

Lexington Farms

HOMEOWNERS ASSOCIATION

ARCHITECTURAL GUIDELINES

TABLE OF CONTENTS

TOP TEN LIST	3
INTRODUCTION	4
ARCHITECTURAL REVIEW COMMITTEE (ARC)	5
THE ARCHITECTURAL REVIEW COMMITTEE PROCESS	6
REVIEW CRITERIA	7
APPEAL PROCEDURE	8
VIOLATIONS AND PENALTIES	9
EXPLANATION OF STANDARDS	10
BLANKET APPROVALS	10
COMMON IMPROVEMENTS	12
APPEARANCE STANDARDS/MAINTENANCE	14

TOP TEN LIST

The following are some of the most important items to remember to maintain and enhance our property values in Lexington Farms Community. Additionally, this list will help 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.

Signage/Flags

- No sign of any kind or character shall be erected on any portion of any Lot, or displayed to the public on any portion of any Lot, without the prior written consent of the Board of Directors, except for customary name and address signs, one customary "for sale" sign advertising a Lot for sale and any sign required by legal proceedings.
- Only proper and respectful displaying of the flag of the United States of American or the State of North Carolina shall be permitted on any lot provided the flag is no greater than four feet wide by six feet long.
- No owner shall install a flagpole or decorative banner without written approval of the ARC. Please see page 24 for questions.

Animals/Dog Waste

- Please note that all homeowners are required to pickup after their pets. Please be courteous!
- No Owner may keep any more than three pets on any portion of the Property.
- Only fully domesticated breeds of dogs and cats are permitted. No Owner or occupant may keep, breed or maintain any pet for any commercial purpose.
- Please be courteous to your neighbors and prevent your pet from persistent barking causing an annoyance or nuisance to any other resident of any other Lot.
- No animals shall be left unattended white outside. Animals must be kept on a leash and be always under the physical control of a responsible person while outdoors.
- No animal determined to be dangerous may be brought onto or kept on the Property at any time.
- Animal pens are not allowed on any Lot.

Garbage Cans

- Trash storage must be inside the dwelling or screened from the road.
- Please do not burn rubbish, garbage or any other form of solid waste on any Lot or on any Common Areas or within the right of way of any street within the Property.

Toys/Furniture/Sound Devices/Play Equipment

- No items (furniture, fixtures, appliances, machinery, bicycles, towels, clotheslines, equipment or other goods or chattels) may be left on any portion of a Lot which is visible from outside of the Lot.
- No exterior speakers, horns, whistles, bells or other sound device, except security devices used exclusively for security purposes.
- Recreational and playground equipment may not be placed on the front or side yard of any Lot, but they may be placed in the rear of Lot. Please see specifications lined out on page 21

Parking (Automobiles, Trucks, Boats, Trailers, Motorcycles, Campers, Vans, Recreational Vehicles)

- Parking is prohibited on the grass or the medians.
- No Owner shall park any commercial vehicle, recreational vehicle, mobile homes, trailers, campers, or other oversized vehicles, stored vehicles or unlicensed or inoperable vehicles within the Property except within a garage.

Residential Use

- No lot shall at any time be used for any commercial, business, or professional purpose.
- No Owner may rent a Lot without the prior written consent of the Board of Directors.
- The Owner shall use a portion of a building located on such Lot as an office, provided that such use does not create regular customer, client, or employee traffic to and from such Lot and no sign logo, symbol, or nameplate identifying such business is displayed anywhere on such Lots.
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Satellite Dishes/Lighting/Windows

- Satellite dishes, no more than one meter (30") in diameter.
- No HAM radios, two way radios and other hobby or professional radio communication transmission equipment are permitted on any lot.
- Only approved lighting originally installed, one approved decorative post light, pathway lighting (low voltage), seasonal decorative lights or front house illumination of model homes are permitted on any Lot.
- No window air- conditioners are permitted on any Lot.
- All window treatments visible from the outside of a Lot shall be white or off-white in color, no bed sheets, newspaper, tin foil, or similar materials may be used as a window treatment.

