

THERRELL FARMS COMMUNITY



RESIDENTIAL IMPROVEMENT GUIDELINES AND SITE RESTRICTIONS

THERRELL FARMS HOMEOWNERS ASSOCIATION

THESE RESIDENTIAL GUIDELINES HAVE BEEN PREPARED BY THE ARCHITECTURAL REVIEW COMMITTEE AND ADOPTED BY THE BOARD OF DIRECTORS OF THE THERRELL FARMS HOMEOWNERS ASSOCIATION. THE BOARD OF DIRECTORS RESERVES THE RIGHT TO ADD TO OR MODIFY THESE GUIDELINES AT ITS DISCRETION.

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I. INTRODUCTION.

1.1 Basis for Guidelines. Therrell Farms Homeowners Association is being developed as one of the most beautiful communities in the greater-Charlotte area. The community encompasses rolling terrain, beautiful woodlands, and a private lake. Great care has been taken in the planning, design and development phases of the community to ensure that Therrell Farms's natural beauty is retained for years to come. These Residential Improvement Guidelines and Residential Site Restrictions are intended to assist homeowners in Therrell Farms in the making of landscaping and other improvements to their property, and as provided for in the Community Declaration of Covenants and Restrictions, to list the rules and regulations adopted by the Homeowners Association with respect to the use of Residential Sites.

THE COMMUNITY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R's) FOR THERRELL FARMS REQUIRE PRIOR APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE BEFORE ANY "IMPROVEMENT TO PROPERTY" INVOLVING A RESIDENTIAL LOT IN THERRELL FARMS.

"Improvement to Property" is very broadly defined in the Community Declaration. For instance, an Improvement to Property would include, but not limited to, any landscaping or change of grade of property; the construction or installation of any out building, patio, deck, pool or hot tub; the demolition or removal of any building or improvement; and any change of exterior appearance of a building or other improvement. In order to assist homeowners, the Community Declaration authorizes the Architectural Review Committee to establish guidelines, to establish certain pre-approved designs for several types of Improvements to Property, and to exempt certain Improvements to Property from the requirement for approval. This booklet contains the guidelines established by the Architectural Review Committee with respect to residential property. Throughout this document the term "property" shall refer to a Residential Site.

1.2 Contents of Guidelines. In addition to the introductory material, these guidelines contain (a) a listing of specific types of improvements which homeowners might wish to make with specific information as to each of these types of improvements; (b) rules and regulations applicable to Residential Sites; (c) a summary of procedures for obtaining approval from the Architectural Review Committee; and (d) a section to define commonly used terms herein. If your questions are not answered by reading these guidelines, please contact the ARC through Erin Bottenberg at Pivot Management (See 1.4 for contact information).

1.3 Architectural Review Committee. The Architectural Review Committee consists of not less than three (3) members.

1.4 Committee Address and Phone. All requests and comments for the ARC should be funneled through Erin Bottenberg at Pivot Management via email [erin@pivotmanagementgroup.com], or mailed to Pivot Management Group, Inc., P.O. Box 470483 Charlotte, NC 28247-0483. The phone number for Pivot Management is 704.644.5683. Owners may receive instructions by e-mail as to the location and method of submitting plans and other required information to the ARC.

1.5 Effect of Homeowners and CC&Rs. Copies of the Covenants, Conditions and Restrictions (CC&Rs) should be provided to home buyers when they

purchase their homes and are available at any time through the Homeowners Association management firm, Pivot Management. Each homeowner should review and become familiar with the CC&Rs applicable to his or her property. Nothing in these Guidelines can supersede or alter the provisions or requirements of the CC&Rs and, if there is any conflict or inconsistency, CC&Rs will control. Provisions relating to the use of property and to Improvements to Property are found in **Article IX of the Covenants, Conditions and Restrictions**.

Any improvement not in compliance with these Guidelines and Restrictions may result in a fine against the owner, following Notice and an opportunity for Hearing and such further action, legal or otherwise, as permitted by the Homeowners Declaration or statute. All approvals by the Architectural Review Committee are final. If any provision of these Guidelines and Restrictions is ruled invalid or unenforceable, the remainder of these Guidelines and Restrictions shall remain in full force and effect.

1.6 Effect of Governmental and Other Regulations. Use of property and Improvements to Property must comply with applicable building codes and other governmental requirements and regulations. Approval by the Architectural Review Committee will not constitute assurance that improvements comply with applicable governmental requirements or regulations, nor does approval assure that a permit or approvals are not also required from applicable governmental bodies. For general information about Union County requirements, homeowners may contact Union County Building and Land Development Department via: <http://www.co.union.nc.us>.

1.7 Interference with Utilities. In making Improvements to Property, homeowners are responsible for locating all water, gas, sewer, electrical, cable television or other utility lines or easements. Homeowners should not construct any improvements over such easements without the consent of the utility involved and homeowners will be responsible for damage to any utility lines. All underground utility lines and easements can be located by contacting the Union County Building Land Development Department and obtaining the name and address of an authorized utility locating service.

1.8 Goal of Guidelines. Compliance with these Guidelines and Restrictions, the provisions of Covenants, Conditions and Restrictions (CC&R's) will help preserve the inherent architectural and aesthetic quality of Therrell Farms. It is important that the Improvements to Property be made in harmony with, and not be detrimental to, the rest of the community. A spirit of cooperation with the Architectural Committee and neighbors will go far in creating an optimum environment, which will benefit all homeowners. By following these Guidelines and Restrictions and obtaining approvals for Improvements to Property from the Architectural Committee, homeowners will be protecting their financial investment and will help insure that Improvements to Property are compatible with standards established for Therrell Farms. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Guidelines and Restrictions, the Architectural Review Committee's interpretation thereof shall be final and binding.

1.9 General Approval Process. ADVANCE OR PRIOR WRITTEN APPROVAL BY THE ARCHITECTURAL COMMITTEE IS REQUIRED BEFORE AN IMPROVEMENT TO PROPERTY IS COMMENCED. THIS SECTION OF THE GUIDELINES EXPLAINS HOW SUCH APPROVAL IS TO BE OBTAINED.

1.10 Drawings or Plans. The Architectural Review Committee requires all submittals to list the address of the property and name, address and telephone number of the property owner on the form, THE RRELL FARMS HOMEOWNERS ASSOCIATION APPLICATION FOR CHANGE OR ADDITION. Forms should be procured through Pivot Management via email at: erin@pivotmanagementgroup.com.

For small landscape improvements, the above form accompanied by a simple drawing (a recorded plat map of the lot can be downloaded from Union County web site) and description will be sufficient **as long as** measurements from boundary lines are indicated, the dimension of the Improvement, and materials to be used are included. For example, "New 5 ft long, 3 ft wide walkway constructed with slate pavers from driveway to garden 50 feet from back boundary line." Drawing showing walkway on site plan is essential. Use the Checklist for Completeness (1.10 E) to make sure all pertinent information is included.

