

**Alyson Pond Homeowners Association
Architectural Guidelines**

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1. INTRODUCTION

The Alyson Pond Homeowners Association has two major responsibilities. First, the Association enforces the Covenants of Alyson Pond to ensure an attractive appearance of the subdivision and to keep real state values high. Second, the Association maintains the common areas of Alyson Pond.

This document provides guidelines to Alyson Pond homeowners who plan to make changes to the exterior of their homes or to their lots.

The Declaration of Covenants, Conditions, and Restrictions for the Alyson Pond Subdivision (Covenants) states that the Alyson Pond Homeowners Association (Association) has the authority to enforce the Covenants and to establish and enforce architectural guidelines for the Subdivision. The Board of Governors of the Association (Board) has authorized the establishment of the Architectural Committee (Committee) to perform this function.

The Committee is chaired by the Board member elected at the Association's annual meeting. The Committee consists of the Chair and at least two other Association members.

The Committees and the Boards over the years have established guidelines to maintain the appearance and livability of Alyson Pond. Some of these guidelines come directly from the Covenants – storage of boats and/or recreational vehicles, for example. Others– paint colors, for example - have been established under authority of the Covenants.

In general, any exterior modification to any home or lot within Alyson Pond requires prior architectural approval from the Committee unless specifically exempted in this document.

1. HOMEOWNER GUIDELINES FOR INDIVIDUAL LOTS

1.1. APPROVALS and ENFORCEMENT

A Request for Architectural Approval form is attached to these guidelines. Additional copies of the form can be obtained either from the Management Company or the WWW.ALYSONPOND.COM website.

All neighbors who would be visually impacted by any change requiring architectural approval should be notified prior to submission of architectural approval forms. If any neighbors object to the proposed change, they can bring their objections to the Architectural Committee and to the Board. The final decision to approve or disapprove a proposed change rests entirely with the Board.

The completed approval form should be submitted to the Management Company. Complete forms contain (when applicable) paint color chips, plot plans showing the new construction, landscaping plans, etc. Once a completed form is received by the Management Company, the Committee has 30 days to approve or disapprove the request. If the Committee has not disapproved the request within 30 days, the request is automatically approved. Note that incomplete requests do not 'start the clock'.

If a request is disapproved, the requestor can appeal to the full Board either in writing or in person or at a regular Board meeting. The Management Company will provide the meeting schedule.

The Board has several options in enforcing the Covenants and/or architectural guidelines. When a violation has been noticed by the Committee, the violator will be notified by mail that a violation has occurred and what is required to correct the violation. When appropriate, a deadline for correcting the violation will be in the notice.

If, after a reasonable time, the violation has not been corrected, the Board, at its discretion, can choose several actions. Any expenses incurred by the Board while correcting violations will be assessed to the homeowner and can result in a lien on the property if not paid. The Board can hire a contractor to remove the violation at the homeowner's expense – correcting a landscaping problem, for example.

The Board can call a Hearing to levy a fine on the homeowner until a violation is corrected. This fine might be a fixed amount for each day that the violation continues after the homeowner has been warned. Non-payment of these fines could result in a lien on the property and, in rare circumstances, foreclosure.

2.2. AUTOMATIC APPROVALS AND DENIALS

Approval is **NOT** required for:

- Flower boxes
- Mailbox/post replacement with 'standard' mailbox and/or 4" X 4" post
- Swing sets located in back yards.
- Portable or inflatable pools two feet high or less when located in back yards
- Repainting a home in identical colors
- Storm doors and/or gutters in materials and colors consistent with the house
- Minor landscaping covering less than 100 square feet of the available lot space
- Removal of dead trees and/or shrubs and replacement with new trees and/or shrubs, if the following criteria are met:
 - No approval is needed for removal of completely dead trees and shrubs
 - No approval is needed for an immediate safety hazard
 - No approval is needed if replacing dead trees/shrubs with the same tree or shrub.
 - If replacing a tree or shrub (dead or otherwise) with something different, then architectural approval is needed.

Approval will be **DENIED** for:

- Clotheslines
- Metal or wire dog runs
- Flag poles separate from the house
- Swimming pools (except as defined above)
- Chain link and split rail fences
- Detached garages
- Three story buildings

All of the denied items are prohibited by the Covenants.

In dealing with individual requests, the Committee and the Board consider harmony of design, location, topography, visibility to the street and to other homes, suitability of materials, and, most importantly, the effect on property values. What is approved for one lot might not be approved for another. In general, however, the Committee will strive for consistency.

