

Summerlyn Homeowners Association, Inc.

Architectural Control Standards And Procedures

Introduction

and

General Information

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Architectural Control Section 1.00
Introduction

Whether you are an original owner of a home in Summerlyn or you are a second or third owner, ***WELCOME*** to the community. Summerlyn is an exciting and vibrant place in which to live and the people here wish to make it an even better place to call home through their continuing efforts to protect, maintain and enhance their property values.

Summerlyn is a Planned Unit Development (PUD). The original tract was planned, designed and approved as a self-contained, deed-restricted community with its own set of covenants, conditions and order of rule under which all property Homeowners would live and abide and which provide for the maintenance of all Common Properties and improvements thereon (see your Master Covenants, Conditions, and Restrictions and other related documents). Conditions and restrictions were set so that aesthetics, congruity, appearance, safety, etc., would be defined and written guidelines would be promulgated (e.g., this handbook) in order to create an environment where the Homeowners could live in harmony. Each homeowner has some degree of assurance that actions of all members of the community are directed so as not to adversely impact the quiet enjoyment of their property or their property values (e.g., painting one's home bright orange; abandoning cars in the street or driveway; the keeping/breeding of vicious pets unkempt yards). In effect, a PUD is a "mini city" where there is a mayor (Board President), a city council (Board of Directors), a city manager (Property Manager), functional departments (Committees), and citizens (Homeowners). The ultimate intent of the covenants of a PUD are not to create a totalitarian environment where property rights are trampled, but rather a self-ruled community where its members (Homeowners) look after their home and hearth and, ultimately, their investment through active participation in the governance of the community and on committees advising its appointed or elected leaders.

A well-run PUD makes for a pleasant community in which to live. Under the covenants and related documents, all exterior changes must come before the Architectural Review Committee (ARC), including any that are not covered in this booklet. This document sets forth guidelines and procedures for making an application for approval for changes to the exterior of your home or yard.

Please read on and familiarize yourself with the information contained herein.

Architectural Control Section 1.01
Architectural Review Committee

ORGANIZATION

The Declaration of Master Covenants, Conditions and Restriction for Summerlyn require that an Architectural Review Committee (ARC), consisting of three or more persons, shall be appointed by the Association's Board of Directors and shall be responsible to the Board.

The Architectural Review Committee shall be organized with a chairperson, vice-chairperson, recording secretary and committee members. The chairperson shall be appointed from the membership of the Architectural Review Committee by the President of the Board of Directors with the approval of a majority of the Board of Directors. Membership on the Architectural Review Committee requires approval of the Board of Directors.

PURPOSE

The Architectural Review Committee shall regulate the external design, appearance and location of the properties and improvements thereon in such a manner as:

- to promote those qualities in the environment that brings value to the community.
- to foster the attractiveness and functional utility of the community as a place to live, including a harmonious relationship among structures, vegetation and topography.

The Architectural Review Committee is responsible for:

- reviewing applications for exterior architectural and landscaping changes from individual Homeowners.
- approving or denying submitted changes by a majority vote unless the authority to approve or deny is delegated to a part of the committee or an individual by a majority vote.
- developing draft architectural Standards and related regulations for submission to the Board of Directors for approval.
- enforcement of architectural Standards and related regulations as directed by the Board of Directors.

AUTHORITY

The authority of the Architectural Review Committee flows from the Declaration of Master Covenants, Conditions and Restrictions for Summerlyn, the By-Laws of Summerlyn Homeowners Association, Inc., the Articles of Incorporation of Summerlyn Homeowners Association, Inc., the Committee Rules and Regulations of Summerlyn Homeowners Association, the Enforcement Procedures of Summerlyn Homeowners Association, the Architectural Control Standards and such other relevant rules, regulations, or resolutions related to architectural control as may be adopted by the Board of Directors. The Declaration of Master Covenants, Conditions and Restrictions for Summerlyn, the By-Laws of Summerlyn Homeowners Association, Inc., and the Articles of Incorporation of Summerlyn Homeowners Association, Inc. were provided to you at closing in your homeowner's manual.

A copy of the Architectural Control Standards should also have been provided to every homeowner. Copies of all legal documents, rules, regulations, resolutions and other relevant documents are maintained on file by the management company. Some of the details of the Architectural Review Committee authority are explained below, but considerably more detail is contained in the documents listed above.

The Architectural Review Committee does not have authority over the initial construction and landscaping of dwelling units constructed by the Declarant (the developer) within Summerlyn and had no authority over common areas or commonly owned property such as the Clubhouse, the pool, the right-of-way, and other common areas.

The Declaration of Master Covenants, Conditions and Restrictions for Summerlyn provide that no building, sign, fence, outside lighting, hedge, wall, walk, antenna, clothesline or other structure or planting shall be constructed, erected or planted until the plans and specifications showing the nature, kind, shape, height, materials, floor plans, color scheme, and location with respect to the topography and finished ground elevation shall have been submitted to and approved in writing by the ARC. The ARC shall have the right to refuse to approve any plans and specifications which are not suitable or desirable, in its sole discretion, for aesthetic or any other reasons, provided such approval is not unreasonably withheld. In approving or disapproving such plans and applications, the ARC shall consider the suitability of the proposed building, improvements, structure, or landscaping and materials of which same are to be built, the site upon which it is proposed to be erected, the harmony thereof with the surrounding area, adherence to current Town of Clayton building codes and the effect thereof on adjacent or neighboring property.

The Architectural Control Standards adopted by the Board of Directors, provided that no building, fence, wall, residence, structure, or projection from a structure (whether of a temporary or permanent nature, and whether or not such a structure shall be affixed to the ground) shall be commenced, erected, maintained, improved, or altered, nor shall any grading, excavation, tree removal, planting, change of exterior color or other work which in any way alters the exterior appearance of any lot or improvement be done without the prior written approval of the Architectural Review Committee regarding (a) the harmony of its exterior design and location in relation to (b) the character of the exterior materials and (c) the quality of the exterior workmanship.

The Declaration of Master Covenants, Conditions and Restrictions for Summerlyn also provides that there is specifically reserved unto the ARC, the right of entry and inspection upon any Lot for the purpose of determination by the ARC whether there exists any construction of any improvement which violates the terms of any approval by the ARC or the terms of this Declaration or of any other covenants, conditions and restrictions to which its deed or other instrument of conveyance makes reference. The Enforcement Procedure of Summerlyn Homeowners Association, Inc. provides that the power to enter and inspect shall be exercised in a reasonable manner and that nonconsensual entries shall not be made without express approval of the Board of Directors.

The ARC has the right, but not the obligation, to grant waivers for minor deviations and infractions. The granting of any waiver for any portion of the properties may be given or withheld in the ARC's sole discretion and a prior grant of a similar waiver shall not impose upon the ARC the duty to grant new or additional requests for such waivers.

STANDARDS

The Architectural Review Committee shall develop proposed policy standards for submission to the Board of Directors of the Association for approval setting forth policies and procedures governing the architectural control review and enforcement process for Summerlyn. The policy standards shall include (a) the application process, (b) review procedures of the Architectural Review Committee, (b) the standards for various types of architectural and landscaping changes, and (d) such other Standards and rules as may be necessary to implement effective architectural control in Summerlyn. The Standards may also include specific recommended design practices that are generally accepted methods for achieving the objectives of the Association in particular design problems frequently encountered in the community. The policy standards are intended to assist the Architectural Review Committee and the Homeowners of lots in the ongoing process of community design.

Architectural Control Section 1.02
Enforcement

ENFORCEMENT AUTHORITY AND RESPONSIBILITIES

Board of Directors
Summerlyn Homeowners Association Board of Directors is responsible for overall direction and approval of all enforcement actions.

The Board of Directors is responsible for appeal of enforcement actions by the Architectural Review Committee (ARC).

