

GREENMOOR

HOMEOWNERS ASSOCIATION, INC.
Rules & Architectural Guidelines

Revised December 2023

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1.0 Introduction

1.1 Applicability

This guide to Rules and Regulations ("Guide") is adopted pursuant to the *Articles of Incorporation*, and the *Declaration of Covenants, Conditions, and Restrictions*, ("Declaration"). These documents provide for the establishment of reasonable rules and regulations concerning the use of individual Lots and common areas. The Architectural Review Committee ("ARC") serves as representatives of the Board of Directors ("Board") while enforcing the Guide. Compliance with this Guide is required but is not the sole basis for review or approval, nor does it guaranty approval of any application. In reviewing each application, the ARC may consider any factors it deems relevant. Decisions may be based purely on aesthetic considerations. Each owner acknowledges that determinations as to such matters are purely subjective in nature and that opinions may vary as to the desirability and attractiveness of a proposed addition or modification.

1.2 Purpose

This document is not intended to replace the Declaration, but to clarify the process by which homeowners may customize and modify the exterior presentation of their homes and/or Lots. The intent is to provide consistent guidance to owners regarding requirements for additions and modifications to property in the community and matters of concern to the ARC when considering applications for approval of such conditions and modifications. Additionally, the Guide sets forth various restrictions on other matters relating to community standards and the overall appearance of property in the community.

1.3 Application and Review Process

Each proposed exterior modification/addition to residential units or Lots requires prior approval of the Architectural Review Committee. Submit the *Request for Architectural Approval* form to the address or email address noted on the request form.

Each application must include:

- a copy of the Lot survey showing the size and location of the proposed modification/addition.
- a list and description of the materials to be used. Color samples and photographs may assist the ARC in rendering its decision and expedite the review process.

The ARC may require submission of additional information as may be reasonably necessary to consider any application. Review of the application and notification to the applicants shall be conducted as described in the Declaration. The Board and the Committee shall have sixty (60) days to review submitted plans and to approve or disapprove those plans, as provided in the Declarations, although generally, a decision is rendered much earlier. The ARC is not responsible for ensuring structural integrity or compliance with state and local building codes.

Furthermore, the Architectural Review Committee (ARC) approval does not constitute engineering approval. ARC approval is aesthetic in nature. Improvements and consequences are the sole responsibility of the homeowner or person making the improvements. Homeowners must obtain all necessary building permits and other government approval that may be required for the proposed modification or addition.

It is strongly encouraged that you share and discuss your ARC plan and request with your neighbors on either side of your property and directly behind or adjacent to your property. Their signature on the form only indicates that they are aware and have viewed the planned activities not that they approve, as their approval is not solicited. This notification may prevent any questions or allow the Committee to address an objection surfacing after any installation work has been performed.

2.0 General Architectural Standards

2.1 Antennas, Satellite Dishes (DBS, MDS, DSS)

Pursuant to FCC Section 207 of the Telecommunications Act of 1996, the Association will not require prior approval for installation of antennas/dishes in the attic, crawl space, garage, or other interior spaces of the dwelling, or another approved structure so as not to be visible from the exterior of the residence.

Homeowners who wish to place a satellite dish on the exterior of the residence are encouraged to submit a Request for Architectural Approval to the ARC. If installation of the satellite dish antenna(s) meets the following requirements, no ARC approval is required. However, ARC approval is encouraged.

The following rules must be adhered to for compliance with the Guidelines:

A maximum of two satellite dishes, measuring one meter (39") or less in diameter each, may be erected on any Lot.

Standard, approved placement of a satellite dish is:

Attached to or mounted on a deck or patio in the rear of the residence and extending no higher than the eaves of that portion of the roof of the dwelling directly in front of such antenna; or, attached to or mounted on the rear wall or rear roof of the residence to extend no higher than the ridgeline of the residence at a point directly above the position of attachment or mounting to the wall.

Freestanding antennas/dishes (mounted on a pole anywhere on the Lot) are not permitted.

If installation is required by your installer anywhere other than the approved locations listed above, an ARC application is required, and a statement from your installer should be included.