For more involved Improvements the Architectural Review Committee may reasonably request surveys, plot plans, drainage plans, elevation drawings, construction plans, specifications and samples of materials and colors showing the nature, kind, shape, height, width, color, materials and location of the proposed Improvement to Property. In the case of major improvements, such as large landscape installations, room additions, and structural changes or out building construction, detailed plans, and specifications, prepared by a registered architect and/or engineer, may be required. Whether the improvement will be done by the property owner or a contractor, the following guidelines should be utilized in preparing drawings or plans:

A. Plans. The drawing or plan should be done to scale and should depict the property lines of your lot and the outside boundary lines of the home as located on the lot. If you have a copy of the site plan of your lot obtained when you purchased it, this survey would be an excellent base from which to draw. Gomaps.com is another resource to get a map of your parcel. Contour plans in two foot increments denoting the existing and proposed finished contours shall be required for new construction and any modification where the extent of the work is performed on an area of a site exceeding a five foot elevation change, or where the direction or velocity of water flow off the site is subject to change.

B. Existing Improvements. Existing improvements, in addition to your home, should be so shown on the drawing or plan and identified or labeled. Such existing improvements include driveways, walks, decks, trees, bushes, etc.

C. Proposed Improvements. The proposed improvements should be shown on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed improvement, including the material to be used and the colors. (Example: Redwood deck, 10 feet by 12 feet with two (2) inch by four (4) inch decking, natural stain.)

D. Other. The plan or drawing and other materials should show the name of the property owner, the address of the home and a telephone number where the property owner can be reached.

E. Checklist for Completeness. The following details the information required for the ARC to render a decision:

For all landscape and construction changes:

- Copy of recorded plat or detailed drawing showing the **exact dimensions and elevations** of the proposed change.
- **Exact location** of the change on the drawing with measurement from property borders. (e.g. -water fountain 20 feet from side boundary.)
- Description of **materials** to be used in the improvement. Magazine clippings, pictures, descriptions of the materials to be used in the improvement. (e.g. -fencing-5 ft. black aluminum fencing or sidewalk 3 ft in width made with concrete pavers).
- **Affects on adjoining lots.** (e.g. -unscreened compost container located near neighbor's lot line.)
- **Description of grading work.** Lot drainage provisions should be indicated if any depreciable change in the lot contour is contemplated.

For Additions, Outbuildings: Above items plus

- The structural design, exterior elevations, structural changes (Architect's rendering or plans).
- Exterior materials, colors, textures and shapes of all materials to be used in the construction project.
- Complies with zoning ordinances
- Plans sealed by an engineer, architect or landscape architect as appropriate for the scope of work.
- Square footage of Improvement

1.11 Submission of Drawings and Plans. One set of hard copy and electronic copy (i.e. a PDF file) of the Submittals for expansions, additions, and improvements must be submitted to Pivot Management at the address shown above (1.4) for the ARC review. These plans become a permanent part of the ARC's file and will not be returned. Once the plan is submitted it will be checked for completion. If plan is determined to be incomplete, the homeowner will be asked to submit the missing items. The plan will not be forwarded to the ARC for review until it is deemed complete. **The thirty (30) day reviewing period will not commence until plan is considered complete.** *Additional time maybe required for large alterations and/or new home construction.*

1.12 Review Fee. The Architectural Review Committee may elect to collect a fee for review of the submittals of proposed improvements. These fees can be modified by the Therrell Farms HOA without a further notice to the homeowners. Large additions, or involved landscaping plans may be reviewed by a Licensed Architect. Costs for this review will be paid in advance by the homeowner.

1.13 Action by Committee. The Architectural Review Committee will meet regularly to review all plans submitted for approval. The Committee may require submission of additional material and the Committee may postpone action until all required materials have been submitted. Homeowners will be notified if the Committee believes additional materials are necessary, or have any suggestions for

change. Under **Article IX, Section 4 of the CC&R**, the Architectural Review Committee must act on the plans within forty five (45) days after receipt of **all** materials required by the Committee (unless the time is extended by mutual agreement). Homeowners will be notified, in writing, of the decision of the Committee within this time period.

1.14 Prosecution of Work. **Article IX Section 8 of the CC&R** requires that, after approval, a proposed Improvement to Property should be accomplished as promptly and diligently as possible in accordance with the approval plans and description. Under this provision, the work must be completed, in any event, within one (1) year, or resubmittal shall be required. The time period may be extended due to strikes, fires, national emergencies, force majeure or other supervening forces. Installation of large items of shrubbery or trees may be delayed in order to plant during the best seasons for such plantings. **Article VIII, Section 2 of the CC&R** gives the Committee the right to inspect the work for adherence to original plans at any time without a prior notice to the homeowner.

1.15 Right of Appeal. Homeowners have the right to appeal the ARC's decision. They may appear before the board and state their case. Subsequent decisions by the board will be final.

1.16 Role of the Management Company. Pivot Management Group, Inc. facilitates communications between the ARC and enforces adherence to Therrell Farms HOA' restrictions, rules and regulations for the Homeowners Association. Pivot Management Group, Inc. is responsible for:

- A. Observing and/or receiving verbal and oftentimes written complaints about violations of general restrictions, rules and regulations.
- B. Confirming that a complaint is valid.
- C. Notifying residents, verbally or in writing that they are in non-compliance and the corrective steps, and the time interval needed for compliance.
- D. Ascertaining whether the violation has been corrected or not.
- E. Determining and enforcing penalties for continued non-compliance.
- F. Receiving all submittals for improvements and reviewing the submittals for completeness prior to sending the submittals to the ARC for review. Communicate the ARC results to homeowners.
- G. Record and publish minutes from board meetings.

It should be noted that the Management Company does not make decisions regarding compliance with Therrell Farms Guidelines. Their role is limited to the activities specified above.

1.17 Questions. If you have any questions about the Committee's procedures or the role of the management company, feel free to email or call our management company, Pivot Management as specified in section 1.4.

II. SPECIFIC TYPES OF IMPROVEMENTS – GUIDELINES.

2.1 General. Following is a listing, in alphabetical order, of restrictions as well as a wide variety of specific types of improvements which homeowners typically consider installing, with pertinent information as to each.

UNLESS OTHERWISE SPECIFICALLY STATED (SEE PROCEDURES FOR COMMITTEE APPROVAL, ABOVE AND ARTICLE IX OF THE CC&Rs document), DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE ARCHITECTURAL REVIEW COMMITTEE AND THE WRITTEN APPROVAL OF THE ARCHITECTURAL REVIEW COMMITTEE OBTAINED BEFORE WORK IS COMMENCED.

In some cases, where it is specifically so noted, a homeowner may proceed with the improvement without advance approval by the Architectural Review Committee if the homeowner follows the stated guidelines. In some cases, where specifically stated, a type of improvement is prohibited.

ANY OTHER IMPROVEMENT NOT SPECIFICALLY LISTED HEREIN REQUIRES COMMITTEE REVIEW AND WRITTEN APPROVAL.

2.2 Additions and Alterations. Committee approval is required. An addition should look like the original structure with matching architectural style and rooflines. Additions or alterations to the home will require detailed plans and specifications (including, but not limited to, exterior elevations of the existing structure and the proposed addition, site plan and floor plan). All materials and colors shall match the existing house. Site plans should be submitted in a scale of 1"-10') and floor plans and elevations in ¼" = 1'-0". The homeowner should plan on a 45-business-day review period.

2.3 Address Numbers. House numbers are to be displayed in compliance with all Union County ordinances. Curb numbers will not be approved unless required by municipal authorities for police and emergency services.