Committees and the Management Company shall only have the enforcement power delegated to them by the Board of Directors, except that the ARC shall have that power delegated to it by the Covenants and related documents within the procedures established by the Board. All other enforcement powers shall be retained by the Board of Directors.

Architectural Review Committee
The ARC shall be responsible for identification and enforcement action against violations of the Architectural Standards, covenant provisions related to architectural standards, and rules and regulations related to architectural control on individual homeowner's lots.

The ARC shall maintain close liaison with the management company to identify violations and to process complaints in a timely manner.

The ARC may investigate alleged violations or may request the management company to conduct such investigations.

The ARC shall review the results of investigations and take immediate action to prevent violation or continued violation where possible and make a recommendation to the Board of Directors for appropriate enforcement action.

Management Company
The management company, under contract to Summerlyn Homeowners Association, shall be responsible for conducting field inspections of Summerlyn to identify problem areas and violations. Inspection reports consisting of all sections shall be included in Board packets for all members of the Board of Directors. Inspections identifying areas requiring immediate action shall either be acted upon immediately by the inspector, reported to the Community Manager for appropriate action, or the appropriate chairperson notified as soon as possible.

The management company shall receive complaints from any source regarding problem areas and violations requiring possible enforcement action in Summerlyn. The management company shall document all complaints received and forward them to the appropriate person(s) for action or act upon them depending upon the nature of the complaint.

The management company shall perform those functions related to enforcement action as directed by the Board.

The management company shall keep appropriate committee chairpersons informed and keep the Board informed through the President or other designated person(s), and by other appropriate means, of enforcement actions taken and of potential problem areas where enforcement may become necessary.

The Enforcement Process

Identification and Investigation of Violations:
For architectural violations, the Architectural Review Committee and the Management Company are primarily responsible for identification of violations and investigation to determine if an architectural violation has occurred.

Enforcement Action - Architectural Control Violations:

- For enforcement action involving Architectural Control Violations, the Management Company is primarily responsible for initial enforcement action regarding minor architectural or landscaping changes without ARC approval and architectural or landscaping changes begun or completed after application for ARC approval but before actual approval.

- For enforcement action involving major architectural or landscaping changes without ARC approval and architectural or landscaping not consistent with ARC approval, the management company is primarily responsible for initial enforcement action as approved by the ARC.

Architectural Control Enforcement

The ARC has authority under the covenants to:
Enter and inspect any lot for the purpose of determination by the ARC whether there exists any construction of any improvement which violates the term of any approval of the ARC or the terms of the Covenants. This power shall be exercised in a reasonable manner and nonconsensual entries shall not be made without express approval of the Board of Directors.

Enforce architectural standards.

In its discretion, release existing improvements from restrictions or encroachments they violate in appropriate circumstances.

In its discretion, grant waivers for minor deviations and infractions if appropriate.

The Architectural Enforcement Process:
The ARC shall maintain close liaison with the management company to identify violations and to process complaints in a timely manner. Field inspection reports related to architectural violations shall be forwarded to the Board of Directors by the management company in their monthly report. The ARC shall also initiate proactive measures to identify violations.

All complaints received by the management company alleging architectural violations shall be investigated on a property inspection, if needed, by the chairperson of the ARC and the President of the Board of Directors will be contacted.

All complaints received by members of the ARC alleging architectural violations shall be reported to the management company.

All complaints received by members of the Board of Directors alleging architectural violations shall be reported to the management company.

Upon receipt of information concerning potential or alleged architectural violations, the ARC shall determine the nature of the violation within the following categories:

- Major architectural or landscaping changes without ARC approval.
- Architectural or landscaping changes not consistent with ARC approval.
- Minor architectural or landscaping changes without ARC approval.
- Architectural or landscaping changes begun or completed after application for ARC approval but prior to actual approval.

The ARC may investigate alleged violations or may request the management company to conduct such investigations. In appropriate cases professional technical assistance, such as engineers, may be used if approved by the Board of Directors in advance. The President of the Board of Directors shall be notified of the initiation of such an investigation as soon as possible. The different categories of violation shall require different investigative responses.

- Major architectural or landscaping changes without ARC approval such as construction of a deck, fence, parking pad or other structure; cutting a substantial number of trees; filling large areas; or similar major changes shall require a formal, comprehensive investigation with full documentation of actions taken. The management company shall prepare a packet for the ARC of all architectural requests and other documentation in their files relevant to the allegations or verify that no request was submitted. The management company, the ARC or both, at the discretion of the ARC, shall make visual observations of the alleged violation to the extent possible. Photographs should be taken if feasible. Interviews of the Homeowners involved may be conducted if appropriate in the circumstances, but at least two members of the ARC or management company should be present, and no promises should be made during the interview. Other investigative actions may be taken as appropriate.

- Architectural or landscaping changes not consistent with ARC approval. In these cases, the management company shall compile a packet for the ARC of all architectural requests and other documentation in their files relevant to the alleged violation and forward it to the chairperson of the ARC. The ARC shall investigate or ask the management company to conduct such an investigation to verify that the improvements were not consistent with the ARC approval.

- Minor architectural or landscaping changes without ARC approval. The ARC shall investigate or refer these cases to the management company for investigation, in their discretion.

- Architectural or landscaping changes begun or completed after application for ARC approval but prior to actual approval. The ARC shall investigate or cause the management company to investigate these allegations as quickly as feasible if the work is still in progress. If the work has been completed, the investigation shall proceed as determined by the ARC.

One notice will be mailed by the management company to any owner in violation, noting the violation and requesting compliance by a certain date to avoid penalties. In the case of work in progress, a letter shall be sent by the management company as soon as possible informing the appropriate persons to cease the work immediately, explaining the violation and, in addition, giving the violator a set, but reasonable amount, of time to correct the violation

A site inspection will be performed after the date outlined in the notice. If the violation has been corrected, the matter will be closed. A remaining violation will result in further compliance actions. Normally only one notice would be provided, but the ARC, with Board approval, may extend the grace period based on individual circumstances or issue subsequent notices if necessary.

Enforcement options shall include the following:

- If the corrective action demanded by the notice is taken within the specified time and completed in a satisfactory manner, no further enforcement options will normally be appropriate.

- If work is not ceased upon demand, corrective action demanded is not taken within the specified time, or the corrective action taken is not satisfactory, the following actions may be appropriate:
    - Impose fines in accordance with the Declaration of Master Covenants, Conditions and Restrictions for Summerlyn Subdivision for each week the violation continues.
    - With approval of the Board of Directors, seek a temporary restraining order or injunction to stop any continuing work.
    - Notification of Town of Clayton, if work is in violation of current building codes.
    - Require further corrective action.
    - Demand that unapproved architectural or landscaping changes be removed within a specified, but reasonable, period and impose fines if not accomplished by the applicable deadline.
    - With the approval of the Board of Directors, hire appropriate contractors to correct the situation and charge the property owner, beyond any fines, for the cost of such corrective action.

After notice and opportunity to be heard by the Board, suspend a member's voting rights and/or rights to use Association facilities for noncompliance with published rules and regulations of the Association. Other corrective actions that may be appropriate in the situation.

Architectural Control Section 1.03
Disclaimer

The Association, Declarant, Architectural Review Committee, or any officer, employee, agent, director or member thereof shall not be liable for damages to any persons submitting plans and specifications for approval by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval or failure to approve any plans and specifications. Every person who submits plans and specifications for approval agrees, by submission of such plans and specifications, that it will not bring any action or suit against the Association, Declarant, or Architectural Review Committee to recover any such damages.

The purpose of the Architectural Standards is to provide guidance in preparing requests for architectural approval and set forth some of the standards applied by the Architectural Control Committee. These Architectural Standards are not all- inclusive, and no inference should be made that the failure to include an exterior or landscaping change somehow exempts that change from the approval process.