2.2 Birdbaths, Birdfeeders, Birdhouses, Fountains and Statuary

Birdbaths and all fountains require a *Request for Architectural Approval* application and ARC approval. If approved, birdfeeders and birdhouses must not be larger than one foot in width, one foot in depth, and one foot in height. Any pole on which a birdhouse or birdfeeder is located may not exceed two inches in diameter, and six feet in height (including the house and feeder) or if a base, no more than 3.5" x 3.5" square, and six feet in height (including the house and feeder).

Fountains, birdbaths, birdhouses, and bird feeders shall not be placed in the front yard, side yard, or in common areas. All statuary (including flowerpots and the like) shall require a *Request for Architectural Approval* application and ARC approval.

2.3 Clotheslines

No clotheslines of any type can be installed nor will be allowed to remain on any Lot.

2.4 Decks, Patios, Porches and Sunrooms

Approval for all proposed permanent additions including but not limited to - screened porches, media rooms, bedrooms, and sunrooms is contingent on their inclusion in the original builder's floor plan and not having been chosen previously. Additionally, these additions must adhere to the same size and construction materials offered by the builder. To seek approval, an ARC request should be submitted with detailed information such as the type and color of stain or paint, screen, siding, roofing details, materials, and colors. In the case of wood decking, it is permissible to stain it in natural wood color, but regular maintenance is mandatory to preserve its appearance.

Patios may be approved in the rear area of the Lot only. Acceptable patio materials are stone, brick, stamped concrete, and plain concrete. Due to unique topography in some rear Lots, retaining walls may be considered in the rear area only to create even patios. All proposals for patios require ARC approval with a *Request for Architectural Approval* application and the owner is advised that the Town of Apex may require permits. Any permits, if required, are the responsibility of the owner.

Patios must comply with all government ordinances for setbacks and impervious surface area limits. Greenmoor subdivision's land use is limited to 70% (or updated limit in future) impervious surface area per Lot. In addition, any alterations for impervious surfaces must not introduce any water runoff issues to any adjacent properties.

All submissions for ARC approval must contain a complete calculation of current and additional requested impervious surface area, ratios, and an assessment of no affect for adjacent property runoff, signed, and dated by the owners of all adjacent properties.

Even if approved by the HOA ARC, any unforeseen remediation of drainage issues and repairs for damages to adjacent properties are required to be completed by the initiating owner, at their expense, within 30 days of notice.

Note: All owners are responsible for government fees for each Lot associated with drainage, such as those assessed by the [Apex Stormwater Utility Fee \(eff. Jan. '22\)](#), that are periodically determined with aerial and satellite surveys of each Lot's impervious surfaces areas.

No indoor-outdoor carpeting may be installed on any porch, patio, or deck. Personal property such as bicycles and recreational equipment should be stored inside the home or garage.

Fire pits, knee walls, permanent built-in grills, and paver or concrete pads for grills are approvable items and require ARC approval with a *Request for Architectural Approval* application.

Required building permits and placement within the building envelope is mandatory. Any utility easements must not be entered or obstructed.

As per Apex fire code: Fire pits, knee walls, permanent built-in grills, and paver or concrete pads for grills are approvable items and require ARC approval with a Request for

Architectural Approval application. Firepits must be built on a noncombustible surface and must be located a minimum distance of 20 feet from the residence or any raised structure.

2.5 Pets

It is required that owners maintain control of pets always. Pets must be on a leash or restrained in the rear yard by use of invisible fencing or an HOA-approved fence.

Animal nuisance of any kind will not be tolerated, including noise and improper waste disposal. While outside the confines of the owner's property, animal waste will immediately be collected by the owner and disposed of in an approved waste receptacle. Violators will be subject to penalties, including fines. Owners must keep their property free from animal waste.

Other than pets, no other animals, livestock, or poultry of any kind shall be raised, bred, or kept on the properties. Dogs, cats, or other normal household pets may be kept in homes provided that such pets are not kept, bred, or maintained for any commercial purpose. It is suggested that homeowners familiarize themselves with any applicable municipal ordinances relating to pets.