2.4 Air Conditioning Equipment. Window Air Conditioning units are not permitted in Therrell Farms.

2.5 Antennas/Satellite Dishes.

The Telecommunications Act of 1996 ("Act") was signed into law on February 8, 1996. Pursuant to the Act, the Federal Communication Commission ("FCC") adopted a rule effective October 14, 1996 ("the FCC Rule"), preempting certain restrictions in the governing documents of homeowner's associations concerning the installation, maintenance, and use of direct broadcast satellite ("DBS"), television broadcast ("TBS"), and multi point distribution service antennas ("MMDS") ("antennas/dishes").

In response to the FCC Rule, and due to the development of recent technology, the Architectural Review Committee adopted the following reasonable restrictions and guidelines governing installation, maintenance, and the use of antennas/dishes in the best interest of the Homeowners and consistent with the FCC Rule.

A. Antenna size and type.

1. DBS and MMDS antennas/dishes that are 36 inches (3 feet) or less in diameter and for personal use of a homeowner may be installed. DBS and MMDS antennas/dishes larger than 36 inches (3 feet) are prohibited.
2. All antennas/dishes not covered by the FCC Rule are prohibited.

B. Location.

1. All antennas/dishes shall be installed with emphasis on being as unobtrusive as possible to others in the community. To the extent that reception is not substantially degraded or costs unreasonably increased, all antennas/dishes shall be screened from view from any street and nearby lots to the maximum extent possible, and placement shall be made in the following order of preference:
 - A. Inside the structure of the house, not visible from the street;
 - B. "Rear" yard or "side" yard, behind and below the fence line;
 - C. "Rear" yard or "side" yard, mounted on the house, in the least visible location below roofline;
 - D. "Side" yard in front of wing fence, screened by and integrated into landscaping;
 - E. "Front" yard screened by and integrated into landscaping;
 - F. Back rooftop on masts less than twelve (12) feet in height.

If more than one (1) location on the property allows for adequate reception without imposing unreasonable expense or delay, the order of preference described above shall be used, and the least visible site shall be selected.

2. If the selected site is not inside the structure or in the "rear" or "side" yard below the fence line (B.1.a. and B.1.b.), the Owner shall complete a notification form and deliver it to the Management Company, along with a statement signed by the Owner and the installer of the antenna/dish stating that all positions, described in paragraph B.1., have been tried in order of rank, and that the site of installation is the first site whereby an acceptable quality signal can be received. For example, if an acceptable quality signal is available from a site in the "rear" yard below fence level, sites listed below B.1.b. (c., d., e., and f.) are not acceptable.
3. Antennas/dishes shall not encroach upon common areas or any other Owner's property.

C. Installation.

1. All installations must comply with all applicable building codes and other governmental regulations, and must be secured so they do not jeopardize the safety of residents or cause damage to adjacent properties. Any mast installation must strictly comply with FCC guidelines.
2. All antennas/dishes shall be no larger, nor installed more visibly, than is necessary for reception of an acceptable signal.

3. Owners are responsible for all costs associated with the antenna/dish, including but are not limited to costs to install, replace, repair, maintain, relocate, or remove the unit.
4. All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Antennas/dishes, masts, and any visible wiring may be required to be painted to match the color of the structure to which they are attached. The owner should check with the installer/vendor for the appropriate type of paint.
5. Except as otherwise provided herein above, to the extent not prohibited by the FCC Rule, approval of the location, height, materials and other features regarding the appearance of any antenna/dish shall be submitted in accordance with the Homeowners Declaration.

The preferred locations for installations of dishes and antennas, from an aesthetic and safety perspective are as follows:

Most Acceptable

- a. On the ground and screened from view.
- b. On another location on the property that is not visible from the street.

Least Acceptable

- a. In a location that is visible from the street or adjacent properties, but only to the extent necessary for an acceptable signal to be received.

2.6 Awnings. Awnings are not permitted in Therrell Farms.

2.7 Balconies. See Decks.

2.8 Basketball Backboards, Portable Basketball Goals and Permanent Basketball Backboards.

A. ARC approval is required for all **permanently** installed backboards mounted above the garage.

Criteria for consideration will include, but may not be limited to:

- 1) proximity of goal to adjacent houses
- 2) adequate visual screening and lot location in rear and side yard applications
- 3) goal applications sleeve shall not protrude more than four (4) inches above the ground

B. **Portable** goal applications will not require approval under the following considerations:

- a. the location must be at least half ($\frac{1}{2}$) of the length of the driveway away from the street. This location constitutes proper placement for the unit and the goal must be kept in this location.
- b. the location should not impede or obstruct the use of the garage or driveway and the unit must be leveled to ensure that the goal is balanced and standing upright.

Portable Basketball Goals – defined by the Architectural Review Committee as equipment that is commercially manufactured, with a large base for counter-balance, and/or wheels for mobility, and are engineered for removal. Portable goals are considered personal items, rather than permanent improvements to the property, and therefore, are to be moved with other personal belongings when a property changes ownership or residents.

Note: For Sport Courts see Sport Court section.

2.9 Birdbaths. Committee approval is not required for “rear” yard installations as long as the color and theme blends with surrounding property. Size is limited to less than three (3) feet tall, including pedestal and of a width or diameter proportional to height. Additional units or location in “front” or “side” yard requires Committee approval.

2.10 Birdhouses. Committee approval is not required for “rear” yard installations as long as the color and theme blends with surrounding property. Size is limited to 1’ x 2’ x 18”. Additional units or location in “front” or “side” yard requires Committee approval.

2.11 Birdfeeders. Committee approval is not required for “rear” yard installations as long as color and theme blends with the surrounding property and does not interfere with neighboring lots. Front or side yard installations require Committee approval.

2.12 Boats. See Motor Vehicles/Recreational Vehicles.

2.13 Business Activity from a Residence. The owner of a residential site may use his property for professional or other home-based occupations so long as there is no external evidence thereof and no unreasonable inconvenience to the neighbors is created.

2.14 Campers. See Motor Vehicles/Recreational Vehicles.

2.15 Car Covers. Not permitted.

2.16 Carports. Not permitted. See Motor Vehicles/Recreational Vehicles for allowable methods of vehicle storage.

2.17 Clothes Lines and Hangers. Not permitted.

2.18 Commercial Vehicles/Trailers.

A. A commercial vehicle is defined as, a gross vehicle weight of 10,000 pounds or more or containing more than two axles, but is not limited to, a vehicle that has a business name or logo on it, and/or has equipment racks or equipment attached. Trailers used to carry equipment or tools are considered commercial vehicles. Box or flatbed trucks are prohibited. All commercial

vehicles shall be parked in the garage unless Committee approval has been given to park in the driveway. Such approval will be based upon but not limited to curb appeal, effect on safety and street traffic, size and type of vehicle, signage and attached appurtenances. Commercial vehicles will not be given approval to be parked in the street.

B. Emergency vehicles may be parked on a street or driveway if the owner is required, as a condition of his/her employment, to keep the vehicle available at his/ her residence during certain times as an emergency service provider.