If any paragraph, section, sentence, clause or phrase of these Standards shall be or become illegal, null or void for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, the remaining paragraphs, sections, clauses, and phrases are severable and shall continue to be in full force and effect. In case of any conflict between the Declaration of Master Covenants, Conditions and Restrictions for Summerlyn, the By-Laws of Summerlyn Homeowners Association, Inc. and these Standards, the Declaration and By-Laws shall control. In case of any conflict between these Standards and other resolutions or rules adopted by the Board of Directors, the Board shall determine which shall control and make corrections as needed by a majority vote.

These Standards supersede all previous guidelines or standards and shall remain in effect until otherwise rescinded, amended, modified, or repealed by most of the Board of Directors.

Architectural Control Section 2.00
Procedure for Requesting Architectural Approval

GUIDELINES
The Summerlyn Board of Directors and our association management company have completed and approved these Architectural Standards and Construction Specifications. These are intended to be guidelines for you to follow in planning exterior changes to your property.

Please retain these Standards as part of your permanent papers for reference now and in the future. You should make these Standards available to any renters of your home.

You are requested to submit the Application for Architectural Review of Exterior Changes/Additions to the address indicated on the application. No application for a change will be considered if not submitted on the proper application form with appropriate exhibits. The date the application was received will be recorded. This date will be the first day of a 30-day review and approval period. All applications go immediately to the Summerlyn Community Appearance Committee for their review and comment and then back to the Architectural Committee for review.

Please read and follow these Standards. Approval MUST be obtained IN WRITING from the ARCHITECTURALCOMMITTEE BEFORE the start of any exterior change. The Committee is allowed up to 30 days to act upon an application. Therefore, DONOT commit labor or materials until you have received written approval.

Your cooperation and adherence to these Standards will not only be appreciated but also will be in the best interest of Summerlyn as a whole.

INTRODUCTION
In a planned community such as Summerlyn, the question naturally arises as to how to maintain a harmonious, quality development as the community matures. The following Standards attempt to provide a meeting ground between private interests and the broader interests of the Summerlyn Community as a whole.

Basic control for maintaining the quality of design is provided through the Declaration of Covenants and Restrictions of the Summerlyn Homeowners Association. The Covenants run with the land and are binding on all Homeowners and renters and should be fully understood. Every homeowner is subject to the Covenants to assure all homeowners that the Standards of design quality will be maintained in order to enhance the community's overall environment and to protect property values.

The Declaration established an Architectural Review Committee to be comprised of three or more representatives appointed by the Board of Directors. Article VI of the Summerlyn Declaration requires the Committee's prior approval of any exterior change, addition or alteration to any property. Such changes include any building, fence, wall or other structure that may be added or altered. It further requires that the plans, specifications and location showing the nature, kind, shape, height, and/or materials be approved in writing as to the harmony in external design and location in relation

to surrounding structures and topography. Each property owner should read the Declaration to obtain a full understanding of the Architectural Control Requirements.

The Architectural Review Committee is charged with conducting the review of all applications for exterior changes and with rendering a decision to the application. If the committee fails to approve or disapprove a request for a change within 30 days after receipt of the application, then the application is denied and will need to be resubmitted in accordance with the Covenants.

The Standards which follow are the procedures and guidelines applied by the Committee 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 Summerlyn Community.

WHAT CHANGES REQUIRE AN ARCHITECTURAL COMMITTEE APPROVAL?
The Committee's prior approval is required for ANY CHANGE in the exterior of a property pursuant to Article VI, Section1 Controls; as quoted below from Declaration:

"With respect to all portions of The Properties, except for ordinary and routine repairs and Maintenance, and excluding areas within a Dwelling or other building visible from the exterior only because of the transparency of glass doors, walls or windows, no site preparation, no change in grade or slope, no construction of any Dwelling or other building or Improvement, and no exterior additions or alterations to any Dwelling or other building or Improvement, shall be commenced, nor shall any of the same be placed, altered or allowed to remain thereon, until the Architectural Approval Committee has approved in writing the Plans therefore. The Architectural Approval Committee is established to assure that The Properties and Improvements thereon are constructed and Maintained in a manner that provides for harmony of external design and location in relation to any surrounding Improvements, natural features and topography, that avoids Improvements deleterious to the aesthetic or property values of The Properties, and that promotes the general welfare and safety of the Homeowners. Notwithstanding anything to the contrary expressed or implied herein, all Improvements constructed or Maintained by the Declarant or the Association, all portions of The Properties owned by the Declarant, all Common Property, and all portions of The Properties owned by the City are specifically excluded from the requirements of this Article.

This requirement applies to every homeowner's private property and any common areas.

REVIEW CRITERIA
The Architectural Review Committee evaluates each application on its individual merits. The Committee's decisions are based on the following standards as guidelines.

- **Validity of Concept** - The basic idea of the exterior change must be sound and appropriate to its surroundings.
- **Landscaping and Environment** - The exterior change must not unnecessarily destroy or blight the natural landscape or the achieved man-made environment.
- **Relationship of Structures and Adjoining Property** - The proposed change must relate harmoniously to its surroundings and to existing buildings and terrain that are visually related to the change.
- **Protection of Neighbors** - The interests of neighboring Homeowners and renters must be protected by making reasonable 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; dog pens may cause undesirable noises or infringe drastically on views of neighboring property. The Architectural Committee 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 design, style, scale, materials, and color and construction details.
    - Scale: The three-dimensional size of the proposed change must relate satisfactorily to adjacent structures and its surroundings. For example, a detached storage shed of a disproportionate size to the area in which it is intended to be placed would not be satisfactory.
    - Materials: Continuity is established by use of the same or compatible materials as used in the home. For example, an added storage shed should be made of the same or similar material as the home; likewise, the shingles should also be the same or similar.
    - Color: Color may be used to soften the design but must be consistent with the residence's color scheme. For example, the color of a fence should blend in with the surrounding natural environment. A storm door should be painted to match the entrance door or the house trim color. A shed should be painted to match the existing home.
- **Workmanship -** The quality of work must be equal to or better than that of existing structures. Poor practices may cause the owner problems and may be visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must contain a proposed maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, the Architectural Committee may disapprove the application.

DESIGN APPLICATION REVIEW PROCEDURES

The Association's procedures for application, review, inspection, appeal and enforcement of design review are outlined in this section.

Objectives:

The Architectural Review Committee, in examining each application for design approval, considers whether the exterior change follows Article VI Architectural Control, Section1 Controls of the Declaration and the guidelines outlined herein and briefly outlined below:

- To create a community which is aesthetically pleasing and functionally convenient
- To maintain a harmonious relationship among structures, vegetation, topography and the overall design of the community.

Architectural Control Section 2.01
Application Procedure

Complete the Application form at the rear of these Standards and attach all required exhibits. Include full details of the proposed change. If the change is structural, fencing, or grading, submit a sketch or plan and outline specification. Talk to your neighbors about your change. They may be able to offer valuable input. Be sure to include such information as type of material, size, height, color, location, etc. Provide a plot plan of the lot and indicate the location of the building, pen, fence, etc., as it relates to the home and lot. Mail or deliver the application form to the Management Firm whose address is shown on the application form. Incomplete applications will be returned which will cause a further delay in obtaining approval.

The Summerlyn Architectural Committee will review all architectural requests. The Committee will review the application within thirty days and Management Firm will respond to you. If you do not hear from the Committee in that time, please call to follow up. The thirty-day period does not begin until three days after the Management Firm receives the application.
Complete applications are considered on their own individual merit using these guidelines outlined below:

Review Procedures
During the Architectural Review Committee's consideration of an application, the members may view the site and may talk to the applicant or neighbors. A quorum of the Architectural Review Committee is most of the total number of people currently serving on the Committee.

