

2024 Policies and Procedures

2024 Policies and Procedures.docx
7/26/24

1. Land use and Building Type

- a. A home office is essentially associated with a business but if it generates little or no traffic, foot or vehicle, it should not be restricted for it being a business.
- b. Refer to the County plats before approving setbacks. Plats are available on the Johnston County website.

2. Appearance

- a. When the Architectural and Landscape Review Committee is evaluating an owner's compliance for a "pleasing appearance", these are the things it should consider for front and side yards.
 - a. **Appropriateness:** Is the item in the front or side yard appropriate for the neighborhood? An example of what would likely be considered inappropriate is pink flamingos, an old bike, an old sewing machine, car parts, swings, play equipment, toys, plastic flowers, broken items, or statuary. Colors of items should be appropriate.
 - b. **Quantities:** Excessive amounts of anything. Pots, garden gnomes, garden flags with your initial on it, fountains, or bird feeders by themselves are not normally inappropriate however if there are too many, they may be considered a problem.
 - c. **Location:** there are items that may be appropriate closer to the building but not in the middle of the lawn. Chairs, tables, benches, umbrellas, satellite dishes, and artwork may be acceptable based upon where placed.
 - d. **Maintained:** All items should be well maintained. For example, empty pots should be placed out of sight, wooden items may need to be painted or stained.
 - e. **Art:** Because something is described as art, does not exempt it from these restrictions.
 - f. **Plants:** Plants, trees, shrubs, grass, and mulched areas should be cut, trimmed, weeded, watered, raked, mowed, seeded or whatever is required to maintain a pleasing appearance.
- b. Should an owner fail to maintain their lot, the Association reserves the right to have the site restored to a slightly condition and bill the owner for the cost of clean-up. Any fines may be used for the clean-up.
- c. No substantial amounts of bare earth in the front or side yards. Trees and shrubs must be trimmed so as not to interfere with use of the sidewalks, delivery of the mail, or create a danger by limiting the view of traffic
- d. No rubbish, debris, building materials, or trash in the yard.
- e. Driveways, walkways and patios facing the street must be kept free of grease and stains.

- f. All houses, mailboxes, and any other structures on the property must be well maintained. Some structures may require occasional painting, staining or washing to be well maintained.
- g. Any structure that is damaged must be repaired to a slightly condition within a reasonable period of time.
- h. During construction owners are to ensure that the grass and weeds at the site are trimmed and mowed during construction. A trash receptacle i.e. wire basket, dumpster, etc. is required if there will be construction debris. The street must be cleaned of mud, dirt, and trash. If clean-up is not done, the Association will notify the builder and do the clean-up at the expense of the builder or homeowner if not resolved within the stated time period.

3. Architectural Approvals

- a. The Association requires that an Architectural and Landscape Review Committee review and approve external changes to any structures or major landscaping changes.
- b. Approvals are good for 1 year.
- c. The following require approval: New construction, modifications, or external additions for homes, outbuildings, garages, carports, decks, swimming pools (above ground or below ground), hot tubs, patios, additional driveways, parking pads, walkways, retaining walls, storage sheds, solar panels, or any exterior changes to an existing house. Landscaping that alters the natural flow of surface water. Landscaping or ANY activity that affects Zones 1&2 (50 feet from the edge of the lake or stream). Cutting down a tree with a diameter of 6 inches or greater (as measured 1 foot above grade). Fencing or screening of any kind. Owners may get a verbal tree cutting approval from a Landscaping Committee member. A form is preferred but not required. This will help accommodate emergency or spur-of-the-moment removals.
- d. The following do not require approval: Repainting with same or similar colors or replacing features with same or similar materials. Home offices that do not generate traffic and are not regulated by Johnston County. Adding a propane tank however installation must include the required permits. Adding or trimming trees, shrubs, plants, lawns or flowers. Maintaining fences, driveways, retaining walls, or patios.
- e. Blueprints, including elevations, and plot plans may be required prior to Board approval.
- f. The Flowers Foundation may also review changes at the request of the Review Committee.

4. Nuisances

- a. Encourage the owner to call Animal Control for barking dogs

5. Signs

- a. The Association can restrict the size and the number of political signs. Check the general statutes 47F-3-121 (2). See Rules and Regulations for more details.

6. Animals

- a. According to our attorney on 3/8/23 and stored in email folder "Lawyer" the law could be interpreted to allow chickens however the Flowers Foundation says that chickens are not to be considered a common household pet and are not allowed.
- b. It is advised that issues with a neighbor's dog barking be escalated through Johnston County Animal Control. 919-934-8474
- c. [http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/johnstoncounty_nc/countyofjohnstonnorthcarolinacodeofordin?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:johnstoncounty_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/johnstoncounty_nc/countyofjohnstonnorthcarolinacodeofordin?f=templates$fn=default.htm$3.0$vid=amlegal:johnstoncounty_nc)