2.6 Exterior Colors, Shutters, Doors, Other Exterior Modifications

Re-painting or re-siding using an existing color and materials, re-roofing using existing color and materials, minor repairs, and the like shall not require the approval of the Committee. A *Request for Architectural Approval* application and ARC approval is required for any proposed changes to existing exterior or roof color or siding materials or color, and any changes in style or color of the shutters (if installed by the builder) or doors, or any additions of shutters or other exterior additions, or modification from builder installation.

2.7 Exterior Lighting, Seasonal Decorations

Seasonal holiday decorative lights are pre-approved for up to six weeks at a time between the 1st of October through the 15th of February and should be removed within two weeks of the holiday event.

All exterior landscape lighting or decor requires a *Request for Architectural Approval* application and ARC approval prior to installation.

2.8 Fences

No fence, other than the types listed below, shall be constructed, or erected on any Lot.

Approval must be sought through a *Request for Architectural Approval* application and ARC approval must be granted prior to installation.

Owner is responsible for any Town of Apex permits required for fence installation.

Fencing notes:

- Acknowledgment of the fence application is required of neighboring and affected owners.
- Owners may tie-in their fence with existing neighbor's fence with permission and acknowledgement by the affected owner, and signatures should be reflected in the application. Any agreement between neighbors to share a fence is considered a private agreement to which the HOA and the Board of Directors will have no responsibility. Tie-in of owner's fence to common area fencing or walls *may* be allowed at the Board's discretion, depending on the circumstance.
- All fences must be placed within the Owner's property.
- Fences may enclose all or part of the rear yard only. Fences may not exceed 15 feet forward from the rear corners of the home.
- Corner Lot Fencing. Corner Lots may fence-in the side yard adjacent to the roadway. The fence may not extend more than 30' from the rear house corner and may not be closer than 15' from the front corner (excluding the front porch). The fence must be installed at least 5' off the side yard property line to leave at least 5'

of grass or other landscaping outside the fence on the property.

- Fences must be maintained and kept in good repair.
- Each fence shall include at least one gate.

Note: Style, size and color choices are of a limited selection for each Lot to promote harmony and consistency of appearance within the Greenmoor community and with adjacent/nearby Lots.

There are three approved fence styles:

1) Black aluminum fence

Minimum height: 4 feet, maximum height of 5 feet.

Note that a “puppy panel” at bottom is allowed.

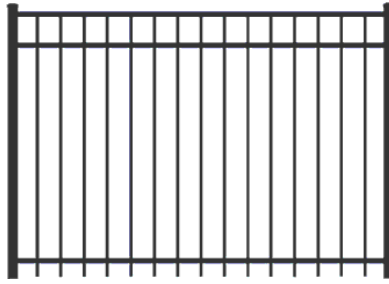


Figure 1 Approved black aluminum fence

2) Solid wood privacy fence

Treated pine #2 grade, with 2x4 exterior brace 6 feet in height, with decorative copper caps.

The Fence is required to be either stained with an approved stain (“Pulte Gold” from Home Depot or similar) or clear sealant. “Pulte Gold” stain is available at Home Depot, ask an associate to look up “Pulte Homes” under phone number 919-816-1100 to retrieve the color formula called “Pulte Gold”. Application must specify the choice.



Figure 2 Approved Wooden Privacy Fence Installed by Harrison Fence

3) Solid vinyl privacy fence

Solid from ground to rail, 5-inch x 5-inch posts, 2-inch x 7-inch decorative rails, 6-foot width panels, 6-feet in height, with decorative post caps.

Vinyl Fence color is required to be WHITE

Example of approved Vinyl Fence: ActiveYards™ [Dogwood Haven Series](#)



Figure 4: Dogwood Haven fence Panel in White Color

2.9 Flagpoles, Flags

Freestanding flagpoles are not permitted. Flags, which, in the Board's judgment, tend to incite or antagonize are not permitted. Flags meeting the following criteria are pre-approved.

- One flagpole, not to exceed two inches in diameter and sixty inches (60") in length, may be mounted on the front of a dwelling.
- Flags shall not exceed 5' x 8' in size. Flags must be maintained in good condition and shall not be displayed if mildewed, tattered, or faded.