The Architectural Review Committee considers the application and any data or comments received from immediate neighbors. After discussion of the application as submitted, the Architectural Review Committee will approve conditionally, disapprove, or approve the application as submitted. In cases of conditional approvals, or disapprovals, homeowner applicants will be provided in writing with the reason or reasons for such. Each applicant will receive written notice regarding the Committee's decision either by use of a duplicate copy of the application or by a letter.

The Architectural Review Committee will record its action and the notification to the applicant by placing copies of the executed application and/or letters in the Committee's archives. Duplicate copies of all records will be forwarded to the Association's Management Firm.

Conditional approval means that work may proceed as contained in the application. The Committee may inspect work in progress and request (either orally or in writing) that the applicant correct any non-compliances with the approved design.

Final Approval and Walk-Through
In cases of conditional approvals, final approval will be given once the Architectural Review Committee has reviewed the completed project.

Correction Procedure

- Remedies: An exterior change made without the required approval of the Architectural Review Committee constitutes a violation of the Declaration. A violation requires removal or modification of the work at the expense of the property owner or renter, or payment of damages incurred by the Association to have it removed or modified.

- Reports: The Architectural Review Committee inspects authorized construction in progress and the community in general to identify violations. Additionally, all Homeowners have the right to notify the Committee of apparent violations of any provisions of these Architectural Standards and Construction Specifications.

The Committee will investigate each reported violation and attempt to bring the owner or renter into compliance. An on-site visit may be paid to the resident by Committee members and any problems explained and resolutions agreed upon corrections, the Committee will submit the matter to the Board of Directors of the Community Association for final resolution. This could lead to the Association filing legal action against the owner or renter.

USE OF PROPERTY

Please refer to Article VII, Section 1-18, and pages 23 – 28 of the Declaration of Covenants.

Architectural Control Section 2.02
Architectural Request Form

ARCHITECTURAL REQUEST FORM

Please complete this form in its entirety and submit to:
Summerlyn HOA C/O RealManage
8480 Honeycutt Road, Suite 200
Raleigh, NC 27615
Email: summerha@ciramail.com
Office: 866-473-2573
Fax: 866-919-5696

Request Date:_____

Property Owner(s) Name:_____

Property Lot #:_____

Property Address: _____
Street City State Zip Code

Contact Phone Number(s):_____

Estimated Completion Date: _____

Do you hereby agree to replace and/or repair, at your sole expense, any damages to common areas, personal residence area, including grass, walking areas, trees, building, roads, etc. as a result of making approved modifications?_____

Upon transfer of ownership of subject property, do you agree to inform the new owner of any maintenance agreements that have been set up prior to the transfer?_____

_____ _____
Property Owners Signature Date

1) Narrative description of the proposed home and/or landscape improvement change or addition. Site materials and color(s), to be used including similarity to existing structures as appropriate. Use a separate sheet of paper if necessary.

2) In the case of an addition or alteration to the exterior of your property, please indicate sizes, heights, description of materials, etc. Attach a copy of your plot plan and indicate the location of the proposed exterior design change on your lot in relation to the house and other existing structures. Also attach any sketches, specifications, professionally, prepared and sealed plans, pictures, paint charts, or any other information that will assist in reviewing this application. Use separate sheet of paper.

3) All construction, building, improvements, and other work shall be done in a good and workmanlike manner with good quality materials and components free from faults and defects and in compliance with any and all applicable laws, regulations, and ordinances. Any deficiencies in workmanship and or materials determined by the standards of construction in Clayton, NC, shall be corrected upon request of the Association. Such corrections must be performed within thirty days of written notice from the Association or its duly appointed representative.

4) A permit and inspection by the Town/City may be required. Fencing and Storage Buildings **require** permitting through the Town of Clayton. For other items, please contact the town for additional information.

Required permits attached? ☐ YES ☐ NO - Not applicable

~~4)~~

5) When the committee reviews this request, your neighbors have a right to comment and present views about your requested improvements. Please obtain signatures from all property owners having common lot lines with your property, and all property owners who would reasonably view the improvements from their property.

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I acknowledge that the requesting property owner has shown (me/us) the details of the proposed improvement described on this form and that (my/our) signature represents only (my/our) awareness of the request. I understand that (I/we) may make verbal or written comments directly to the Architectural Review Committee.

NAME	SIGNATURE	ADDRESS	LOT #

6) Should the Architectural Committee deny your request, you may appeal to your Board of Directors in writing. Submit your appeal to Summerlyn HOA c/o RealManage so that can be reviewed by the Board of Directors at their next scheduled meeting.

ARCHITECTURAL COMMITTEE:

Approved:_____

Conditional Approval: _____

Denied: _____

Comments:

_____

_____

_____

_____

_____

Signed for the Committee Date

FENCE STYLE OPTIONS – Sign and date for the selected fence style.

#1 Shadowbox Style



I/We select the shadow box fence – 5 to 6 Feet in Height. Construction from pressure treated wood. Wooden fences must remain in natural in color, no painting. Clear stain is acceptable, and enhancement color stain must have prior approval from the ARC Committee. Pickets will be 1X4, pickets will be dog-eared.

Signature Date

#2 Privacy Style



I/We select the privacy fence – 5 to 6 Feet in Height Foot Height. Construction from pressure treated wood. Wooden fences must remain in natural in color, no painting. Clear stain is acceptable, and enhancement color stain must have prior approval from the ARC Committee. Pickets will be 1X4, pickets will be dog-eared.

Signature Date

#3 Picket Style



I/We select the picket style fence – 5 to 6 Feet in Height. Construction from pressure treated wood. Wooden fences must remain in natural in color, no painting. Clear stain is acceptable, and enhancement color stain must have prior approval from the ARC Committee. Pickets will be 1X4, pickets will be dog-eared.

_____ _____

Signature Date

#4 Aluminum Style



I/We select the Aluminum Style Fence – 4 Foot in Height. Pickets will be no greater the 4” apart with gate will be 42” wide.

_____ _____

Signature Date

#5 Vinyl Style



I/We select the Vinyl Style Fence – 5 to 6 Feet in Height. Pickets will be no greater the 4” apart with gate will be 42” wide.

Signature Date

Please select one of the options below (one much be selected):

Option 1: We agree that we will install the fence within 1” of the property and allow our neighbors to tie into the fence in the future, if needed.

Signature Date

Option 2: We agree that we will install the fence 3 Feet within the property line and that our neighbors will not be allowed to tie into our fence in the future.

Signature Date

Architectural Control Section 2.03
The Appeal Process

The following process will be followed for appeals from decisions of the Architectural Review Committee:

1. **Notice of Denial**: Upon receipt from the Architectural Control Committee of a final decision denying their request, the management company shall forward to the applicant a notice of denial of their request. The notice shall provide the applicant thirty days to file an appeal of a final Architectural Review Committee decision in writing to the management company. Administrative denials pending more information or for other reasons are not final decisions and are not appealable.

2. **Reconsideration:** Administrative denials will be reconsidered by the Architectural Review Committee and not the Board of Directors. Once a final decision has been reached, then the time for appeal begins to run.

3. **Notice of Appeal:** Notice of Appeal to the Board of Directors must be filed in writing by mailing it to the management company within thirty days of the notice of denial being mailed from the management company to the applicant. Include with the Notice of Appeal, a copy of the application, any supporting documentation, a copy of the Committee's decision, and an explanation of the reason for the appeal.

4. **Transmittal to Board:** Upon receipt by the management company, the original of the Notice of Appeal and all supporting paperwork shall be filed and copies sent to the President of the Board of Directors and the Chairperson of the Architectural Review Committee.