Yard Maintenance

- Please do not dump grass clippings, leaves or other debris, detergents, petroleum products, fertilizers, pollutants or potentially hazardous or toxic substances, in any sewer system, water system, drainage ditch, stream pond, or lake withing the property.
- No Owner or any other person shall do anything to adversely affect the general surface water management and drainage of the Property without the prior written approval of the County and any other applicable controlling governmental authority and the ARC.
- Artificial vegetation or other artificial landscaping, exterior sculpture, fountains, flags, birdhouses, birdbaths and other decorative embellishments or similar items require prior written approval from the ARC.
- Grills, patio furniture, potted plants are permitted on patio areas
- The installation of landscaping, plants, trees or other vegetation, except for low growing grass, shall not be prohibited within any drainage easement on the Property.
- The application of herbicide to any portions of the Property within any drainage easement is prohibited.

Sheds/Fences/Swimming Pools

- Detached storage buildings and sheds are allowed but must be constructed and painted in coordination with the home and must have prior written approval from the ARC.
- No fence, wall, hedge, tree, shrub, planting or any other thing or device which obstructs sight lines at elevations between two and eight feet above a street is permitted on any corner Lot within the triangular area formed by the two boundary lines thereof abutting the corner streets and a line connecting them at points twenty five feet from their intersection, or on any Lot within the triangular area formed by the boundary line abutting a street, the edge line of any driveway pavement and line connecting them at points ten feet from their intersection. The above-mentioned items cannot protrude into any right-of-way located on the Property.
- With prior written approval wrought-iron fencing which incorporates vertical bars spaced not less than four inches apart may be placed within the sight-line areas.
- No Owner shall install fences or other improvements or structures within a drainage easement.
- No pool shall be constructed, erected or maintained without the prior approval of the ARC
- Above ground swimming pools are not permitted on any Lot.

Garage Doors

- All garage doors should be kept in the closed position unless they are in use.
- No conversion of garage space to living space shall be permitted.

INTRODUCTION

In a planned community such as Lexington Farms, 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 these 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 above section notwithstanding, until such time that the Declarant turns the control the association to the membership the ARC shall be comprised of the individual or individuals designated by the Declarant to perform these duties.

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 1 year. 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 in advance. **THE ARC HAS 30 DAYS TO REVIEW ALL REQUESTS, AFTER ALL THE APPROPRIATE INFORMATION IS SUBMITTED.** 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 approval by the County/City. It is the homeowner's responsibility to acquire appropriate approvals, permits, etc. from either the County or City.

REVIEW CRITERIA

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

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 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 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.

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 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 at this time.
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 time 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 fourteen (14) days.
2. Should the owner fail to act upon the recommendations for corrections, the ARC will invite the homeowner to a hearing to provide the homeowner an opportunity to be heard and whether or not fines or corrective action will be taken by the board. If corrective action is determined then the board, or their authorized agents or employees, may enter upon the property, and make such restoration or complete such work as the ARC, in the exercise of its discretion, may deem necessary or advisable. 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.

** Please remember homeowners are responsible for their renters.

EXPLANATION OF STANDARDS

The Standards that follow are the procedures and guidelines applied by the ARC to assist the Association and its members in the design review process. It is hoped that these Standards will serve as a positive tool to assist in the full and free use of each homeowner's property in a manner that is consistent with the aesthetic and harmonious development to the community.

There are three major categories of items for specific home improvement guidelines:

- **BLANKET APPROVALS**
- **COMMON IMPROVEMENTS**
- **APPEARANCE STANDARDS**

These three are very important to you because they identify which improvements are permitted and how approvals can be secured. Items not specifically mentioned here require approval.

BLANKET APPROVALS

Items in this category do **not** require approval, *provided the guidelines mentioned are followed.*

- Plants, shrubs and flowers planted within three feet of the front of your house, not to grow higher than the lowest portion of the windows.
- Bedding borders, if constructed of common landscaping borders not to exceed 8 inches in height.
- Plantings of flowers and shrubs around trees.
- Pathway Lighting (Low voltage).
- Hose caddies affixed to the home or enclosed in appropriate container.
- Outside seasonal decorations
- Vegetable gardening in rear yards, provided they are not noticeable from the street, do not exceed allowed fence heights or grow through to the neighbor's yard.
- Removal of trees that are less than four inches (4") in diameter and less than twelve inches (12") above the ground.
- Lawn furniture, barbecue equipment, toys, bikes, trampolines, etc., if kept in good repair. These must be stored within the rear area when not in use.
- Satellite Dishes
 - No more than one meter (36") 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 on poles in the front yard are prohibited, unless written architectural approval is received.
- Trash Containers

Unless it is the night before trash pick-up day or trash pick-up day, trash containers must be stored so they are not noticeable from the street; otherwise, they are in violation of the community guidelines. Trash containers may be stored on the side of the home; however, the cans still must be screened from the street and preferably neighboring properties. Below is an example of an owner very tastefully screening their trash cans with vinyl fence that matches their home. This may also be done with a wood fence and/or plant material.