2.3. SPECIFIC GUIDELINES

This section contains guidelines for what the Committee will approve or disapprove. Please note that, when noted, a Request for Architectural Approval must be submitted. As stated earlier, homeowners can appeal any Committee decision to the Committee and to the Board. Appeals can be in writing or in person at regularly scheduled Board meetings. The Board has also scheduled special meetings where timing has been a major factor.

If a homeowner wants to make a change not specifically covered in this section, a Request for Architectural Approval must be submitted.

2.3.1 FENCES

APPEARANCE

Wood and/or 'wood-like' plastic fencing should either be natural wood color or painted the same color as the home. Wrought iron fencing should be black. When possible, fencing visible from the street should be softened with landscaping. Wood or 'wood-like' fencing that has a finished side and a frame side should be installed with the good side facing away from the house.

MATERIALS

Except on lots abutting the periphery of Alyson Pond (backing up or adjacent to I-540, Durant Park, Durant Trails, and Kangaroo Court), fences should be no higher than 4 feet high. Six foot fencing is allowed on the periphery sides of lots specified above. Wood or 'wood-like' fences should be open picket style (not shadow box). Metal fencing should be of the style similar to that around the community swimming pool.

LOCATION

Fencing should follow the topography of the lot. Except as noted in Section 4.5 (trash receptacles) fences may not extend beyond the back of the house. [Exceptions will be made for homes on corner lots.]

ARCHITECTURAL APPROVAL IS REQUIRED FOR ALL FENCES.

2.3.2 DECKS and PATIOS

APPEARANCE

Decks should be finished in natural wood colors. Wood decks should be finished with natural colored translucent stains. Decks made of composite or plastic materials should be finished to appear as wood-like as is possible. Patios should be finished in natural colors. Deck and patio size should be proportional to the size of the home.

LOCATION

All decks and patios should be at the rear of the home and must not extend beyond the sides of the home. Patios that significantly alter natural water flow to the detriment of neighboring homes will not be allowed.

MATERIALS

Decks should be constructed with either pressure treated wood or composite materials specifically designed for decks. Patios should be built with concrete, brick, stone, or materials used for decks.

ARCHITECTURAL APPROVAL IS REQUIRED FOR NEW OR EXTENDED DECKS OR PATIOS. APPROVAL IS NOT REQUIRED TO REPLACE A DECK OR PATIO WITH A NEW DECK OR PATIO EITHER THE SAME SIZE OR ONE SMALLER IN ALL DIMENSIONS.

2.3.3 BUILDING ADDITIONS and EXTERIOR MODIFICATIONS

ADDITIONS include screened porches, deck enclosures, or any other living or storage area physically attached to the house. MODIFICATIONS include doors, windows, garage doors, storm doors, gutters, etc. Please note that most additions will require City of Raleigh building permits.

APPEARANCE

All building additions and modifications will be reviewed by the Committee on an individual basis. The Committee will review materials, colors, location, scale, and other details of the proposed change to determine if the architectural character of the home will be maintained or improved. Consideration will be given to the effect of the new appearance relative to the surrounding homes. The primary aim of the Committee will be to ensure only positive effects on real estate values.

LOCATION

All changes must be in compliance with the minimum home sizes and minimum setbacks defined in the Covenants. Changes must also conform to the City of Raleigh regulations. Homeowners should be aware that in some cases the Covenants are stricter than the City regulations. No addition should substantially interfere with the view from a neighboring home.

MATERIALS

All materials and colors used should match the existing home structure. Metal framing (for screened decks) should have a substantial, solid appearance, and should match the home's color scheme. Requests to replace existing siding with other materials will be reviewed on an individual basis. All materials must conform to City codes.

Partial siding replacement with new materials (replacing Masonite-type siding with vinyl or Hardyplank) should be done so that the new siding matches the old. Approval of complete siding replacement will depend on how the new siding conforms to the neighborhood and to adjoining homes.

Replacement or repair of roofing with comparable material of the same weight and color does not require architectural approval. However, changing roofing material or color does require Architectural approval.

ARCHITECTURAL APPROVAL IS REQUIRED FOR ALL ADDITIONS AND MODIFICATIONS.

[EXCEPTION] Installation of full glass storm doors with white frames or frames matching existing door colors do not need approval. Installation of rain gutters either house colored or white do not need approval.

2.3.4. PAINT COLORS

APPEARANCE

All exterior paint colors including mailbox posts must match the existing colors as closely as is possible. Requests for changes to colors will consider the relationship with colors of surrounding homes. Colors of detached structures should either match the home or blend in with the surrounding area.