5. **Hearing**: The President shall schedule a hearing on the appeal, normally in conjunction with a normal Board Meeting, within sixty days of receipt of the Notice of Appeal. The management company shall notify the applicant and the chairperson of the Architectural Control Committee of the hearing date and time. The chairperson of the ARC or a designated representative shall attend the hearing. The hearing shall begin with the ARC chairperson explaining the position of the Architectural Review Committee and reasons for the denial. The applicant shall then have an opportunity to present their reasons for the appeal. Witnesses and evidence may be presented at the discretion of the President of the Board.

6. **Decision of Board**: No decision shall be rendered at the hearing. Within fifteen days of the hearing, the Board of Directors shall report their decision, based upon a majority vote, in writing. The management company shall forward copies of the decision to the applicant and the chairperson of the Architectural Review Committee.

Architectural Control Section 2.04
Management Company Contact Information

The contact information for the management company for Summerlyn Homeowners Association, Inc.:

Summerlyn HOA C/O RealManage
8480 Honeycutt Road, Suite 200
Raleigh, NC 27615
Email: summerha@ciramail.com
Office: 866-473-2573
Fax: 866-919-5696

Architectural Control Section 3.00
Decks

Appearance:
Decks must remain natural in finish color, with no painting of the wood. Clear stain is acceptable. Deck height is not restricted but is recommended to be no more than 15' in height from the ground. The size and styling of decks must complement the dwelling and be in proportion to the dwelling.

Location:
All decking must be confined to the rear of the dwelling and must not protrude past the sides of the building. Decks must be within the minimum set-back requirements of the Town of Clayton; however, final placement and approval will be determined by the Architectural Review Committee and may be more restrictive than the Town set-back requirements.

Materials:
The deck shall be constructed of #2 or better pressure-treated southern yellow pine with galvanized hardware or approved composite decking such as “Trex”. A clear water seal is recommended but not a requirement for approval.

Requirements:
A building permit must be obtained from the Town of Clayton and all required inspections successfully completed. All decks must meet the building requirements for the Town of Clayton in addition to this guideline. Proper drainage must be maintained around the deck and away from the foundation.

Architectural Control Section 3.01
Building Addition or Exterior Modification

Examples of additions include screened porches, new living space or storage areas that are physically attached to the main structure of the existing house. Examples of exterior modifications include the addition of storm doors, gutters or similar modifications. Modifications or changes in exterior colors are covered in Section 3.10.

Appearance:
All building additions and or modifications will be reviewed on an individual basis. Generally, the Architectural Review Committee will review materials, colors, location, scale and other details of the proposed addition or modification to determine compliance with the architectural intent of the existing structure and the relationship of the proposed structure to surrounding sites. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style that maintains the scale, detailing, materials, massing, color(s) and design intent of the original structure.

Location:
In general, except for building modifications, the location for building additions will be governed by the maximum building area that is defined by the Town of Clayton in respect to the minimum setback requirements from the property line. However, the Architectural Review Committee reserves the right to reject applications which may meet the Town of Clayton setback requirements but fail to meet the objectives of the Architectural Review Committee. The Architectural Control Committee will review each application on an individual basis and approvals will be granted on this basis. A prior approval of an application does not guarantee subsequent approvals on the same or other lot.

Materials:
Materials for use on any building addition or modification must meet or exceed the quality of and be consistent with the materials used in construction of the original structure. Compliance with the current edition of the Town of Clayton building codes will be considered meeting the minimum standards of construction. The Architectural Control Committee reserves the right to require Homeowners to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the Architectural Control Committee seeks to maintain the quality of materials and workmanship present in the original structure. Requests to use different materials than in the original structure, such as brick or vinyl siding shall be reviewed on a case by case basis.

Requirements:
All building additions and modifications shall maintain proper drainage on the site. If a building addition is planned or a modification which will affect drainage, Homeowners are required to provide a plan that details drainage patterns and runoff as a result of the addition/modification.
The changes specified below do not require approval if accomplished in accordance with the standards provided:

- Properly installed storm doors that are full height glass without cross members, white pre-finished, or colors consistent with house trim do not require ARC Committee approval. Other style doors require submission of an architectural request for approval.

- Properly installed white pre-finished, or colors consistent with the house trim, aluminum gutters do not require approval. Other colors or materials require submission of an architectural request for approval. In addition, if the gutters will cause a change in normal runoff patterns and quantities enough to impact the drainage on adjacent properties, submission of an architectural request for approval is required.

Architectural Control Section 3.02
Fences

Appearance:
Whenever possible, alternatives to hard fencing are recommended (i.e., landscaping and plants or "invisible" electronic fencing). It is also recommended that fencing be softened through the use of landscaping on the exterior side of the fence, where possible.

Location:
Fences shall follow the natural topography of the land.

Existing trees shall not be removed to place the fence without prior approval from the Architectural Review Committee.

The set back from the Homeowners property line shall be one inch. However, any corner lot and lots bordering on main thoroughfares and street intersections will generally be required to have a setback of fifteen feet from the property line on the side of the lot facing the street. (Note: The property line is not the curb line.)

The setback for the fence shall be three feet from the property line if the owner does not want to allow the neighboring property to tie-in to the fence. This will allow the owner to maintain the area between their fence and the neighbors. The area outside of the fence within the property line is the responsibility of the homeowner to maintain.

The fence shall not extend more than ten feet from the rear corners of the house in a direction toward the front street. Exceptions will be made on an individual basis to accommodate HVAC systems that are out of the ten-foot limit. These exceptions must be approved in advance by the Architectural Review Committee. The Architectural Review Committee will determine the final placement of the fence based on aesthetics and street appearance.

Materials:
In order to maintain a uniform style of fencing throughout Summerlyn, a shadowbox style (picket on picket) with a "dog eared" picket, privacy, picket, aluminum metal fencing in black, and vinyl in neutral color will be the only styles allowed.

Wood fences are to be five feet to six feet high with 3" extended chamfered posts (see detail drawings). Fences are to be constructed of #2 or better pressure treated yellow pine. Wooden fences must remain in natural in color, no painting. Clear stain is acceptable, and enhancement color stain must have prior approval from the ARC Committee. All fasteners are to be galvanized.

Requirements:
There shall be a minimum of one walk through gate at least 3'-0" for access. All fencing must be maintained in an aesthetic and safe condition.

#1 Shadowbox Style



5 to 6 Feet in Height. Construction from pressure treated wood. Wooden fences must remain in natural in color, no painting. Clear stain is acceptable, and enhancement color stain must have prior approval from the ARC Committee. Pickets will be 1X4, pickets will be dog-eared.

#2 Privacy Style



5 to 6 Feet in Height. Construction from pressure treated wood. Wooden fences must remain in natural in color, no painting. Clear stain is acceptable, and enhancement color stain must have prior approval from the ARC Committee. Pickets will be 1X4, pickets will be dog-eared.

#3 Picket Style



5 to 6 Feet in Height. Construction from pressure treated wood. Wooden fences must remain in natural in color, no painting. Clear stain is acceptable, and enhancement color stain must have prior approval from the ARC Committee. Pickets will be 1X4, pickets will be dog-eared.