COMMON IMPROVEMENTS

Items in this category require approval. *An application must be submitted and meet these guidelines.* Approval is not necessarily limited to constraints listed here, but is much more likely to be given for:

Grading

- Major changes to the topography of a lot are required to be approved by the ARC prior to being started.
- Drainage and water flow patterns must be taken into consideration prior to the start of any grading.

** The Association, its Board of Directors, and the Architectural Review Committee shall not be held liable for any damage caused by such grading, whether or not the committee approved the request.

Exterior Color and Maintenance (Changes)

- You must specify the new material and/or color you wish to use; include a color sample from the store.

Drives and Parking Areas

- Proposed changes in drives or parking pad additions must be submitted to the ARC;
- Gravel driveways or parking areas will not be permitted.

Pools

- No above-ground swimming pools shall be permitted in the Subdivision;
- Requests for in-ground swimming pools shall be considered.

Sheds

- Detached storage buildings and sheds are allowed but must be constructed and painted in coordination with the home.
- No larger in size than 8 x 12; Homeowner shall be responsible for obtaining any required local, County or State permit approvals.
- Constructed of wood; no aluminum sheds allowed;
- A suitably constructed floor system or foundation is required;
- Sheds shall be placed on the property behind your home in a location that minimizes (shields completely, if possible) the shed from being viewed from the street. Location of the shed will be subject to ARC approval;
- Sheds must be at least 3 feet from the neighboring property;
- Roof must have similar pitch, similar materials, and similar color as that of the home.
- Additional garages are considered extensions of the house and are subject to ARC approval.

Decks/Screened Enclosures/Outdoor Living Areas

- A deck should not extend past the side of the house;
- All decks should be on the rear of the house. No side or front decks are permitted;
- Decks may not be painted; only stained;
- They will pose no drainage problems for you or your neighbors;
- The materials to be used are designed specifically for patio and/or deck designs;
- Screened enclosures must not be visible from the street;
- All decks, patios, gazebos and screened porches must blend in with the natural terrain.

Fences/Walls

- Fence material shall either be pressure treated arched wood, black aluminum, wrought iron or vinyl. Wooden fences may be treated with a natural wood stain. For maintenance purposes, it is preferred that fences are not painted;
- Fences must enclose all or part of the backyard, and the fence must start no closer to the front of the house than $\frac{1}{4}$ of the distance from the back corners of the house.
- No wire, plastic, or chain-link fences (including dog enclosures) shall be considered;
- Construction will consist of vertical members (pickets) supported on horizontal members (rails) with the pickets on the outward side of the fence. The top edge of wooden or vinyl fences may be scalloped upward as seen in pictures, below. Fences must follow the natural grade of land;
- Required fence height is a minimum of 4ft (42" at lowest point) and maximum of 6ft (at the highest point);
- Fences must be maintained and kept in good repair;
- Fences shall be a minimum 2" from the ground level in order to allow for proper drainage and run off from home site to home site. Posts may not be placed in swales.

Acceptable Fence Styles to Follow:



Lamps & Landscape Lighting

- One walkway/entrance light on post is allowed, not to exceed 7 feet in height to base of light fixture;
- The post shall be of metal painted black;
- The lamp design should be similar to existing house exterior lights;
- Entrance lighting on ARC-approved walls on the sides of driveway entrances will be considered providing they match existing light fixtures.

*Note that low voltage lighting does not need ARC approval.

** The Association requests that all exterior lamps be on from dusk to dawn. It is the homeowner's responsibility to change out bulbs, etc.

Windows

- Window unit air conditioners are prohibited;
- Fans in windows are discouraged;
- Appropriate window dressings are required (sheets, newspapers, blankets, etc. are prohibited).