2.19 Compost. Not permitted.

2.20 Decks. All deck additions or improvements require Committee approval. Approval will generally be granted if they meet the following conditions. If the deck:

- A. Is installed directly behind the house;
- B. Does not extend beyond the sides of the house;
- C. Is constructed of stone, brick, cobblestone;
- D. Decks cannot be constructed on or over utility easements and cannot exceed mandatory county setbacks.
- E. Color must be similar to, or generally acceptable, as complimentary to the house.

2.21 Deck Cover. Committee approval is required for any type of deck cover. Considerations will include, but may not be limited to, the following criteria:

- A. Materials shall match existing house.
- B. Plan shall denote dimensions and distances from property lines.
- C. Plan shall include side and rear elevations.
- D. Minimum roof pitch is 3:12 (for every foot of run, roof must rise three inches) but should match existing pitch as close as possible; plan must show how rooflines integrate between the house and cover.
- E. To enclose a deck cover, please see section on Patio Covers. (2.50)

2.22 Disability Accessibility. Committee approval is required. Such items shall include, but may not be limited to, ramps, railings, landings, lifts, and hard surface (paving) alterations. Considerations will include, but may not be limited to, integration into the landscape and if the improvement is complementary to the home including materials, colors and screening.

2.23 Dog Runs/Dog Houses.

- A. Dog runs are not permitted.
- B. Dog Houses must be approved by the ARC. Considerations will include, but may not be limited to:
 - 1) Proximity to neighbors' windows and principal outdoor living areas;
 - 2) Adequate visual screening relating to adjacent properties;
 - 3) Type of cover, if requested.

2.24 Doors. Committee approval is not required for doors, if no modification to the framing is required, and materials and color are complementary to the house. If style of door is not similar to existing door, approval is required. Screen/storm doors are prohibited on dwelling exits. Replacement of a screen door on porch, do not require committee approval when replaced with similar materials to original. Security enhancements for doors and windows (i.e., bars and grills, etc.) and doors with decorative features require approval.

2.25 Drainage. Committee approval is required for any change affecting drainage. The board requires that there be no interference with the established drainage pattern over any property except as approved in writing by the Architectural Review Committee. The established drainage pattern means the drainage pattern as engineered and constructed by Developer/Builder prior to (or in some cases, immediately following) conveyance of title from Developer/Builder to the individual homeowner. Landscaping should conform to the established drainage pattern. When installing landscaping, it is very important to ensure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or pooling near or against the house foundation, walkways, sidewalks and driveways. Water should flow fully over walkways, sidewalks and driveways into the street. The Architectural Committee may require a report from a registered civil engineer as part of landscaping or improvement plan approval. Sump pump drainage should not discharge directly onto adjacent properties.

2.26 Driveways. Committee approval is required for modification or expansion of driveways. Driveways are considered those areas used by motor vehicles and do not include areas that are strictly used as walkways.

All submittals for expansions shall be based upon the following criteria:

- A. Visual impact and consistency within the neighborhood;
- B. Must be installed adjacent to existing driveway and not extend into the front or side yard;
- C. Material must match existing driveway or a material to complement the surroundings (patterned, colored or stained concrete, or other suitable driveway material);
- D. Parking/storing equipment or trailers is not permitted.

2.27 Fences. All fences and walls must be approved by the Committee as to location, size, and materials. Walls, fences, copings, or boundary plantings may not be constructed or maintained in such a manner as to interfere with the vision of drivers at any intersection of streets or roads.

Fences may be constructed on side boundary lines, and rear boundary lines, but if constructed in a Utility Easement, the fence must be removable to allow Utility repairs.

No fence or wall shall extend beyond the front setback, or front and side setback line [street side only] on any corner lot.

No fence or wall greater than six (6) feet in height are permitted. Columns, accents, or entrance ways may be in excess of six (6) feet if approved by the ARC.

Approved Fencing Materials are black aluminum or black wrought iron. Wrought iron with brick or stone piers is also approved.

Prefab wood and wood fencing will only be permitted on rear of yard bordering the community boundaries.

All retaining walls built anywhere on Lots should be made from stone, keystone, brick or other approved materials. Final design and materials must be approved by the Committee.

2.28 Firewood Storage. Committee approval is not required for storage of one (1) cord or less. Must be located in the "side" or "rear" yard, must be neatly stacked, must not be located so as to block established drainage patterns, and must be screened from view. All other wood must be stored in an approved enclosure or "screened" from view.

2.29 Flag Displays. Committee approval is not required. Flag Poles are prohibited.

2.30 Garbage Containers and Storage. See Trash Containers, Enclosures and Pick-up (2.85).

2.31 Gardens.

A. Flower: Committee approval **is not** required unless flower bed(s) will be raised. See Retaining Walls Section. Plant material must be live, not plastic or silk. All flower gardens must be weeded and carefully maintained.

B. Vegetable: Committee approval **is not** required unless vegetable garden will be raised. See Retaining Walls Section. Vegetable garden should not be visible from streets. If garden is in side yards, screening with shrubbery should be utilized to hide the vegetable garden.

2.32 Gazebo. Architectural Review Committee approval is required. Gazebos will not be permitted in front yard. Considerations by the Architectural Review Committee will include, but may not be limited to, the following criteria:

A. Materials shall be wood (composite material may be considered acceptable); other materials such as wrought iron, stone and slate will be considered;

B. Roofing shall match existing house or be an open arbor style; fabric tops may be permitted; Committee approval is required based on the color being complementary to the exterior of the residence and the structure being maintained at all times;

C. Set back should be in agreement with the CC&R rules, a minimum of fifteen feet from side property lines and 20 feet from front and back property lines;

D. Maximum height is 11'6" from grade and may not be installed on an elevated deck;

E. Should not unreasonably obstruct view of properties on open space (see View and Solar Obstructions);

F. Must be an integral part of the landscape scheme; Seasonal use of gazebos for shade must be submitted for approval and will be considered on an

individual basis. Seasonal structures should be removed and stored out of sight during the winter season.

2.33 Golf Carts The operation of Golf Carts on the private streets of Therrell Farms shall mirror public law and policy as much as possible to promote safe driving conditions for both the drivers and passengers of golf carts and other motor vehicles.

Only duly licensed driver over 16 years of age may operate golf carts. Golf cart owners must not knowingly allow an unlicensed driver (i.e. child or minor) to operate a golf cart in Therrell Farms

Persons using golf carts on roadways shall obey all traffic laws.

A golf cart may be operated only during the hours between sunrise and sunset unless equipped with properly operating headlights and taillights.

A golf cart must be equipped (as a minimum) with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflector warning devices in both the front and the rear.

No golf cart may be used to carry more persons at one time than can be safely seated in designated seating areas.

The owner of a golf cart and/or any person using a golf cart on roadways assumes the risk of property damage, personal injury or death. The Association shall in no manner be responsible to any such owner/and or user or any third party for any liability arising from or connected with the use of a golf cart on a roadway, whether in compliance with, or in violation of, this rule.

2.34 Grading and Grade Changes. See Drainage.

2.35 Greenhouses. Committee approval is required. See Out Buildings (2.50).

2.36 Hot Tubs. Committee approval is required. Committee recommends that unit be an integral part of the deck or patio area and/or the landscaping. Hot tub must be installed in rear yard with appropriate screening so as not to be immediately visible to adjacent property owners. All hot tubs should be placed in agreement with the CC&R setback rules, within the side lines of the home.