#4 Aluminum Style



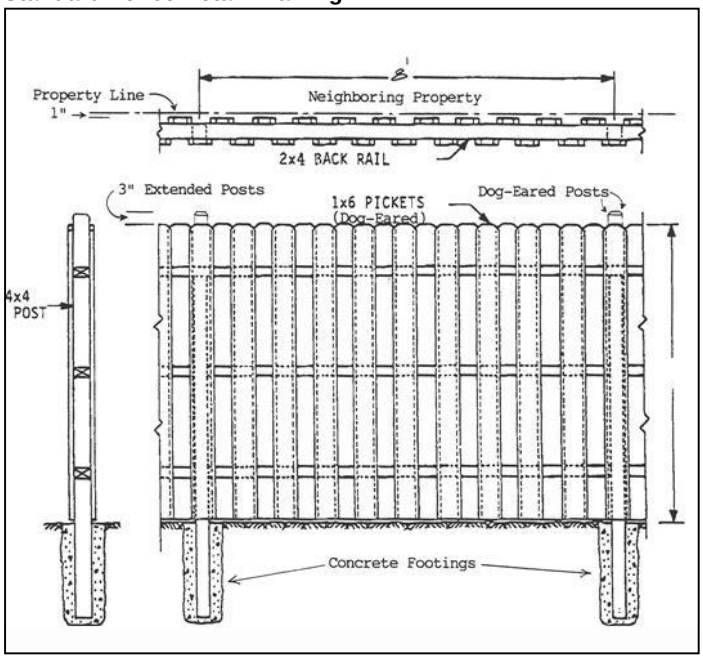
4 Feet in Height. Pickets will be no greater the 4" apart with gate will be 42" wide.

#5 Vinyl Style

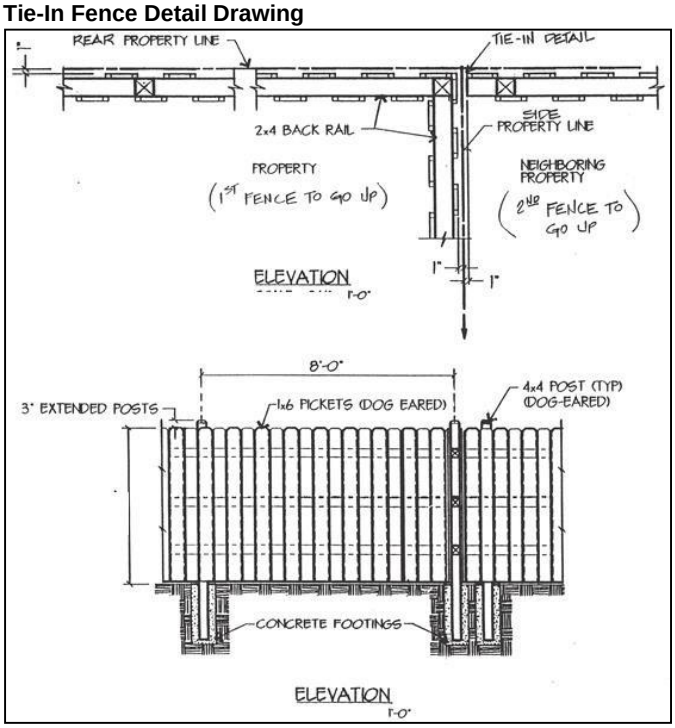


5 to 6 Feet in Height. Pickets will be no greater the 4" apart with gate will be 42" wide.

Standard Fence Detail Drawing



Tie-In Fence Detail Drawing



Architectural Control Section 3.03
Parking Pads

Appearance:
The layout or design should preserve and complement the original driveway and walkway. The surface shall be the same color and finish as the existing concrete drive. Depending upon lot configuration, screening with landscaping may be required to visually block the area from adjoining property Homeowners.

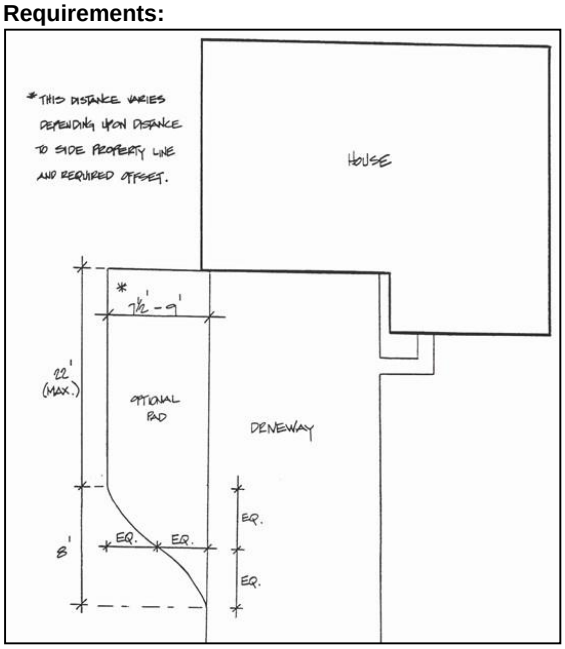
NOTE: Not all lots can accommodate a parking pad.

Location:
Parking pads (driveway extensions) may be constructed adjacent to and contiguous with the original concrete driveway on the side opposite the front walkway. The parking pad shall terminate in line with the front of the house.

- Dimensional Limitations: Maximum width of 9'-0". Each lot will be reviewed individually.
- Set Back Requirements: Minimum set back from side property line is 18" except that the setback may be less with specific approval of the ARC on cul-de-sac lots because of lot configuration and size.
- Drainage/Slope: Slope of the parking pad and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

Materials:
Concrete shall be the only allowable material. The preparation of the soil base shall be consistent with sound construction practices to minimize the risks of settling, excessive cracking and improper drainage.

Requirements:



Architectural Control Section 3.04
Walkways and Patios

Appearance:
Patios and walkways shall be created in scale with the site and existing structures. Slope of the patios, walkways and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

Location:
Patios shall be confined to the rear yard while walkways will be confined to the side and rear yards. The patio and walkway size, design and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site. All walkways and patios shall be a minimum of 18" from property lines. Lot size and configuration may permit reduction of the 18-inch set back instances, but specific approval of the ARC is required for a setback less than 18".

Materials:
Generally, brick, concrete, concrete pavers, flagstone and slate will be considered as acceptable materials. Materials and color chosen shall complement the existing structures. All patios and walkways shall be reviewed on an individual basis for material, color and location.

Requirements:
All patios and walkways must maintain proper drainage on the site. If a walkway or patio is planned, Homeowners are required to provide a plan that details drainage patterns and runoff.

Architectural Control Section 3.05
Playground and Recreational Equipment

Definitions:
Playground or Play Equipment: Swing sets, sliding boards, sandboxes, and similar items are classified as playground or play equipment for the purposes of this guideline. This guideline does not cover moveable, temporary items such as bikes, wagons, and similar items.

Recreational Equipment: Basketball Goals, trampolines, horseshoe pits, permanent volleyball courts, and similar items are classified as recreational equipment for the purposes of this guideline. This guideline does not cover a temporary volleyball net, badminton net, or similar item.

Appearance:
Playground and recreational equipment should blend with the natural surroundings to the extent possible.

Landscaping or fencing should be planned to screen playground and recreation equipment from being visually offensive and to maintain a safe environment for the children. “Visually offensive” shall be judged by the ARC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

Location:
Dependent on the configuration of each lot, playground equipment should be placed in the rear yard. The location of play areas and of recreational equipment must consider the impact on adjacent properties, noise concerns, safety concerns, and the minimization of any offensive visual impact on neighbors or public areas.

Recreational equipment should also be placed in the rear yard area where applicable (i.e., trampolines). Potentially dangerous items such as trampolines must be located within fenced in areas to prevent access by unsupervised and unintended child users. For equipment such as basketball goals, they may be placed in the front yard if a hard surface (driveway) is desired for the playing surface. Basketball goals, fixed or portable, shall not be placed near the street, where the street is intended as the playing surface. Basketball goals located by driveways must be placed to avoid balls striking vehicles, landscaping or other items on the adjacent property.

Materials:
Playground equipment constructed of treated natural wood is encouraged, but not required. Playground equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing. It is recommended that recreational equipment be "portable", however, fixed in place equipment will be considered on an individual basis. Recreation equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing.

Requirements:
Detailed drawings shall be presented to the Architectural Review Committee for approval prior to the installation of any equipment.

All equipment in a fixed location for an extended period must be submitted. All playground and recreational equipment must be maintained in a safe condition and kept visually pleasing to the community and surrounding environment.

