- Fences must start from the back corners of the home OR up to ten feet (10’) up the side of the home from the rear corners for the purpose of screening an AC Unit, side entry service door to the garage. Such exceptions will be made on an individual basis and must be approved in advance by the ARB.
- Applicants are responsible for locating any and all easements, sight triangles, landscape buffers, resource conservation areas, and other features on their lot prior to submitting an ARB Request. Fencing shall not be constructed in or on any of these areas. Fencing shall be installed on the property line or as near as is reasonably possible to the property line in the event there is an easement, buffer, resource conservation area or other feature on the lot.
- The fence shall tie into and constructed off of the back corners of the home and follow the property lines. Alternatively, privacy fences may instead tie into the side of the home (the result being a portion of the side yard fenced in). The ARB will determine the final placement of the fence.
 - Fence placement must also consider any recorded easements.
 - For example, a fence may not block or impede a drainage or utility easement.
- Recommendations & Considerations
 - Installing fences with a 2”-3” clearance at the bottom from subgrade for drainage.
 - Clear water repellent is recommended.
 - Fencing may be softened through the use of landscaping on the exterior side of the fence, where possible.
- Privacy fences may not be installed on townhome properties. See *Townhome Privacy Screens/Partitions*.
- It shall be the homeowner’s responsibility to maintain the fence and gates, and repair damaged areas in a timely fashion. Maintenance includes regular inspection, staining, washing, and repairing as needed.

Flags

- Decorative or seasonal flags (such as the American flag, State, seasonal, welcome, sports, or college flags) are allowed and no ARB Request is required.
- A maximum of two (2) decorative or seasonal flags, attached to the house are allowed. Those flags must be hung from a pole, mounted on the main residential dwelling structure or front porch column. In addition, two (2) smaller flags are allowed in other locations in the yard.
- Maximum allowed size for flags mounted on the house are 4’x6’. All other flags, as displayed in the yard should not exceed 18”x24”. Flags that do not meet the proposed specifications must be approved by the ARB. Owners are expected to display flags in good harmony with the East River Community. The Association reserves the right to request removal and/or submission of an ARB Request for a flag that does not meet the above-listed criteria.

Garbage Can Containment, Screening, & Similar Enclosures

- ARB request and prior written approval required.
- Privacy screens and other enclosures for the containment of garbage cans shall not be placed in the front yard.
- Screens and enclosures for garbage cans should be located on the garage side of the home and placed as far away from the front corner of the home as possible.

- Garbage can screens and similar enclosures may be no taller than five feet (5'), no wider than three feet (3') and no longer than eight feet (8').
- Screens and enclosures for garbage cans must be neutral in color and material as to match the home to blend with the existing color scheme of the home. Acceptable materials to construct garbage can screens and enclosures are pressure treated pine or vinyl. As a general guide, natural-colored wood stain or white vinyl are acceptable colors for screening/enclosing garbage cans.
- Portable, non-permanently affixed garbage can screens or enclosures are not permitted in the East River Community.

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 ARB for review and approval.
- Small temporary pools for children do not require prior ARB 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 ARB request or prior written approval. These are considered normal improvements and are strongly encouraged.
- ARB 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 ARB 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 ARB approval, but if used, should be consistent with the existing style and aesthetics of the East River 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 East River 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 Town of Smithfield, Johnston 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 Town of Smithfield 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

- ARB request and prior written approval required.
- 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 Town of Smithfield as to the permit requirements, impervious restrictions, and widening restrictions.
- Parking pads and driveway extensions may not be installed on townhome properties.
- *See Setbacks & Lot Restrictions.*

Play Structures & Recreational Equipment

- ARB request and prior written approval required.
- 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 ARB.
- 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 ARB 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 ARB Request Form. Distance from the street, slope, and length of driveway will be taken into consideration by the ARB when reviewing permanent basketball goals.
- **Trampolines:
 - Unfenced lots with trampolines shall require a release of liability form to be signed and submitted with the ARB Request Form.

Privacy Screens/Partitions

- Owners shall not install privacy screens or partitions without prior written approval of the ARB.
- Townhome Units:
 - Privacy screens and partitions must be six feet (6') in height and made of white vinyl composite.
 - Privacy screens and partitions must be placed no further than three feet (3') away from the patio or deck.
 - Privacy screens and partitions must be placed on the property line.
- Single family homes:
 - Privacy screens and partitions must be six feet (6') in height and made of white vinyl composite OR material that compliments the overall color scheme of the home.
 - Privacy screen and partition must touch the home and can only come off of one (1) side of the home.
 - Privacy screens and partitions may not be longer than twenty feet (20') in length.

Recreational Vehicles, Watercrafts, Trailers, Campers, etc.

- Recreational vehicles, watercrafts, boats, trailers, campers, and similar items that exceed the height of the home's garage door shall not be parked on any portion of the lot without prior written approval of the ARB.
- Recreational vehicles, watercrafts, boats, trailers, campers, and similar items previously approved by the ARB that are will not be stored in the driveway or garage shall be screened with privacy fence and/or landscaping as requested by the ARB.

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 ARB 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 ARB 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 Town of Smithfield ordinance and based on location/street where the property is located.
- Lots in East River 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 East River 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 East River 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 ARB.
- 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 ARB will review in advance and approve in writing all equipment placement.

Walkways

- Walkway additions or replacements shall not be installed without prior written approval of the ARB.
- Generally, brick, concrete, concrete pavers, stamped concrete, flagstone, and similar materials will be considered as acceptable materials for walkways so long as the materials complements the exterior of the home and existing landscape. Walkways shall be created in scale and proportion with the lot and existing structures.
- All walkways must maintain proper drainage on the lot.
- *See Drainage & Grading.*
- *See Setbacks & Lot Restrictions.*

IV. MISCELLANEOUS

Additional Questions & Information

- Homeowners are encouraged to contact IRJ Property Management with any questions about ARB 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 ARB, 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 ARB, 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 ARB 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 ARB, 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 _____, 2024.

East River Homeowners Association, Inc.