2.37 Inoperable Vehicles. Inoperable vehicles (legally and/or mechanically) shall not be repaired, constructed or allowed to remain on any portion of the Property or on any private or public street in such a manner as to be visible from any other property. No vehicles shall be parked on landscaped areas (i.e., rock, sod, mulch, etc.).

2.38 Irrigation Systems. Underground manual or automatic irrigation systems will require approval of the Architectural Review Committee.

2.39 Kennels. Kennels are not allowed for commercial purposes. See Dog Runs/Dog Houses.

2.40 Landscaping.

A. Committee approval is not required in the following circumstances:

- 1) If you are replacing dead or dying landscape elements with the same type of landscape elements;
- 2) If you are adding or removing a flower bed in an area constituting no more than 2% of your front, rear or side yard which will not affect drainage;

B. Committee approval is required for landscaping when the plan includes:

- 1) Retaining walls or grade changes;
- 2) Hardscapes or paving, which may include, but not be limited to pavers, sidewalks, patios, rock beds, stone paths, etc;
- 3) less than 50% sod in the "front" and/or "rear" yards (or "side" yards if they are wider than 15 feet);
- 4) or if the lawn area will be seeded;
- 5) or if the property adjoins open space (see View and Solar Obstructions)
- 6) or if the newly planted vegetation will grow taller than six (6) feet tall or six (6) feet wide at maturity.

C. Watering Restrictions: During times of drought emergency, when watering restrictions are imposed by Union County Water and Sanitation District limiting the amount of water that a homeowner may use, it is suggested that homeowners continue to irrigate as permitted by the watering restrictions to keep landscape alive. Once watering restrictions are lifted, homeowners shall be allowed a reasonable and practical opportunity, as defined by the Architectural Committee, with consideration of applicable local growing seasons or practical limitations, to reseed and revive turf grass before being required to replace it with new sod. For determination of the time period ARC will allow for reseeding and revival of turf grass, homeowners should contact the ARC submit and obtain approval of the owner's plan for the revival or replacement of damaged or dead turf grass.

D. Landscape Installation and Seeding: Lawn should be seeded with one type of seed, not a mixture. If lawn area will be seeded, please be aware that if the first attempt at seeding is not successful, you may be required to install sod in order to be in compliance with the installation requirement outlined below. Landscaping of all yards shall be installed within ninety (90) days after Recordation of a deed of a Residential Site to an Owner, or within such longer period as may be approved in writing by the Architectural Committee. Landscape installation extensions should be requested in writing and may be approved by the Committee under certain circumstances. The Committee will consider the impact of the requested extension on neighboring property owners. The owner shall install and thereafter maintain landscaping on the Residential Site, including the area between the boundaries of the Residential Site and the pavement or curbing of the street, also known as the Street Border Area.

E. Lawn maintenance shall consist of the following: All lawns, front, sides and rear yards, shall be mowed to a height of not less than 3" as needed. All lawns shall be edged where they come in contact with sidewalks, driveways or curbing. Lawn clippings shall either be mulched into the turf or removed. All paved areas, including adjacent street areas shall be cleaned of any clippings. Lawns deemed to be more than 50% weeds will receive correspondence from the Management Company to rectify. Rectification should include killing the

weeded areas, aerating and re seeding with the same type of grass as the remainder of the lawn. Lawns being totally reseeded, should be seeded with one type of grass, not a mixture. The current fining process will be initiated for non-compliance.

2.41 Latticework. Committee approval is required for any type of trellis or latticework.

Considerations by the Committee in granting approval to install lattice will be:

- A. Framing, structural and anchor components;
- B. Location;
- C. Height;
- D. Color;
- E. Material (i.e., plastic or wood)

2.42 Lights and Lighting. Committee approval is required to modify a lighting plan or add exterior lighting. Therefore, the use of, floodlights or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.) requires Committee approval. Lighting that is cool white (slight blue-white tint and brighter) is not an approvable option for light color. Natural white and warm white are the options available for light bulb illumination colors. Considerations will include, but may not be limited to, the visibility, style, and location of the fixture. Exterior lighting for security and/or other uses must be directed at the ground and house, whereby the light cone stays within the property boundaries and the light source does not cause glare to other properties (bullet-type light fixtures are recommended). Solar powered lighting is prohibited. All outdoor lighting should not be illuminated during daylight hours. Holiday lighting and decorations (done tastefully) do not require approval. It is recommended that they not be installed more than 30 days prior to the holiday. They must be removed within 15 days following the holiday.

2.43 Mailboxes. The conforming style as installed by the developer must be used. Mailboxes are to be maintained by the homeowner. Mailboxes that are fading, paint peeling, rusting, dented or damaged, leaning, etc, must be repaired and maintained by the homeowner to prevent dilapidation. Mailboxes may be replaced by ordering the approved Therrell Farms mailbox from Carolina Mailboxes via telephone 1-877-845-0850.

2.44 Maintenance of Property. Appropriate maintenance of all aspects of homes and yards is important for homeowner value as well as community aesthetics. Typical non-compliance includes overgrown or insect infested lawns, untrimmed shrubs, damaged trees, crumbling sidewalks, driveways or house stucco, deteriorating home siding or roofing including; mold-mildew/excessive dirt accumulation on exterior siding of home, sagging gutters, need for repainting, etc. Adherence to this requirement will be pursued in the normal process for any non-compliance matter.

2.45 Motorcycles. All motorcycles shall follow the same restrictions as operable vehicles. Motorcycles on trailers shall refer to Motor Vehicles/Recreational Vehicles.

2.46 Motor Homes. See Motor Vehicles/Recreational Vehicles.

2.47 Motor Vehicles/Recreational Vehicles. No "recreational vehicles", "campers", campers on/off a vehicle, "boats", "mobile homes", "horse trailer" or other "trailers", "tractors", "motor homes" or "trucks" (other than a pickup truck that is not oversized) may be stored in such a manner as to be visible from any other property for longer than 72 hours in a seven (7) day period, except as may be approved in writing by the Architectural Review Committee for reasons such as out of town guests with a recreational trailer. For the purposes of this guideline, all of the above referenced vehicle types shall be considered "recreational vehicles" or RVs. The application of this guideline shall not be limited to only those types of vehicles listed. The Architectural Review Committee shall review any other vehicle type not listed on a case-by-case basis. Such vehicles may be kept only within garages or enclosed structures approved by the Committee. Periodic movement of the vehicle for the purpose of circumventing this standard shall not qualify the vehicle for exception from this standard. The purpose of the 72 hours is to load and unload the RV, not to provide storage/parking for the unit. RVs must be stored/parked in the garage, off-site, or as otherwise approved in writing by the Architectural Review Committee. No vehicles shall be parked on landscaped areas (i.e., rock, sod, mulch, plants, etc.). See Inoperable Vehicles.

Vehicles not intended for highway use such as mini bikes, dirt bikes, four wheelers, ATV's, and go karts are prohibited from use on common grounds and private roads within the community. Such recreational vehicles that are registered with the NCDOT and are acceptable for highway use shall follow the same restrictions as operable vehicles. Mini bikes, dirt bikes, four wheelers, ATV's, and go karts must be stored/parked in the garage, off-site, or as otherwise approved in writing by the Architectural Review Committee.