MATERIALS

Exterior house paint should be flat or eggshell. Trim paint can be gloss or semi-gloss.

ARCHITECTURAL APPROVAL IS REQUIRED FOR ANY CHANGE OF EXTERIOR PAINT COLORS.

2.3.5 TRASH and TRASH RECEPTACLE SCREENING

APPEARANCE

Trash and recycle receptacles and yard waste (including yard waste and bagged grass clippings) should not be visible from the street or from neighboring houses except when placed out for collection no more than 24 hours before scheduled collection. Yard waste and receptacles may be shielded by landscaping or by a fenced area on the side or rear of the house. If fenced, the enclosed area should not be significantly larger than that required to store the City-provided receptacles and a 'normal' number of yard waste bags.

MATERIALS

If using fencing, a four foot high wood or 'wood-like' picket fence painted to match the house color should be used for a trash receptacle screened area. If using landscaping, screening shrubs must be non-deciduous (evergreen).

2.3.6. SATELLITE DISHES AND ANTENNAS

The Covenants, filed in 1991, prohibited any antenna or satellite dish installation within Alyson Pond. In 1996, the Federal Communications Commission issued rules preempting homeowner association rules regarding direct broadcast satellite dishes. These rules reflect that FCC ruling.

APPEARANCE

Satellite dishes no larger than one meter in diameter and with masts no more than 4 feet tall (such as used by Direct TV and Dish Network) are allowed in Alyson Pond. Dishes should be installed as unobtrusively as is possible, preferably at the rear of the house. If reception allows, dishes should not be visible from the street. Other exterior antennas must be not larger than one meter and should be installed on the side of the house where not visible. Exterior antennas on masts should not be mounted on roofs or chimneys.

INSTALLATION AND MAINTENANCE

Installation should be 'professional quality', with no loose or dangling cables. Masts should not be used. Unused dishes should be removed.

2.3.7. MAILBOXES AND MAILBOX POSTS

APPEARANCE

Any mailbox or mailbox post should be an asset to the subdivision. A 'standard' half-oval mailbox, either metal or plastic, black, white, or house colored needs no approval. A mailbox post with a square cross-section, black, white, natural wood, or house colored also needs no approval. Other sizes, shapes, and/or finishes require Committee review.

MATERIALS

Besides those noted above, the Committee will consider other mailbox posts. The guidelines for approval require that the proposed installation has a substantial appearance and adds to the appearance of the subdivision. Humorous (cow or pig) mailboxes will probably not be approved. Rustic (wagon wheel, or welded chain) posts will probably not be approved.

MAINTENANCE

Mailboxes and posts should be in good repair and free of rust or peeling paint. If more than 15% of the surface is rusty or peeling, it should be replaced or repainted. House numbers, if present, must be complete.

APPROVAL IS REQUIRED FOR ANY INSTALLATION NOT SPECIFICALLY ALLOWED ABOVE.

2.3.8. ACCESSORY BUILDINGS

Accessory buildings are detached structures including storage sheds, gazebos, dog houses, etc.

APPEARANCE

In general, the Committee will review materials, colors, location, and scale of the proposed addition to determine the compatibility with surrounding structures and sites. The intent is to preserve the architectural character of the neighborhood and to maintain a cohesive architectural style.

LOCATION

Any accessory building must be placed in the rear of the lot and must conform to both City and Association setback rules. Location must take into consideration neighboring lots. Structures deemed visually offensive either to neighbors or the street will not be allowed. Dog houses, in particular, must be placed so as not to be a nuisance to neighbors.

MATERIALS

Materials used should match the house materials. Metal buildings will not be allowed.

ARCHITECTURAL COMMITTEE APPROVAL IS REQUIRED FOR ANY ACCESSORY BUILDING.

2.3.8.1 TEMPORARY STORAGE UNITS

This section refers to storage units, PODS, or construction dumpsters placed outside of a home or garage. Smaller units that are kept entirely inside (or in garages) are not subject to any restrictions.

APPEARANCE

A single unit no bigger than 8ft.x8ft.x16ft will be allowed for temporary use only.

LOCATION

The unit should be placed as unobtrusively as possible in the driveway and as far from the street as possible. If a unit must be parked in the street, it shall be flagged with traffic cones and reflective tape.