2.10 Garage Sales, Garage Sale Signs, Items for Sale

Garage sales be limited to a maximum of four times per year per residence. Each garage sale may last a maximum of 48 hours. Sale items must be kept in the immediate area of the garage area.

Advertising signs may be placed at the residence 48 hours in advance of the sale and must be removed immediately after the conclusion of the sale. Signs placed other than at the residence must follow the guidelines in paragraph 2.16.

Other than garage sales, items for sale such as cars, boats, lawnmowers, etc. may not be displayed at the residence or on any common areas.

2.11 Garbage Containers, Recycle Containers, Garbage

Garbage containers are pre-approved to be stored in the following locations:

- Inside the garage, except on garbage collection days.
- In the rear of the dwelling, fully out of sight from the road and neighboring properties.

Garbage and recycle containers may be placed at the curb no earlier than dusk the day prior to collection and must be retrieved and stored back inside the garage or rear yard before dusk on the day of collection.

If storage in the side yard is desired, a Request for Architectural Approval application and ARC approval is required. The following options are pre-approved side storage styles:

- i. Natural screening using plants/hedges in an L shape that hide the trash bins from the front and sides
- ii. Vinyl Panel Screening (Colors as defined for fences) in an L shape that hides the trash bins from the front and sides
- iii. Wooden Panel Screening (Colors as defined for fences) in an L shape that hides the trash bins from the front and sides
- iv. Trash bin enclosures such as the following (max sizes 60'w x 50'h x 35'd) in white or light shades of brown



2.12 Home-Based Businesses

Home-based businesses are permitted provided the following criteria are met:

- It is not evident that home-based business is being conducted.
- No unusual traffic, other than normal residential traffic, is permitted. The Board may have sole discretion as to whether amount of traffic generated is unusual.

Only removable signs are permitted on vehicles and said vehicles must be parked in the garage or the signs may be required to be removed while in the community.

No items or equipment related to the business may be stored or otherwise kept on owner's Lot outside of the dwelling or garage.

Business activities must comply with all applicable federal, state, and local laws.

2.13 Hot Tubs, Spas, Saunas, Pools

Hot tubs, spas, saunas, and pools are not permitted by the governing Covenant. Kiddie pools, defined as plastic pools, meant for this purpose are allowed if they must be placed in the back yard, out of view from the street, are to be used only during the season (months of May through September). When not in immediate use for this purpose, they must be stored inside the Dwelling Unit or Garage.

2.14 Outdoor Furniture

No furniture shall be used, stored, or kept on the exterior of any residence except on porches, patios, and decks. Furniture not enclosed in a room shall be limited to such types as is designed for outdoor use. Any furniture on the deck, patio or porch shall be appropriate outdoor furniture and shall be maintained in a neat, tidy, and good condition.

2.15 Parking, Recreational Vehicles, Campers, Boats, Trailers

No vehicle, including recreational, camper, boat, trailer, car, or truck, shall be parked on the grass or sidewalk of any Lot.

Except for occasional overflow parking, curbside parking is not permitted. Any provided parking spaces are intended to be for temporary use only by Owners or their guests, or tenants, and for no more than two (2) nights in a two (2) week period.

Any street parking, even if for short periods, is prohibited if the parked vehicle inhibits or inconveniences access to the legal right of way and direction of traffic flow for vehicles of any size. In particular, no temporary street parking is permitted for streets with narrow right of ways, within roundabouts, or adjacent to neighborhood entrance monuments.

Recreational vehicles, campers, boats, and trailers must be kept in the garage out of view

except temporarily in preparation for use if such period does not exceed 24 hours.

2.16 Signs

The placement of the following signs on any portion of the property must meet the following requirements and do not require the submittal of a *Request for Architectural Approval Application* and ARC approval:

- A single “For Sale” or “For Rent” sign (which shall be limited to six (6) square feet) and must be displayed from the inside window of the dwelling.
- A single garage sale sign as described in paragraph 2.10.
- Such permits as required by legal/government agencies.
- Official community events as approved by the Board.
- Political signs may be placed on the homeowner’s property expressing support or opposition to a candidate or referendum issue, not 60 days before the election and must be removed within 2 days following the event.
- Security, burglar alarm, or dog fence signs located discreetly in the front yard of the house and measuring no more than one foot by one foot in size (1’ x 1’).
- Open house, yard/garage sale or community event sign in the common area, up to 3 days prior to the event. The signs must be immediately removed after the event concludes.
- Temporary signage during the period of home improvements. Signs must be removed as soon as the job is completed.