7. Vehicles

- a. Inside the garage is the best place to store a vehicle, trailer, boat or RV.
- b. The board chooses not to have a lot where vehicles can be parked.
- c. Vehicles on an owner's property are assumed to be theirs or their guests and subject to the governing documents, Rules and Regulations, and Policies and Procedures.
- d. Anything parked in the street and in violation of the Covenants or Rules should not be towed (according to the lawyer, unless it constitutes a hazard, is deemed abandoned, even if it can be associated with a specific Association member). However, vehicles on a public street are still subject to Association Restrictions, Rules and Regulations, and Policies and Procedures and the owner or their visitor or tenant subject to fines.
- e. The size of a vehicle proposed to be stored on an owner's premises may affect the acceptable place, if any, that it may be stored. Box trucks, motorhomes and large travel trailers are discouraged.
- f. Owners are encouraged to park their vehicles in front of their own house.
- g. A vehicle with a company logo or tools of the trade (compressor, lawn mower, utility boxes for example), does not, in itself, define that the vehicle is commercial.

8. Guns

- a. It is not our policy to enforce the ban on fireworks so long as they are being used responsibly.

9. Burning

- a. If a permit is required it can be obtained from the North Carolina Forestry Service. Permits are free and can also be obtained at the C.E. Barnes store at the corner of Buffalo and Covered Bridge roads or from the Forestry website https://www.ncforestservice.gov/burn_permits/burn_standard.asp.

10. Residential Care Facility

- a. Federal and State law allow for residential care facilities and half-way type houses to be placed in residential subdivisions. There are restrictions though, so the law should be reviewed prior to approving a Family Care Home.

- b. NC General Statutes - Chapter 168 Article 3 permits the establishment of Family Care Home in residential neighborhoods, including ours, regardless of any covenants or rules that would limit or prevent such a facility. There are additional conditions and restrictions in the Statute not stated here. The Family Care Home provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. A disabled person is defined as a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others. The Family Care home must not be within a ½ mile radius of another Family Care Home. A Family Care Home will be treated as any other residential property.

11. Encroachments

- a. The Association should take reasonable care to ensure that owners do not encroach.

12. Drones

- a. If there is a complaint about a drone the General Statutes should be investigated. The illegal operation of a drone may be a nuisance and fines levied in addition to any state or federal penalties. NC General Statutes place restrictions on operators. An operator must pass the N.C. Department of Transportation's UAS Operator's Knowledge Test to ensure their safety and the safety of those around them (N.C. G.S. 63-95). It is illegal to use an unmanned aircraft system to take or distribute images of a person or their home without their consent (N.C. G.S. 15A-300.1 and N.C. G.S. 14-401.25). It is illegal to launch or recover a UAS from either private or state property without the consent of the property's owner (N.C. G.S. 15A-300.2). Local and federal property have their own laws and regulations governing the launch and recovery of UAS. For more information see <https://www.ncdot.gov/divisions/aviation/uas/Pages/default.aspx>

13. House and Yard Maintenance

- a. If you have a clogged drain pipe, DOT will clear driveway pipes that are in the roadway easements. Easements generally extend 25 feet from the centerline of a residential roadway. Check the Plat.

14. Noise, Quiet Hours

- a. This will be enforced by Johnston County Sheriff's office and may also result in fines from the Association for creating a nuisance. The non-emergency Sheriff's number is 919-989-5010.

15. Design Guidelines

- a. The board will approve a 6 foot high fence and may also allow another foot of trim (ex: lath) on top of that.
- b. Black coated chain link fencing is preferred over non-coated chain link.

- c. A fence may be approved that is closer to the street than the rear corner of the house.
- d. Street lights are billed to every home at a uniform rate of about \$6 per month. It shows up on the bill. The cost of adding a new street light may be the entire responsibility of the owner or it may be all, or partially subsidized, by the Association depending on the cost and the perceived need.
- e. Duke will do all street light maintenance free of charge.

16. Street Lights.

- a. Laws requires that street lights in subdivisions, added after the initial development, be paid for **only** by the HOA. That includes installation and monthly operating costs. The board has chosen not to finance any additional street lighting.

17. Liens, foreclosures and Late fees

- a. Late fees are 12%, consistent our governing documents and they are to be applied in total as soon as the assessment is late.
- b. Liens are applied for balances owed being \$350 or greater. Starting 2/1/25 Liens will be applied for balances of \$500 or greater.
- c. Foreclosures will be applied for balances owed being \$1000 or more.

18. Trespassing

- a. Strangers may be trespassed however it is recommended that it be done by a board member since the stranger has to be verified that they are not a resident (owner, renter, visitor). The board may want to designate one of their own to be the primary contact.
- b. The board contact person can call Flowers Security 919-500-8476 and ask them to come to their location to assist the trespass process or they can call the Sheriff's non-emergency number 919-989-5010.
- c. A person who is damaging HOA property or violating our restrictions, but is a resident, is managed through fines or sanctions where the non-resident is managed by trespassing and/or police intervention.
- d. If there is an urgency, or people or property are being threatened, you can call 911.
- e. If a trespasser returns, you can have them arrested by the Sheriff.