DURATION

Units can be used once for no more than 30 consecutive days during any twelve month period. If multiple units are needed, only one unit can be used at any time and the 30-consecutive-day elapsed time will be measured from the day that the first unit is installed. Usage in excess of these guidelines is subject to a fine hearing and **a fine of \$25.00 per day for each day after the 30th day that a unit has been in place.**

ARCHITECTURAL COMMITTEE NOTIFICATION IS REQUIRED PRIOR TO DELIVERY OF A TEMPORARY STORAGE UNIT.

2.3.9. SIGNS

APPEARANCE

No permanent signs other than Community (Neighborhood) Watch signs are allowed in Alyson Pond. Signs advertising businesses or services are prohibited except as noted below.

Standard real estate signs (sales or rental) up to 36" square are allowed as are political signs up to 60 days before a primary or election. These signs should be removed promptly after the sale or the election.

LOCATION AND DURATION.

Commercial signs advertising businesses or services may be displayed on a property only while that property is being serviced by that business. For example, if the XYZ Painting Company is painting your house, they may display a sign during the period that they are working there. Commercial signs should be removed no later than one week after work has been completed.

2.3.10. GARDENS and LANDSCAPING

APPEARANCE

All landscaping should be designed with the thought of maintaining the consistency and harmony of the neighborhood. Vegetable gardens should not be visible from the street and should not interfere with neighboring properties. In general, the front of a lot should be about 50% lawn with the rest well-mulched shrubs, flower beds and/or trees. There should not be an 'over-grown' look to the property.

Trees and shrubs should be pruned for good structure and shape. The yard should look green and well-kept. The grass should be no more than 6" high and edging should be done on a regular basis. The designated lawn area should be planted with grass and every effort should be made to correct brown or bare patches at the appropriate planting season. Curb, driveway and sidewalk cracks should be kept clear of grass and weeds.

Landscaping is probably the most important factor in the value of Alyson Pond property. Relatively small investments in planting and maintenance can reap big dividends for us all.

LANDSCAPING CHANGES INVOLVING THE REMOVAL OF TREES GREATER THAN 6" IN DIAMETER REQUIRE ARCHITECTURAL APPROVAL. LANDSCAPING CHANGES GREATER THAN 100 SQUARE FEET REQUIRE ARCHITECTURAL APPROVAL.

Removal of dead trees and/or shrubs and replacement with new trees and/or shrubs do not require architectural approval, if the following criteria are met:

- No approval is needed for removal of completely dead trees and shrubs
- No approval is needed for an immediate safety hazard
- No approval is needed if replacing dead trees/shrubs with the same tree or shrub.
- If replacing a tree or shrub (dead or otherwise) with something different, then architectural approval is needed.

2.3.11. RECREATIONAL EQUIPMENT

This section refers to permanent and moveable equipment including (but not limited to):

- **Swing sets and other playground equipment**
- **Basketball goals – both house mounted and moveable**
- **Nets set up for racket games**

LOCATION

Whenever possible, equipment should be placed in rear yards, interfering as little as possible with neighboring houses. Equipment should be placed so that errant shots and out-of-bounds shots will not wind up in neighboring lots. For example, a basketball goal

placed on the side of a driveway where missed shots are likely to find a neighboring lawn, flower bed, or vehicle will not be allowed.

Portable basketball goals placed in streets must be moved from the street when not in use and stored close to the house (NOT at the street end of a driveway). Permanent basketball goals are allowed only when adjacent to or fixed to the home.

Please note that the City of Raleigh does not allow basketball goals in the street and will remove them if a complaint is filed.

2.4. MAINTENANCE

APPEARANCE

It is the responsibility of each homeowner to maintain their property in such a manner that adds to the overall beauty and harmony of the neighborhood. Each homeowner should take this responsibility seriously, as failure to do so can negatively impact the value of his property, surrounding properties, and the entire subdivision.

There are many areas in and around the home that should be inspected regularly to ensure that the property is in good repair. These include (but are not limited to):

- Lawn care
- Tree and shrubbery pruning
- Landscaping
- Decks
- Fences
- Driveways and sidewalks
- Playground equipment
- Paint
- Trim boards, siding, windows and doors
- Roofs
- Trash container storage
- Debris and trash removal

DETERIORATION

Any time that the Board or the Management Company has been made aware that a property has deteriorated to the point that it is affecting the aesthetics of the community, the Committee will be asked to make an inspection of the property. If the Committee finds the property needs maintenance, the homeowner will be notified and told of the specific violation(s). The Committee will also inform the Board of the violation.

If the violation(s) are not corrected within a reasonable period of time (as determined by the Board), the Board will take action as described in Section 2.1 of this document.