Prohibited: all homemade signs in yards and permanent signs announcing installation of security systems or interior or exterior improvements being done in or around the home after the conclusion of the installation.

All signs must comply with all applicable federal, state, and local laws and ordinances, if applicable.

2.17 Storm Doors

Storms doors are permitted but must be approved by the ARC prior to installation and require submission of the standard *Request for Architectural Approval* application. Approved storm doors must be either full-view glass with no etchings or ornamentation or glass/screen which contains a retractable screen and must match the door or trim in color. Door hardware must also match the existing hardware in color, style, and materials.

2.18 Window Air Conditioners, Fans

Window air conditioning units and window fans are not permitted.

2.19 Grading, Drainage and Dirt

The grading and drainage swales in place at the time of closing are in place to support warranties existing at the time of closing and to prevent any run-off or drainage issues from your property on to any neighboring Lots. Any landscaping or grading changes to an existing Lot after closing must be pre-approved through submission of a *Request for Architectural Approval application* and ARC approval.

Any homeowner or resident who changes the existing grade or drainages shall be liable for all costs and expenses of repairing such changes, and any costs, liabilities, damages or causes of action arising out of such changes. ARC approval does not constitute approval for a homeowner to change any existing grading or drainages.

All dirt excavated or added, in construction of your approved exterior modification plan, shall have a specific plan for temporary storage in the rear area of each Lot. At no time, shall dirt be stored on any Common Area. All soil removed to accommodate any approved exterior modification must be removed off site and not placed in any Lot, developed or not, nor in any common area.

Prior to any digging or excavation in any Lot, it is recommended that "No Cuts" be contacted at 1-800-632-4949.

Important Note: Architectural Review Committee (ARC) approval on landscaping and grading does not constitute engineering approval. ARC approval is aesthetic in nature. Improvements and consequences are the sole responsibility of the homeowner or person making the improvements.

2.20 Yard Maintenance and Proposed Landscape Changes

Homeowners shall be required to water the grass and plantings on their Lots as needed to maintain a healthy lawn and plants, as well as to be responsible for replacing any dead plantings with material similar in nature to the original landscaping. The same color scheme of mulch and/or pine straw utilized throughout the community and in neighboring Lots shall be maintained. All landscaping improvements made by the homeowner will be the responsibility of the homeowner to maintain and not that of the Association.

2.5The replacement of dead shrubs and trees, are pre-approved and do not require a *Request for Architectural Approval application* and ARC approval prior to installation if the dead or diseased shrub or tree is being replaced by an identical one in type and size (i.e., replacing a 2.5" caliper maple for a 2.5" caliper maple; replacing a one-gallon size azalea with a one- gallon size azalea).

All landscaping changes and additions which are not 'like to like', installation of mulch; erecting edging devices and other changes of a similar nature shall require the submission of a *Request for Architectural Approval application* and ARC approval prior to installation.

All installed edging borders of landscape beds or tree wells require *Request for Architectural Approval application* and ARC approval before being installed. Preferred edging material should be made of the following materials:

- Fibertech 5/16" x 3 7/16" composite bender board (or equivalent)
- Coated steel coated edging, earth tone in color
- Stone pavers/concrete pavers/solid bricks if they are installed at ground level, may not be more than 12" in total height from the base. If bricks are used, each brick may not be more than 8" wide, 12" in length per brick, and have a flat top or cap. Edging for beds that are adjacent to a structure may not extend beyond 8 feet from the structure. Edging for trees may not extend beyond 3 feet from the base of the tree. The style, color, and choice of all material should closely match the current homes exterior décor and material. All requests for approval should provide pictures and details to attest to compliance to these guidelines upon submission of the application.