2.48 Nuisance Behavior. Residents and visitors of Therrell Farms are expected to exhibit personal behavior at all times which is acceptable for community standards. Unacceptable (nuisance) behavior is admittedly difficult to precisely define, but generally is such that upsets other reasonable individuals to the point that complaints are logged. Complaints are handled in the standard non-compliance process. Typical complaints center on extended and or loud parties, vandalism, excessive electronic noise, unattended barking dogs, offensive or noxious trade, major car repairs, etc.

2.49 Ornaments. Committee approval is not required if installed in "rear" yard and of a height less than three (3) feet. All "front" yard ornaments require approval.

2.50 Out Buildings. See definition in Section III. Architectural Review Committee approval is required.

Submitted plans must include the dimensions and roof pitch. Considerations will include, but may not be limited to, the following criteria:

- A. All Materials, including roofing and exterior surfaces, shall match existing house unless otherwise approved by Committee. No plastic or aluminum sheds are permitted.
- C. The exterior surface of any guest house, garage, barn, or outbuilding shall be architecturally compatible with, and of the same materials and general design of the primary dwelling.
- D. No exterior surface shall be of asbestos shingle, imitation brick or other roll siding, aluminum or vinyl siding, exposed concrete, cement blocks or logs.
- E. Any utilities to out building shall be underground.
- F. Shall not unreasonably obstruct views of properties on open spaces (See View and Solar Obstructions). Submittals will be reviewed on a case-by-case basis, taking into consideration the lot size and proposed location of out building. A playhouse will be considered to be an out building if it is more than 24 square feet and/or over six (6) feet in height from highest peak to ground (see Playhouses).

2.51 Painting. Architectural Review Committee approval is required for all exterior painting, unless painting the same color. Dwellings with paint in poor condition may be asked by the ARC to re-paint. Paint condition is reviewed by evaluating street aesthetics and effects on the property values based on the condition of a home's paint and curb appeal.

A. Paint review criteria can include, but is not limited to:

- 1) peeling and chipping;
- 2) fading;
- 3) oil spotting;
- 4) thinning and bleed through, which can include a previous paint color or the grain of the wood;
- 5) erosion or splash back;
- 6) bleaching;
- 7) rotting, warping, or buckling of trim boards or siding;
- 8) discoloration;

A paint submittal must contain the manufacturer's paint chips or samples indicating a manufacturer's color number (or name) and the respective location the homeowner would like to paint the color (i.e., base =F34A Sands of Time, trim=L99B Cool Water, and accent =T43C Zen Green). Paint must be flat or low luster, (i.e., satin). Painting brick or stone is not permitted. Garage door(s) shall be painted the base color of the house, unless otherwise approved by the Committee.

B. In order to harmonize and provide consistency, considerations to grant specific colors will include, but may not be limited to:

- 1) the home's architecture;
- 2) the color and type of any stone or brick accents;
- 3) roof color;
- 4) the colors on homes in the surrounding neighborhood.

2.52 Parking. On street parking by an Owner, family member, tenant, guest or invitee of the Owner is prohibited. However, this shall not prohibit temporary on-street parking by service vehicles, homeowner's vehicles during temporary garage or driveway maintenance, or during the course of social or other events held by an

Owner in/on such Owner's lot/home or on any permitted Common Area. The parking of vehicles across sidewalks so as to prevent safe pedestrian passage is likewise prohibited. Owners, et al., are encouraged to park all vehicles in garages. Any Owner may request the Board to grant a variance from the applicable rule. The variance may include conditions such as limitation on its use or duration. It should be noted that on-street parking blocks access of emergency vehicles.

2.53 Patio Covers. Committee approval is required. Considerations will include, but may not be limited to:

- A. Materials which shall match existing house;
- B. All dimensions and distances from property lines must be denoted on the plan;
- C. Side and rear elevations shall be included;
- D. The roof pitch must match the existing pitch on the home as close as possible;
- E. Plan must show how rooflines integrate between the house and the cover.

2.54 Patios. Committee approval is required. See Paving.

2.55 Patios – Enclosed. Committee approval is required. See Additions and Alterations.

2.56 Paving. Committee approval is required, for walks, driveways, patio areas or other purposes. Paving includes applications such as concrete, asphalt, brick, flagstones, stepping stones, pre-cast patterned, or exposed aggregate concrete pavers. All paving shall be a minimum of one foot off all property lines. Replacement of existing paving with the same type does not require ARC approval.

2.57 Pipes. Exterior pipes, conduits and equipment, such as radon pipes, must be approved. Adequate "screening" or painting to match house may be required.

2.58 Play Ground Equipment. Committee approval is required. Play equipment may not be attached to a deck or main structure and must be installed in the rear of the property, and within the sidelines of the home. Consideration should be given to adjacent properties, so as not to create an undue disturbance. Other play equipment is to be stored out of view when not in use, particularly in the "front" yard.

2.59 Playhouses. Committee approval is required. See requirements in Section- Out Building.

2.60 Poles. Committee approval is required. See Basketball Backboards Section.

2.61 Ponds and Water Features. Committee approval is required. Considerations by the Committee will include, but may not be limited to, the following criteria:

- A. Must be integrated into landscape scheme;

- B. Set back shall be a minimum of 15 feet off side property lines and 40 feet from front and back property lines.
- C. Must not affect existing drainage;
- D. Material and color must blend with the property theme
- F. Must be maintained at all times.

2.62 Pools. Committee approval is required. Above ground pools are not permitted. All submittals must include the following information:

- A. Denote placement of pool with dimensions on a site plan;
- B. Grading plan noting all alterations to grade;
- C. If a retaining wall is required, include all materials and dimensions;
- D. Materials such as concrete, cover, etc;
- E. Location of pool equipment and screening plan;
- F. Fencing around pool noting any existing fencing.

* Fiberglass and liner pools are prohibited *

One (1) wading pool, if less than 18 inches high and eight (8) feet in diameter, per property, is permitted on a temporary basis without prior approval, if placed in the "rear" yard. See Hot Tubs.

2.63 Radio Antennas. See Antennas/Satellite Dishes.

2.64 Railings. Committee approval is required. Types include but are not limited to porches, decks, ramps, etc.

2.65 Rain Barrels. Committee approval is required. Homeowners should assure the barrel is a color that blends with the house and is generally concealed from view by vegetation. Rain barrels will be approved for side and rear yard applications only. Barrels visible from the street are not permitted.

2.66 Retaining Walls. Architectural Review Committee approval is required. Committee considerations for retaining walls will include:

- A. Shall not prohibit reasonable fencing of property lines;
- B. Shall not impact drainage.
- C. All retaining walls built anywhere on Lots should be made from stone, keystone, brick, landscape ties or other approved materials.

Final design and materials must be approved by the Committee.

Builder or Developer installed retaining walls shall not be removed or altered without prior Committee approval.

2.67 Roofs: Replacement. Roof replacement requires Architectural Committee approval. Roofs may be replaced with the same color and type material, or upgraded to a higher "Level" as defined below. A replacement roof of a lower Level than the current roof is not permitted.

Metal porch roofs where applicable, need to be replaced with a like material and color.

New roofing products are continually being developed and put on the market. The final decision for approving changes to existing roof materials and style will be made by the Architectural Committee on a case-by-case basis, following the standard submittal procedure.

