



Design Guidelines for Magnolia Place @ Flowers Plantation

The following are some of the most important items to remember to maintain and enhance our property values in Flowers Plantation Communities. Additionally, this list will assist you in planning any exterior changes to your property. Please remember all exterior changes/improvements must be approved in writing prior to any changes being made.

Fences: Fences to be black aluminum or treated wood. Fences may not be more than 5 feet in height. Remember to get written approval prior to any installation or changes.

Signage: No signs are permitted in windows, except for alarm and pet signs. Signs expressing support of or opposition to political candidates are allowed per constraints outlined in Community Covenants. Homemade signs in yards are prohibited.

Dog Waste: Maintenance of the yard to keep it free from offensive odors is required. Please note all homeowners are required to pick up after their pets. Please be courteous!

Garbage Cans: Trash storage needs to be screened from the road.

Toys/Basketball Goals/Play Equipment: No items (toys, bikes, garden equipment, trash containers, chairs, wood, recycling bins, etc.) may be left in front or side yards or on porches when not in use. Basketball goals need to be erect at all times.

Parking: Parking is prohibited on the grass or the medians. Street parking is discouraged. If you have space in your driveway, please move your cars off the street.

Satellite Dishes: Satellite dishes should be no more than (25") in diameter, with hidden cable. Preferred placement of the dish is on the rear roof. If placement is necessary on the side of the yard, screening with plant material and/or painting the dish to match the background is required. Dishes placed in the front yard are prohibited, unless written architectural approval is received.

Mailboxes and Posts: Must be repainted or replaced with the same type used in Whitfield.

Yard Maintenance: Grass should be kept no more than 4" high. Edging and pruning should be done on a regular basis. Driveway cracks should be kept clear of grass and weeds. The designated lawn area should be fully covered with grass. Any brown or bare patches should be repaired during the spring or fall seeding season.

Boats, Trailers, etc.: Recreational vehicles, watercrafts, boats, trailer, etc. are prohibited from parking on the street and only be parked in such a manner that the vehicle/trailer is screened from the street. Campers are prohibited.

Basketball Court/Sport Courts: No concrete or similar sport court is allowed.

Garage Doors: All garage doors should be kept in the closed position unless it is in use.

INTRODUCTION

In a planned community such as Whitfield, the question naturally arises as how to maintain a harmonious, quality development as the community matures. The following guidelines attempt to provide a meeting ground between private interests and the broader interest of the community.

The Declaration of Covenants runs with the land and is binding with all homeowners and should be fully understood. Please retain these additional Guidelines as part of your permanent papers. You should make these Guidelines available to any renters of your home. In the event you need additional copies of this document or The Declaration of Covenants for the community, please contact the management company.

The fact that each homeowner is subject to these Covenants should assure all homeowners that the standards of design quality shall be maintained, enhancing the community's overall environment, and protecting property values. The rules, responsibilities and procedures outlined in these Guidelines have been approved by the Board of Directors (BOD), in compliance with the community's Declaration of Covenants. The intent of guidelines is:

- To insure quiet enjoyment for the residents.
- To minimize problems and expenses for the association.
- And to provide for the architectural integrity of the neighborhood.

The cooperation of each owner will be mutually beneficial.

ARCHITECTURAL REVIEW COMMITTEE (ARC) The Declarations establish an Architectural Review Committee, from now on referred to as the ARC, to be comprised of three (3) to five (5) representatives to rule on architectural submittals. The ARC is charged with conducting the review of all applications for exterior changes and with rendering a decision to the applicant within 30 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. If the ARC fails to render a decision (after receiving all required information) in the allotted 30 days, the approval will not be required, and the application will be considered to have been approved. 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.

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 thirty (30) days to review the application. Should nothing be received within 30 days, please call to follow up. Occasionally items get lost in the

mail and 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 30-day timetable begins when the application is complete and appropriate for review.)

3. The committee will act on the application within 30 calendar days from receipt. In most cases the owner 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. Architectural Review Committee inspection: The Architectural Review Committee reserves the right to visit your lot and inspect the improvement. This will be done for two specific reasons:

a. to ensure that the application details were followed and to note problems encountered which might help other residents on similar projects; and

b. to learn any "pointers" that other residents may employ in more easily completing an improvement project.

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 County and/or County may not issue a permit without the written approval of the ARC. Please plan in advance. **THE ARC HAS 30 DAYS TO REVIEW ALL REQUESTS, AFTER ALL THE APPROPRIATE INFORMATION IS SUBMITTED.** It is strongly suggested

that the County and /or County be contacted to determine what permits or approvals are required from a County/County Ordinance. Architectural Review Committee approval does not substitute for approval by the County. It is the homeowner's responsibility to acquire appropriate approvals, permits, etc. from the County.

REVIEW CRITERIA

The ARC evaluates each application on the individual merits and the standards listed below:

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

Landscape and Environment - The exterior change must not 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 interests of neighboring owners should be protected by making provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design, which may have substantial effects on neighboring property. For example, fences may obstruct views, breezes, or access to neighboring property. The ARC should consider the 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 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.

APPEAL PROCEDURE

If the applicant disagrees with a Committee decision 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 remain, 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.
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 the appeal process period.

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.

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 will be levied on a daily basis of \$50 per day, per violation, until the violation is rectified. The North Carolina Community Act passed in January of 1999, allows planned residential communities the ability to uphold standards that will protect and insure homeowners of maintained property values, with regard to 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.

**** Please remember owners are responsible for their tenants.**