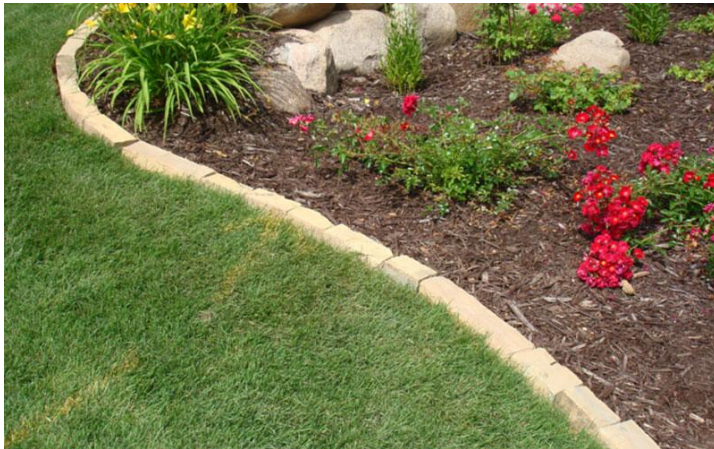


Figure 5 An example using brick edging



Figure 6 An example using landscape bricks

Retaining walls, and multi-tiered beds, and porch extensions are not permitted in front or side yards. Pre-existing exceptions are grandfathered.

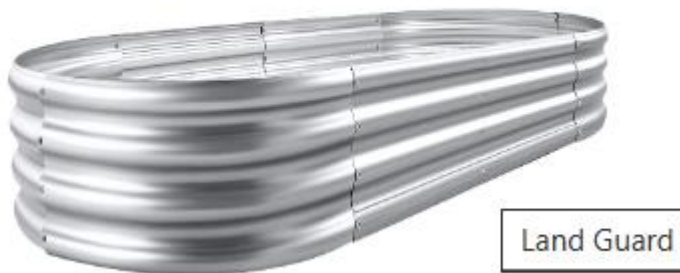
Mulch, if owner installed in any landscape beds, must be chosen with care for the environment

and the watershed we live in as well as for its appearance. Garden landscape beds may not have artificially colored (red) mulch, mulch made of rubber (with the exception for play spaces below), stone, or rock because of its undesirable effects on water pollution and runoff velocity for our watershed neighborhood. Natural colored black/brown wood mulch or pine straw that naturally biodegrades is acceptable mulch material.

Rubber mulch is only permitted for child safety use surrounding permanently installed child playground equipment. Its use is limited to a maximum area of 3 feet from the base of the equipment.

Stones gravel may be used reduce to water drainage velocity and erosion near downspouts if it is limited to within 1 foot from the downspout on each side and may run to the edge of the garden bed to the grass or pavement. The colors and type selected should match the homes appearance.

Vegetable gardens are permitted in the rear of the Lot only and must be behind the home. Garden areas may not exceed Four (4) 4' x 4' or two 8' x 4' sections constructed of wood or with concrete slab joints or galvanized metal raised beds (photo sample below) in sizes of 4x2, 4x4, 8x2, 6x2 up to a maximum area that covers 4 - 4x4 beds. All beds must appear neat and clean during the growing season. Debris must be removed periodically, and all dead plant material must be removed once the growing season has ended. Additional landscape screening may be required if the garden is visible to neighboring homes.



For Lots with privacy fences, plant gardens (not tree) for vegetables and flowers are permitted within the privacy fences, without ARC pre-approval if they do not grow on the external surface of the fence, do not rise above the fence height, are always kept orderly, and do not cause any visual, pest, odor, or other nuisances to the adjacent neighbors. If a nuisance is determined, the owner is required to remediate all issues within 30 days of a formal request of the ARC.

2.21 Trampolines, Play Equipment and Basketball Goals

Trampolines are not allowed on any Lot.

Play structures are allowed but require a Request for Architectural Approval application and ARC approval. If approved, they must be placed in the rear yard and must be out of view or screened from view of the street.

No permanent goals are allowed. Moveable basketball goals are allowed if they are stored on the homeowner's property, in a place or location that is minimally viewed from the street. The goals may not remain in the street or on the sidewalk.

2.22 Storage Sheds, Garages and Other Improvements

Construction, installation, or placement of a storage shed, tree house, playhouse, detached garage, or a building separate from the main dwelling on the Lot is not permitted on any Lot.