Architectural Control Section 3.06 Landscaping

Definitions:

- Natural Area/Landscaping Bed - Any area with ground cover other than grass.
- Bushes and Shrubs - Any bush or shrub that will exceed 3'-0" in height or width at maturity.
- Flower Bed - Any grouping of flowers not contained in a natural area or landscape bed.
- Garden - Any area used to grow vegetables or herbs.
- Water Garden - Natural or prefabricated body of water for decorative purposes.
- Trees/Tree Removal - Any tree added to or removed from the property.

Appearance:
Natural areas and landscaping beds shall be made in proportion to the home and property. All landscaped areas shall be maintained to prevent overgrowth of individual plants or weeds. Landscaped areas shall be mulched to improve appearance and aid in maintenance. Edging around the bed or natural area may be used but is not a requirement, and if used, should be consistent with the existing style and aesthetics of the community.

Vegetable, herb and water gardens shall be maintained regularly to prevent excessive weed growth. All plants located in a garden shall not exceed 5'-0" in height. Screening of these areas should be considered using fencing or shrubs to eliminate views from the street or common areas. These areas should not be visually offensive to neighbors.

Trees shall be maintained and pruned to remove debris and damaged limbs due to wind, decay, and disease or ice damage.

Location:
Natural areas and landscaping beds may be utilized in the front, rear and side yards. Landscaping beds and natural areas located in the front yards shall not encompass more than 50% of the total area available for the front yard (areas are measured from the curb to the nearest point of the house, and from one side yard property line to the other side yard property line). Corner lots will be measured from the curb to far side yard property line. Areas will exclude the existing walkway and driveway. The remaining 50% of the front yard area shall be grass.

Mature plant size shall be considered in determining locations of bushes and shrubs near property lines and the plantings set back sufficiently to account for mature growth. When bushes and shrubs are located immediately adjacent to property lines, mulch is required at the property line to provide easy maintenance for adjacent property Homeowners.

Vegetable, herb and water gardens shall normally be confined to the rear yard out of view from public streets and common areas. The maximum height for plants in these gardens shall not exceed 5'-0". Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning). Requests for water gardens in front yards shall require specific written approval of the ARC.

New trees shall be located away from foundations, drives or walks to limit potential damage caused by root growth.

Landscaping and plantings in utility easements will be reviewed on a case by case basis and normally be permissible, but with the full understanding that any plantings may have to be removed for utility work in that easement without any liability on the part of the Association or the utility company.

Materials:
In the application, provide "common" variety names of plants that are to be used.

Approval is not required for mulching with pine straw, hardwood or bark mulch. Decorative gravel mulch or other types of mulching require approval.

Edging may consist of unstained pressure treated yellow pine timbers, brick, stone, pre- cast concrete edging, black plastic edging, or other commonly used material. Railroad ties are prohibited. Selections should consider scale, color and proportion to harmonize with the existing structures and surrounding site. Normally, edgings are only one level high and multiple levels of landscape timbers or other materials would normally be considered as a retaining wall under section 3.11.

Requirements:
All front yards shall have a minimum of 50% grassed area (see appearance above).

All landscaping will maintain proper drainage on the site. If landscaping is planned, Homeowners are required to provide a plan that details drainage patterns and runoff. Plans which cause excessive runoff to neighboring properties or common areas will not be approved without modifications which solve the drainage situation.

All tree removal, except emergency removal, must be approved by the Architectural Review Committee in advance. Photos of the trees to be removed and the reasons for removal must accompany the application prior to tree removal. Tree removal may be made where the tree(s) present a clear and present danger as a result of wind or ice damage or disease or decay.

Architectural Review Committee approval is not required for the following items:

- Flowers planted in existing beds.
- Shrubs less than 3'-0" in height or diameter at maturity and located within an existing bed.
- Shrubs less than 3'-0" in height or diameter at maturity and used as a cover for the foundation, fence, deck or HVAC equipment.

- Ground cover in existing natural areas. Ground cover in existing landscaping beds.
- Mulching with pine straw, hardwood or bark mulch.
- Replacement of existing shrubs, plants, or trees that die or are diseased with the same variety and size shrub, plants or tree in the same location.
- One level of edging consisting of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete edging, black plastic edging, or other commonly used material as long as the edging is natural in color or the commercially available white stone or cast concrete edging material, but painted stones or other materials painted or stained will require prior approval and normally not be approved.

Architectural Control Section 3.07
Satellite Dishes and Antennas

Preamble
WHEREAS, Summerlyn Homeowners Association ("the Association") is responsible for governance and maintenance of Summerlyn Subdivision ("the Community"); and

WHEREAS, the Association exists pursuant to applicable state law and governing documents; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to sections of state law and the governing documents permitting the Association to adopt and enforce rules; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("antennas"); and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interests of the Community and consistent with the FCC rule.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the "Rules," which shall be binding upon all Homeowners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.
Architectural Control Section 3.08

Definitions

Antenna - Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna if it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

Mast - Structure to which an antenna is attached that raises the antenna height.

Transmission-only antenna - Any antenna used solely to transmit radio, television, cellular, or other signals.
Owner - Any homeowner in the Association. For the purpose of this rule only, "owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas.

Telecommunications signal: Signals received by DBS, Television broadcast, and MDS antennas.

Installation Rules

Antenna Size and Type

- DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited.
- MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter is prohibited.
- Antennas designed to receive television broadcast signals, regardless of size, may be installed, but only after written authorization is obtained from the Architectural Review Committee, and only if installing in the attic is unfeasible. (Refer to Location section)
- Installations of transmission-only antennas are prohibited in the Community.
- All antennas not covered by the FCC rule are prohibited.

Location

- Antennas shall be installed solely on individually owned property as designated on the recorded deed or other document defining the portions of common or individually owned property.
- If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.
- Antennas shall not encroach upon common areas or any other owner's property.
- Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually owned lot.

Installation

- Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
- All installations shall be completed so that they do not damage the common areas of the Association, the lot of any other resident, void any warranties of the Association, other Homeowners, or in any way impair the integrity of buildings on common areas or lots.
- Homeowners are responsible for all costs associated with the antenna, including but not limited to costs to:
    - Place (or replace), repair, maintain, and move or remove antennas;
    - Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance or use;
    - Pay medical expenses incurred by persons injured by antenna maintenance, or use;
- Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
- Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

Maintenance

- Homeowners shall not permit their antennas to fall into disrepair or to become safety hazards.
- Homeowners shall be responsible for antenna maintenance and repair.
- Homeowners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

Safety

- Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.
- Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within five (5) feet of underground power lines (as indicated by No-Cuts) and in no event shall antennas be placed where they may come into contact within electrical power lines. This purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
- All installations must comply with all applicable codes.
- In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
- Antennas are required to withstand the pressure of snow and ice.

Antenna Camouflaging

- Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable cost.
- Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed. Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal Association residents are advised to make sure that paint will not degrade the signal.
- Antennas may not obstruct a driver's view of an intersection or street.
- Camouflaging antennas may not be unreasonably expensive. For example, it would not be unreasonable to require a $40 hedge. A $150 fence, on the other hand, would most likely be found to be unreasonable. The Association may require more expensive screening, if the Association chooses to fund part of the cost.

Number of Antennas

No more than one antenna of each provider may be installed by an owner.

Mast Installation

- Mast height may be no higher than necessary to receive acceptable quality signals.
- Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification processes. Masts that extend more than12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling

antennas and masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then the association may prohibit such installation. The notice of rejection shall specify these safety risks. This 12-foot baseline may change, if the BOCA Code is amended.

- Masts must be installed by a licensed and insured contractor.
- Masts must be painted the appropriate color to match their surroundings.
- Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.
- Masts shall not encroach upon another owner's lot or common property.
- Masts must be designed to withstand the weight of ice and snow.