2.68 Rooftop Equipment. Committee approval is required. Rooftop equipment must be submitted for Architectural Review Committee approval and must be painted a color similar to or generally accepted as complementary to the exterior of the house. All rooftop equipment shall be installed so as to minimize its visibility. Examples include skylights, vents, wind-vanes and lightning rods.

2.69 Satellite Dishes. See Antennas/Satellite Dishes.

2.70 Saunas. Committee approval is required. If a structure is more than 24 square feet and/or over six (6) feet high, it shall be considered an out building. See Out Buildings.

2.71 Screen Doors. See Doors.

2.72 Shutters. All exterior operable or motorized rolling shutters require Architectural Committee approval based on the following criteria:

- A. All exterior rolling shutters require Architectural Committee approval.
- B. Shutters may only be placed on the rear or side elevation.
- C. Each window must have its own shutter; one shutter may not be used to cover multiple windows.
- D. Materials: Slats should be no larger than 40mm, 2" aluminum (no pvc).
- E. Housing units should be no larger than 10" square and mounted in the soffit whenever possible.
- F. Colors must match the existing house. Housing units on stucco or brick veneer must match exterior finish color. Samples of curtain color shall be submitted for Architectural Committee approval.
- G. Housing, track (or cable) and mechanism must be concealed behind trim to blend with the home. Window, trim style and shape must be maintained. Details must be submitted with application
- H. Shutters may not be installed on any primary or secondary egress window or door that is required for egress in accordance with all applicable building and fire codes.
- I. Exterior operable or motorized solar shades are preferred method of solar control.

2.73 Siding. If you wish to replace the current siding with the same material and color, Architectural Review Committee approval is not required. **If you plan to change the color or material, Architectural Review Committee approval is required.** Submittal should include a sample of material and color. Architectural Committee consideration will be given to consistency in each neighborhood and the style of the home.

2.74 Signs and/or Advertising Devices. Therrell Farms may levy a fine of not more than One Hundred Fifty Dollars (\$150.00) per day for unapproved signage.

A. For Sale or Lease: One (1) temporary sign advertising the property for sale or lease, which is ground mounted. The standard Therrell Farms yard sign is the only approved sign for properties for sale, rent or lease, which can be purchased from Hightech Signs (704-542-8186 or email hisigns@aol.com).

B. Temporary Trade Signs: A temporary trade sign pertaining to, but not limited to, contractors, landscapers, painters and roofers are **not** permitted in Therrell Farms

C. Political Signs: Political signs are permitted to be displayed on a homeowner's property or in a window. These signs must be removed within one week of the election.

No other signage shall be permitted without Committee approval.

2.75 Skylights. Committee approval is required. Each unit should generally be three (3) feet by five (5) feet or smaller, and if there should be three (3) or less per single roof slope.

2.76 Solar Energy Devices. Committee approval is required. While the Association encourages the use of energy devices that are based on renewable resources, it must balance that use with its responsibility to improve and enhance the attractiveness, desirability and safety of the community. Therefore, Committee approval is required for all roof-mounted devices, including solar devices, and the following standards shall apply with respect to the installation, maintenance, and use of roof-mounted devices and solar devices.

A. Location; Installation. In connection with obtaining the Committee's approval of any roof-mounted device or solar device, the Owner shall provide the Committee with the following information: (i) the location that the device is to be installed on the property/structure, (ii) the type of device to be installed, (iii) the dimensions of the device, (iv) the proposed color of device, and (v) a pictorial/brochure of the device (if available). Following the Owner's submission of the required information, the Committee will either approve or deny the specific location for the installation of the device as requested by the Owner, or, if feasible, determine an alternate location, based on the following criteria:

- To the maximum extent possible, a roof-mounted device or solar device shall be installed so as to minimize its exposure when viewed from any other Privately Owned Site, Common Area, Homeowners Association Properties, street, or from the surrounding community unless to do so will have the effect of substantially interfering with the use of the device or significantly increasing the cost of the device.
- The preferred location of the device shall be on the back roof of the residence and below the peak of the roof. Alternatively, the device may be pole-mounted in the rear area of a private yard below the fence-line and, to the maximum extent possible, shall be screened from the view of others by landscaping materials.
- All devices shall be installed flush with the roof unless to do so will have the effect of prohibiting the collection of solar energy.

- The total number of solar panels and other apparatus installed shall not cover more than 75% of any given roof section, unless to do so will have the effect of prohibiting the collection of solar energy.

The Committee will review other suggested locations/installations if the above are not feasible; provided, however, the Committee may require the applicant to provide the Committee with a written statement by a solar energy expert that the restrictions imposed by the Committee will have the effect of (i) substantially interfering with the collection of solar energy, and/or (ii) significantly increasing the cost of the device. In that case, the Committee will permit variances to these requirements to the minimum amount as is reasonably required to allow the device to function properly and to minimize any increase in the cost of the device to the Owner. All installations must comply with all applicable building codes and other governmental regulations, and must be secured so that they do not jeopardize the safety of residents or cause damage to adjacent properties.

B. Aesthetics. The Association encourages the Owner to select equipment that is aesthetically acceptable in the community and integrates with the residence and surrounding landscape to the maximum extent possible, keeping in mind the design and roofline of the residence on which the device is to be installed. The color of the device and exposed pipes, panels and other apparatus must be approved by the Committee. The device shall have flashing colored or painted to closely match the adjacent roof color. Poles shall be painted a matte color to blend with surrounding landscape. All glazing shall be solar bronze or black with no white or clear glazing allowed.

C. Removal. Equipment removal requires restoration of the installation location to its original condition. Owners shall be responsible for all costs relating to restoration.

D. Effect of Approval. Committee approval in no way should be construed as a representation, guarantee, or warranty, etc. by the Architectural Committee, Therrell Farms or Pivot Management that collection of solar energy shall be adequate for the Owner's needs or that roof mounted or solar devices will remain undisturbed by vegetation or improvements located on surrounding properties.

2.77 Solar Shades. All exterior operable or motorized solar shades require Architectural Review Committee approval based on the following criteria:

- All exterior operable or motorized solar shades require Architectural Review Committee approval.
- Operable or motorized solar shades may only be placed on the rear or side elevation.
- Each window must have its own shade; all windows must be covered on the same elevation.
- Shades must allow visible light transmittance, solid shades are not permitted. Shade colors must be submitted and are subject to review for compatibility with the home's base and trim colors.
- Housing, track (or cable) and mechanism must be concealed behind trim to blend with the home. Window, trim style and shape must be maintained. Details must be submitted with application.
- Fixed solar shades and operable or motorized solar shades cannot be installed on the same elevation.

2.78 Sport Courts. Committee approval is required. Considerations will be subject to, but are not be limited to the following criteria:

- A. Sports courts may be approved on lots that adjoin a street or Open Space. Courts on interior lots which back to or adjoin another residential property will not be approved unless an unusual condition exists such as an extremely large lot;
- B. No more than three colors will be approved; colors must be submitted and approved by the Committee prior to construction;
- C. There shall be a minimum of five feet from all property lines to edge of court;
- D. Proximity to neighbor's living area will be a primary consideration;
- E. A landscape screening plan is required to screen court from adjacent lots and Open Space. This landscaping will be reviewed for type and size of tree or shrub at time of planting (i.e., caliper width of trunk and height)
- F. A maximum of one goal per lot is allowed;
- G. Sport Courts shall not be illuminated in such a way that will interfere with neighboring properties and are subject to committee approval.

