

2024 Rules and Regulations

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1. Land use and Building Type

- a. Using a house as a Bed and Breakfast can't be denied (says the lawyer).
- b. A home office or similar activity that doesn't generate extra foot traffic, visiting cars parking in the street and added traffic in the neighborhood are OK.
- c. The language in the covenants suggests that renting out a room to a non-family member might not be approved because it may now be considered a business and not a Single-Family residence. However, this is not easily enforceable.
- d. A storage shed and a pool shall not be considered a building or structure for the purpose of setback guidelines.
- e. Houses in The Gardens subdivision do not need garages. All others do.
- f. Carports may be approved.
- g. Construction should not start until you have the necessary permits, if they would be required by the county.
- h. No commercial activities or trades should take place on the premises.
- i. No lot shall be subdivided or boundary lines amended, except with the prior written consent of the Flowers Foundation.

2. Appearance

- a. Given the difficulty of actually screening a shed in the wintertime when the trees have lost their leaves, we generally expect that the shed will be placed in the back portion of the yard and that it be painted a color similar to the house. Use "Reasonably Screened" as your criteria. Your plot plan for a shed must show its proposed location.

3. Architectural Approvals

- a. You must have Association approval before starting construction of any structures or major landscaping changes.
- b. You must have a Flowers foundation approval if the Association's Architectural and Landscaping Review committee requires it.
- c. The architectural and Landscape Review Committee must be notified if there are any variations from approved plans until the activity is complete.

4. Nuisances

- a. Every owner shall take to prevent becoming a nuisance to their neighbors of the neighborhood. Barking dogs, parking on sidewalks or lawns, loud noises or music and other issues could be considered a nuisance.
- b. Parking a vehicle occasionally for short periods of time along the edge of the road may not be a nuisance.
- c. Mis-use of a drone is a nuisance and may result in a fine by the Association.

5. Signs

- a. You may not place any sign in the Neuse River or Highway 42 road right-of-way or within the Flowers Foundation area of maintenance. It may be removed by The Flowers Foundation and destroyed.
- b. You may place Garage Sale, For Rent, and For Sale signs within the subdivision so long as they don't interfere with traffic and are placed and removed promptly.
- c. The Flowers Foundation requires all For Sale signs and all For Rent signs to be issued by them. They require a deposit and there is a charge for the use of the sign. Open house signs are available from Flowers.
- d. Political signs may be placed on your property from 45 days before an election to 7 days after. There may not be more than 3 signs on any property. A sign must be less than 24x24 inches. No political signs may be placed on Association property. Based upon 47F-3-121 (2)
- e. A small garden flag that hangs from a wire frame is OK.
- f. A mailbox cover is OK.
- g. A Permit Box is OK.

6. Animals

- a. Chickens are not common household pets and are prohibited.
- b. Cats are not expected to be on-lease when off their property.
- c. Invisible fences are discouraged and may be prohibited if they are ineffective.

7. Vehicles

- a. A "junk" vehicle (subjective) is subject to removal if it is parked on your premises. A vehicle that is in drivable condition and licensed is not junk. If garaged, it is not subject to these conditions.
- b. Vehicles, boats or trailers which are parked down a side yard are difficult to hide. They must be kept at least behind the front corner of the house.
- c. If a house has a driveway that enters from the side instead of the front, a vehicle, boat or trailer can be stored in the driveway at a point that is furthest from the road.
 - o A commercial vehicle is any of the following motor vehicles that are designed or used to transport passengers or property: Definitions came from: the FMCSA <https://www.fmcsa.dot.gov/faq/what-difference-between-commercial-motor-vehicle-cmv-and-non-cmv>
 - o If it meets any 1 of these 5 Criteria it is commercial. 1. Has a GVW of 10,001 lbs or 2. 1 more or a combination of vehicles 26,000 GVW or more, or 3. transports more than 8 passengers for a fee, or 4. transports more than 15 passengers with no compensation, or 5. hauls hazardous waste.
- d. A vehicle such as a go-cart, golf cart, motorcycle, electric bike or a dirt bike that is being operated irresponsibly within the Association will be treated as a nuisance and a fine may be assessed against the owner in addition to any charges brought by the Foundation or the Sheriff's Department. The Sheriff regulates the use of ATVs on public streets and the Flowers Foundation regulates them on Foundation common areas. Motorized bikes are not permitted on HOA sidewalks.

- e. Golf carts are to registered through the Flowers Foundation.
- f. Temporary parking of delivery or service vehicles on the street is permitted unless they block emergency vehicles, school busses, garbage collectors, block the sidewalk, block a neighbor's driveway, block a mail carrier, or cause some other problem or risk.

8. Guns

- a. The Association may cite anyone who fires a gun within the Association in addition to any penalties imposed by Johnston County.
- b. Fireworks are permitted unless being used in an irresponsible or reckless manner.

9. Burning

- a. Owners may burn small piles of yard waste, including leaves but not garbage. Owners are expected to tend the fire until it is completely out and to follow Johnston County burning rules. Smoke and ashes that blow into a neighbor's yard may be considered a nuisance.
- b. Warming fires and BBQs are permitted by the Association.

10. Residential Care Facility

- a. Any property that is to be turned into a Residential Care Facility must be approved by the Association. They must adhere to state regulations before they can be approved for occupancy.

11. Encroachments

- a. Owners may not place personal items on Association common areas. The Association may allow owners to file a legal encroachment with the County. The owner should pay the legal and filing costs

12. Drones

- a. Drone operators are not allowed to launch or retrieve unmanned aircraft from Association property without written permission from the Association and they are regulated by the State.

13. House and Yard Maintenance

- a. 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. No stockpiling of dirt or debris is allowed. The street must be cleaned of mud, dirt, and trash periodically.
- b. Holiday decorations must be removed within 30 days after the event.

14. Noise Ordinance

- a. No excessive noise that exceeds the standards and hours set by Johnston County. Restricted hours are from 11:00 pm to 7:00 am.

15. Design Guidelines

- a. No Rules.