No space within any garage may be converted to living space but will remain as required parking.

2.23 Solar Panels

Solar panels are permitted to be placed in efficient locations of a home's roof, including facades that are visible from public view. The panels must be flush mounted to the roof, black monocrystalline in color or if replacing a roof tile with solar tiles, must have similar color of current roofing material. Blue-hued polycrystalline panels are not permitted.

3.0 General Appearance Standards/Maintenance

Paint and stain must be maintained in uniform and good repair (with no peeling, chipping, cracking, or discoloration) on the trim or siding.

Lawns must be well kept with uniform ground coverage. The designated lawn area should be fully covered with grass. Any brown or bare patches should be repaired during the spring or fall season. Dead trees and shrubs must be removed and replaced with plantings of similar size and shape, or if different, must be approved by the ARC before installation. Properties should be free of debris.

No items such as toys, bikes, garden equipment, chairs, wood, etc. may be left in front or side yards or on porches when not in use.

Artificial vegetation is not allowed.

4.0 Architectural Review Committee (ARC)

The Declarations establish an Architectural Review Committee (ARC) comprised of individual(s) at the discretion of the board. The ARC is charged with conducting the review of all applications for exterior changes and with rendering a decision to the applicant **within 60** days. The ARC will respond in writing with either an approval, approval with conditions, disapproval, or a request for more information on the project. More information may be required for the ARC to make an informed decision. It is the Homeowner's responsibility to provide that information in a timely manner.

The ARC may from time to time publish and promulgate architectural standard bulletins, which shall be fair, reasonable, and uniformly applied. The ARC shall be responsive to technological advances or general changes in architectural designs and materials and related conditions in future years and use its best efforts to balance the equities between matters of taste and design (on the one hand) and use of private property (on the other hand). Such bulletins shall supplement the Declaration and are incorporated herein by reference.

4.1 The Architectural Review Committee Process

The Declaration of Covenants requires prior written approval for any improvements to an owner's Lot. Therefore, do not commit labor or materials until you have received written approval.

1. Owner submits to the Architectural Review Committee, in care of the management firm, an Application for Architectural Improvement. **Please note the Architectural Review Committee has sixty (60) days to review the application; however, the actual time to review and reach a decision usually is much shorter. The review period does not start until Community Association's management company receives the completed application.** Complete applications will be considered on individual merit, using these documented standards as a basis for decision-making.

Out of courtesy, we request you inform your neighbors of your proposed improvement(s). **Note: when attaching to a neighbor's fence, written approval must be obtained from the neighbor.

2. The application, noted with the date of receipt by the manager, is turned over to the Architectural Review Committee within two working days, provided all information necessary for review is received. Management will make a cursory review of the application and request of owner any additional information needed. The committee may still require additional information, as detailed in 4d, below. The **60-day timetable** begins when the application is complete and appropriate for review.

3. The committee will act on the application within the allowable **60 calendar days** from receipt, however most applications will receive a response within three weeks.

4. The committee's decision will be noted on the application. The owner will be notified by management of all final decisions, either:

- a. **APPROVAL:** The application is approved as submitted.
- b. **APPROVAL WITH CONDITIONS:** The overall proposal is accepted, but with certain specified changes, limitations, or requirements that must be followed.
- c. **DISAPPROVAL:** The application is denied. The owner can appeal to the Architectural Review Committee within 15 business days. Further escalation may require the involvement of the Board of Directors. (*See Appeal Process section for more details*)
- d. **ADDITIONAL INFORMATION REQUIRED:** The Committee has determined that additional information is needed for appropriate review of the application. In this case, the entire process begins again once management receives the information. The owner should follow the same submission procedure. The Architectural Review Committee will act swiftly on all re-submissions.

5. **ARC or management inspection:** The ARC or the manager reserves the right to visit your Lot and inspect the improvement, to verify that the application details were followed and to note problems encountered which might help other residents on similar projects.

6. Once work has begun on an improvement, it must be completed within 90 days. Applications are valid for 1 year from the date of approval.