2.79 Sprinkler Systems. See 2.38, Irrigation Systems. Committee approval is required.

2.80 Statues. See 2.49, Ornaments.

2.81 Storage Sheds. See 2.50, Out Buildings.

2.82 Swing Sets. See 2.58, Play Ground Equipment.

2.83 Temporary Structures. Committee approval is required. Tents, shacks, temporary structures or temporary buildings are prohibited without the prior consent of the Architectural Review Committee, and except in unusual circumstances, such consent will not be given. Camping tents for occasional overnight sleeping by children do not require Committee approval if left up for no longer than a total of 72 hours in any seven (7) day period.

2.84 Trailers. See Motor Vehicles Trailers/Recreational Vehicles, and Commercial Vehicles/Trailers.

2.85 Trash Containers, Enclosures, and Pick Up. Committee approval for enclosures is required. Considerations will include, but not be limited to, location in "rear" or "side" yard, and abutting the house, proximity to neighbors' windows and outdoor living areas, adequate visual "screening." Trash enclosures shall comply with Fencing Guidelines. Refuse, garbage, trash, lumber, grass, shrub or tree clippings, plant waste, metal, bulk materials, scrap, refuse or debris of any kind may not be kept, stored or permitted to accumulate on any lot. On pickup days, trash may be placed on the street the evening prior to pickup. After pickup, trash containers must then be properly stored (appropriately "screened" from view) the same day as pickup.

2.86 Tree houses. Tree houses shall not be permitted.

2.87 Trucks. See Commercial Vehicles, and Motor Vehicles/Recreational Vehicles.

2.88 Utility Easements and Lot Setback lines.

A. Utility Easements have been reserved over the front, rear and side line of each Lot. This area allows for installations and maintenance of utilities (electricity, sewer, water, gas, telephone, cable TV, street lights, etc.) **Wells are considered a Utility and are allowed in the Utility Easements.** It will be at the cost of the homeowner should any utility company repair result in the destruction of any improvement located on a utility easement. All proposed improvements to be located on an easement need committee approval.

Property setbacks differ from lot to lot within the community, so it is important to obtain a copy of your lot plan clearly marked with utility easements and building setbacks. It is the homeowner's responsibility to comply with all county/township requirements. The approval from the ARC is only for conformance to the community standards and is not a substitute of any county/township permit required.

For all Easements and Setback areas, it is the homeowner's responsibility to maintain lawn and fertilize and trim the trees and other plantings in the same manner as the balance of their yards. Trees are to be kept trimmed in a manner so as not to obstruct pedestrian and vehicular traffic or obstruct signage and lighting.

2.89 Vents. Committee approval is required. For rooftop vents see Rooftop Equipment.

2.90 Water Systems. Committee approval is not required if the water system is completely contained within the dwelling unit and causes no architectural change to the exterior of the dwelling unit.

2.91 Wells. Not more than one (1) well may be maintained on a Lot. All wells must be properly permitted and comply with all applicable Laws. Wells should not be drilled within one hundred feet (100') of any sewer line. Wells are considered a utility and may be located in the utility easement.

2.92 Windows: Replacement. Committee approval is required. Considerations will include, but may not be limited to, size, color, window style and style of home.

Note: Committee approval is required for ornamental and stained glass windows.

2.93 Windows: Tinting, Security Bars, etc. Committee approval is required. Tinting must be applied to all windows on the same elevation.

Note: Highly reflective and/or dark tinting is considered too commercial for residential applications. Security bars are prohibited. Screens are prohibited on front windows and doors.

2.94 Wind turbines, Wind vanes, Directionals, and any other Wind-Driven Devices. Committee approval is required. Approval for decorative wind chimes is not required; however, if complaints are received due to excessive noise caused by wind chimes, homeowner will be required to remove them.

2.95 Wood Storage. See 2.28, Firewood Storage.

III. DEFINITIONS.

3.1 Definitions.

Out building: An outbuilding in addition to the primary dwelling—garage, pool house, barn, guest house.

Boat: A boat is a structure designed for navigation on the water and is propelled by oars, paddles, sails or active power, and includes any object commonly understood to be a boat.

Camper Coach: An item of mounted equipment which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls, which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping and travel use.

Concealed: Requires that 80% of the area or object be hidden from the view of the adjacent properties, street, parks, and open spaces.

Dog Kennel: A structure where animals are individualized for purposes of boarding, breeding, or training or any type of commercial venture.

Dog Run: A contained space that is intended to allow one (1) or more animals free movement in the outdoors.

Elevation Drawing: A drawing that includes separate views of each exterior side of a building.

Highway: A main public road, especially one connecting towns and cities.

Legally Inoperable: A vehicle, which does not have a visible current valid license plate.

Mechanically Inoperable: A vehicle, which is not road-ready (flat tires, stored on blocks, missing windshield, headlights etc.).

Mobile Home: A mobile home is any type of trailer or vehicle body, regardless of any appurtenances, additions, or other modifications thereto, without independent active power, manufactured upon an integral chassis or under carriage and designed either for travel over the highways or for housing accommodations or both.

Motor Home: A vehicular unit, built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

Open Space: Land that is non-irrigated natural areas that may contain a variety of easements. Parks, greenbelts, streetscape, etc. are not open space.

Ornament: A decoration that lends interest to the house and/or yard.

Paving: The use of asphalt, brick, flagstones, stepping stones, pre-cast patterned or exposed aggregate concrete pavers for walks, driveways, patio areas or other purposes.

Pickup Truck: A truck with a cab and standard truck bed. "Flat bed" or "stake bed" trucks shall be considered commercial vehicles.

Recreation Vehicle: For the purposes of these guidelines, RVs include "recreational vehicles", "campers", campers on/off a vehicle, "boats", "mobile homes", "horse trailer" or other "trailers", "tractors", "motor homes" or "trucks". A recreational vehicle is a vehicle-type unit often designed as temporary living quarters for recreational, camping, or travel use, and either has its own active power or is mounted on or drawn by another vehicle. Also included are vehicles used specifically for recreation, such as boats, jet skis, snowmobiles, etc.

Screened: Requires that 50% of the area or object be hidden from the view of the adjacent properties, streets, parks, and open space.

Sheen: Sheen is the degree of luster of a dried paint film. The Architectural Committee will approve paint with an angular sheen of 0-25 degrees for base and trim in approved colors.

Site Plan: A drawing showing to-scale the size and location of all new construction and all existing structures on a site, distances from lot lines, and drawn in accordance with an accurate boundary line survey.

Trailer/Trailer House: A trailer is any vehicle coupled to, or drawn, by any motor vehicle. A trailer house is a trailer designed to serve wherever parked as a dwelling or a place of business.

Truck Camper: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use. This does not include pickup trucks $\frac{3}{4}$ ton or less in size with a topper or shell that does not exceed the height of the cab.

Variance: A specific exception to Restrictions or Guidelines in order to overcome practical difficulties or to prevent undue hardship in the application of the Restrictions and Guidelines.

View: A view is established from the rear outside main living area of properties adjoining open space and or pond.