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. Grass should be kept no more than 6" high. Edging and pruning should be done on a regular basis. Driveway and sidewalk 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. Dead trees and shrubs must be removed and replaced with plantings of similar size and shape.

County requirements

The owners of the property and their agents, heirs or assigns shall be responsible for the installation, preservation and maintenance of all plantings and physical features shown on this plan. The owners shall be responsible for annual maintenance of the vegetation to include but not limited to:

Lawn Area: The lawn area will be mowed at a minimal frequency as to provide a neat and uniformly finished lawn. For areas inaccessible to mowers, a string trimmer will be used to cut grass to same height as mower. Curb, sidewalk and bed edges will be mechanically edged enough as to keep lawn edges neat and uniform during the growing season. All debris will be removed from turf prior to mowing and from turf and pavement areas following edging. The turf will be fertilized three times during the year. A slow release nitrogen product will be used at a rate of 1-2 pounds of nitrogen per 100 square feet. A pre-emergent crabgrass control will be applied to the lawn when soil temperatures reach 48 degrees.

Plant Beds and Small Ornamental Trees: All plant beds will be sprayed and weeded by hand to maintain them free of weeds at all times. All shrubs will be fertilized as required as required with a slow release fertilizer at a rate according to plant type. All trees will be fertilized by deep root feeding with a slow release fertilizer designed to feed for two years. All shrubs and trees will be pruned with hand pruners to encourage growth and remove dead material. Replace pine straw mulch annually. Formal hedges will be trimmed to an invert 'V' shape to encourage low limb structure and dense growth. An I.P.M. (Integrated Pest Management) program will be established and implemented.

Leaves: All leaves will be removed from the lawn areas weekly and four times a year from the plant beds. Leaves may be placed in adjacent wooded areas.

Natural Areas: Natural areas will be maintained free of brush and weeds within the first ten feet of the natural area.

- 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.
- No parking vehicles on lawns or common areas. Parking in the street overnight is discouraged, and repetitive street parking is strictly prohibited. Please do not park within 10 feet of stop signs, street signs and fire hydrants. For events such as Garage Sales or parties, it is the responsibility of the homeowner hosting the event to inform neighbors and make provisions to prevent damage to the neighbors' yards (keep your car (or your guest's car) off of the grass along the road; park only on the asphalt).
 - ** For safety and aesthetic purposes your driveway should be full of cars if you are parking on the street.
- Mobile house trailers (whether on or off wheels) and recreational vehicles are prohibited. Watercraft, boats, utility trailer, etc. must be stored in an enclosed garage.

- No commercial truck, commercial bus, or other commercial vehicle of any kind may be parked on the street.
- Inoperative vehicles or vehicles under repair must be stored in a garage.
- No portion of the properties can be used to tie up dogs or for breeding. Excessive dog noise will be treated as a noise ordinance violation. Maintenance of the yard to keep it free from offensive odors is required. Please note all homeowners are required to pickup after their pets. There is a County Ordinance that enforces this guideline. Please be courteous!
- Properties should be free of any debris.
- Vegetable gardens are allowed in backyards only and must be maintained by the Owner.
- Trash storage must be screened from the road.
- Signs may be placed in the homeowner's yard for the express purpose of selling the property. No signage may be in the common area, with the exception of an open house or community event. The placement of any sign within a building located on any Lot in a location from which the same shall be visible from the outside and the placement of any sign in or upon any motor vehicle is prohibited.

Solar Collectors/Panels Systems

- Solar collection panels will only be considered for approval by the ARC provided they meet the following requirements.
 - Installed on the roof located in the rear of the house, only.
 - Please note, solar collection panels may not be approved when the panel is on the façade of a structure that faces areas open to common areas or public access. This approval will be at the discretion of the ARC.
 - Solar collection panels and components cannot break the roof ridgeline.
 - Solar collection panels and components must not extend over the rake edge of a roof unless approved in the submitted design.
 - Solar collection panels must be installed flush with the slope of the roof. No structure mounting or stand-alone components are permitted.
 - Solar collection panel color must be black or match the color of your roof shingle
 - All components and equipment to be installed must be similar in color to the adjacent material on which it will be installed or screened from view in a manner and using materials approved by the board.

**** These standards are in addition to any listed in the Declaration of Covenants.**