** Please note: Many design changes require a permit and the City and/or County may not issue a permit without the written approval of the ARC. Please plan. It is strongly suggested that the City and /or County be contacted to determine what permits or approvals are required from a City/County Ordinance. Architectural Review Committee approval does not substitute for municipal approval. It is the homeowner's responsibility to acquire appropriate approvals, permits, etc. from the appropriate municipality.

4.2 Architectural Review Criteria

The ARC evaluates each application on the individual merits of the application and the standards listed below. During the Declarant Control Period, Declarant has unilateral right to deny an application if approval would affect design standards.

Validity of Concept - The basic idea of the exterior change must be sound and appropriate to its surroundings.

Landscape and Environment - The exterior change must not unnecessarily destroy the natural landscape or the achieved man-made environment.

Relationship of Structures and Adjoining Property - The proposed change should relate harmoniously among its surroundings and to existing buildings and terrain that have a visual relationship to the change.

Protection of Neighbors - The interest of neighboring owners will be considered, using various and appropriate criteria and exercise discretion in determining which of these criteria will be governing in each specific application.

Design Compatibility - The proposed change must be compatible with the design characteristics of the applicant's home and the general neighborhood setting. Compatibility is defined as harmony in style, scale, materials, color, and construction details.

- a. Scale: The three-dimensional size of the proposed change must relate satisfactorily to adjacent structures and their surroundings.
- b. Materials: Continuity is established by use of the same or compatible materials as used in the existing home. Siding materials and shingles must match existing structure.
- c. Color: Color may be used to soften or intensify visual impact.

Workmanship - The quality of work must be equal to or exceed that of any existing structure. Poor practices may cause the owner problems and may be visually objectionable to others. For example, a wooden fence not properly treated and maintained may, in a short period, start to decay and become unsightly to the owner and neighboring property owners.

4.3 Appeal Procedure

If the applicant disagrees with the decision of the Committee in its review or inspection, the process is noted for an appeal:

1. Within 15 business days after receipt of a notice of disapproval, the homeowner must file a written appeal with the Architectural Review Committee at the address of contact for the community.
2. Upon receipt of the appeal, the ARC may contact the homeowner and schedule a review of any further information relating to the request and appeal.
3. Should the ARC determine that the disapproval remains, the homeowner may request (within 7 days) that the appeal be forwarded to the Board of Directors. It is the responsibility of the ARC to forward any correspondence and pertinent information to the BOD now.
4. The Board of Directors shall then establish the date and the time that the appeal will be heard. Normally, this will be made at the next scheduled Board meeting. To reverse an Architectural Review Committee decision, requires a majority vote of the BOD.
5. No work may progress during this appeal process period.

4.4 Violations and Penalties

An exterior change made without the required approval of the ARC constitutes a violation of the Declaration of Covenants and Community Guidelines. **A violation may require removal or modification of the work at the expense of the property owner**, even if the request may have been otherwise approved.

When a violation is determined to have occurred, the following steps shall be taken:

1. The ARC will investigate any reported violation and attempt to bring the owner into compliance. Homeowners will be notified in writing of the violation and are expected to bring the violation into compliance within thirty (30) days.
2. Should the owner fail to act upon the recommendations for corrections, the Committee shall submit the matter to the Board of Directors.
3. The homeowner shall be invited to a hearing with the BOD where the homeowner will have opportunity to be heard and present evidence. Failure to appear shall result in a fine beginning to accrue on the day after the scheduled hearing date. Of course, if the violation were brought back into compliance prior to the hearing, no hearing would be necessary.

4. After the hearing, the BOD shall respond to the homeowner with a decision in writing within five (5) days. Any penalties or costs relating to the violation (and the date from which the accrual shall begin) shall be noted in the letter from the BOD.

Fines: Fines may be levied daily, per violation, until the violation is rectified. The North Carolina Planned Community Act allows planned residential communities the ability to uphold standards that will protect and ensure homeowners of maintained property values, about holding all property owners accountable for abiding by the existing covenants.

Fees: A violation may also result in payment of damages incurred by the Association in having the work removed or modified, as well as a fine assessed by the Association. Attorneys' fees, court costs, site assessment will all be incorporated into the fine process.

End of Greenmoor Rules & Architectural Guidelines