Notification Process

- Any owner desiring to install an antenna must complete an Architectural Review Committee Application Request Form and submit it to the Architectural Review Committee via the Management Company. If the installation is routine (conforms to all the above rules and restrictions), the installation may begin immediately.
- If the installation is other than routine for any reason, and after an Architectural Review Committee Application Request Form has been submitted, Homeowners and the ARC must establish a mutually convenient time to meet to discuss installation methods. The Management Company must be contacted to schedule this meeting.

Installation by Tenants

Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the Architectural Review Committee Application Request Form.

Enforcement

- If these rules are violated, the Association may bring action for declamatory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable, a fine of $50 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, additional fines of $10 per day will be imposed for each day that the violation continues. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.
- If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

Severability

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

Architectural Control Section 3.08
Exterior Freestanding Detached Structure

Definition:
Examples of exterior free-standing detached structures include storage sheds, gazebos, doghouses, greenhouses, etc.

Appearance:
Generally, the Architectural Review Committee will review materials, colors, location, scale and massing of the proposed structure to determine compatibility of the proposed structure to surrounding structures and sites. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style. This "style" incorporates the scale, materials, details, massing, color, and design intent of the original structures. Every application will be reviewed on an individual, case by case basis.

Chain link outdoor dog runs, or animal cages are prohibited. Tents, tarps and temporary canopies are prohibited.

Location:
All exterior freestanding detached structures will be confined to the rear yard. The location for these structures will typically be governed by the maximum building area that is defined by the Town of Clayton in respect to the minimum setback requirements from the property line. However, the Architectural Review Committee reserves the right to reject applications that may meet the Town of Clayton setback requirements but fail to meet the objectives of the Architectural Review Committee. The Architectural Review Committee will review each application on an individual basis and approvals will be granted on this basis. A prior approval of an application does not guarantee subsequent approvals on the same or other lot.
The placement of doghouses must also take into consideration safety concerns, noise minimization, the possibility of offensive odors, and not be visually offensive to neighbors and public areas. “Visually offensive” shall be judged by the ARC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

Materials:
Materials for use on any detached structure will meet or exceed the materials used in construction of the original structure. Compliance with the "current" edition of the Town of Clayton building codes will be considered meeting the "minimum" standards of construction. The Architectural Review Committee reserves the right to require Homeowners to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the Architectural Review Committee seeks to maintain the quality of materials and workmanship that are present in the original structure.

Applications must include details of the foundation or anchors for such structures.

Requirements:
All exterior freestanding structures shall maintain proper drainage on the site. If a structure is planned, Homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

If electrical service will be provided to the detached structure, the application must include details of how that service will be run and must comply with all applicable electrical codes and regulations. Overhead electrical service is not permitted in Summerlyn.

Metal storage structures will not be approved.

All external detached freestanding structures must comply with all applicable Town of Clayton regulations, ordinances, permit requirements and inspection requirements. The Town of Clayton standards are the minimum requirement and Summerlyn standards may be more stringent.

Architectural Control Section 3.9
Exterior Painting

Appearance:
All exterior paint colors, including mailboxes, shall be consistent with the initial paint application to maintain a variety as well as continuity with the surrounding homes. Siding paint shall be only a flat latex type of paint (no semi-gloss or gloss type paints are permitted). Trim paint may be semi-gloss.

Paint colors on additions and exterior detached structures shall be consistent with the dwelling and surrounding area.

Location:
Not applicable.

Materials:
Siding paint shall be premium quality exterior flat house paint or equivalent. Trim and shutter paint shall be premium quality exterior acrylic or equivalent.

Requirements:
Any changes to the original exterior paint colors must have Architectural Review Committee approval.

Architectural Control Section 3.10
Exterior Lighting & Security

Appearance:
Exterior lighting & security fixtures must be compatible with the architectural character of the neighborhood. Generally, low voltage accent lighting confined to planting beds or along walkways and on decks is acceptable. Other lighting & security devices, i.e., floodlights, spotlights, lampposts & cameras will be reviewed on an individual basis. "Temporary" holiday lighting generally does not require approval from the Architectural Review Committee; however, such “temporary” lighting and any associated wiring must be removed within a reasonable period after such holiday or no later than 30 days.

Location:
Generally, low voltage accent lighting confined to planting beds or along walkways is acceptable. Floodlights and spotlights will generally be limited to rear and side yards. Specific approval shall be required for spotlights or floodlights on driveways. All exterior lighting and security devices must have locations approved prior to installation. This guideline is not meant to be construed as discouraging security lighting systems or other security devices, but only to control the source, spread, and view of the light beam or device that may be intrusive to adjacent property Homeowners. The architectural application should include a diagram showing the proposed location of any lights or security devices and the lighted or observed area.

Materials:
Include a materials list and if possible, a picture or drawing of the proposed fixtures, with the application. Make and model numbers for security devices must be included on architectural applications.

Requirements:
Beam spread from all light sources should be confined to the homeowner's lot. On corner lots and locations where the lighting may affect drivers, care must be taken to ensure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic. Security devices may only be aimed or directed to capture views on the homeowner’s own lot and may not be aimed as to view or be activated to respond to any noise or movement off of the homeowner’s lot.

All electrical installations must be in accordance with all applicable electrical codes and regulations.

Approval is not necessary for the following:

- Approval is not necessary for replacement of current light fixtures will a similar type and style.
- Approval is also not necessary for properly installed low voltage accent lighting along walkways and on the inside of decks if the lights are at least five feet apart. If closer placement is desired, then an application must be submitted. Any low voltage spotlights or lights on the outside of decks require an application if the light may shine onto adjacent property.

Architectural Control Section 3.11
Retaining Walls

Appearance:
Generally, the Architectural Review Committee will consider for approval "natural" materials for use in the construction of retaining walls. All retaining walls will be considered on an individual basis. The ARC will review materials, colors, location, scale and massing of the proposed wall to determine compatibility with the architectural intent of the existing structure and relationship to the surrounding site.

Location:
Locations for retaining walls must be clearly specified on the plot plan submitted with the application. Applications for retaining walls will be reviewed on an individual, case- by-case basis. Consideration will be given to changes in the natural topography and existing drainage patterns.

Materials:
"Natural" building materials such as stone, slate, brick, “split face” block and pressure treated timbers will be considered as acceptable materials. Railroad ties are prohibited. Materials and colors chosen should complement the existing structure on the site.

Requirements:
All retaining walls will maintain proper drainage on the site. If a wall is planned, Homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

All retaining walls will be properly secured to prevent collapse and must meet all applicable Town of Clayton requirements. There is no height limit, but the compatibility with the surrounding area and the dwelling will be considered. Any request for a retaining wall over three feet in height shall include in the application detailed specifications on anchoring the wall.

Architectural Control Section 3.12
Exterior Storm Doors

Exterior storm doors shall be full-view glass (with optional screen) in trim color only. Door must have a metal tone expander sill at bottom of door. The metal tone expander shall match the home's exterior hardware.

Storm doors are readily available at area home improvement stores.

NOTE: There shall be no decorative glass or security grate doors allowed.



Architectural Control Section 3.13
Hot Tubs/Pools

Appearance:
All hot tubs and pools will be reviewed on an individual, case-by-case basis. The Architectural Review Committee realizes that pool and hot tub styles are limited and will place emphasis on screening systems to minimize the visual impact from a public way or adjoining property.

Location:
All hot tubs and pools will be confined to the rear yard. On lots where a rear yard adjoins or is visible from a public way, appropriate screening shall be installed to minimize the visual impact.

Materials:
All pools and hot tubs will be reviewed individually for materials and color.

Requirements:
Installation must meet or exceed all applicable codes, regulations, ordinances, permit requirements, and inspection requirements of the Town of Clayton. The Town of Clayton standards are the minimum standards and Summerlyn requirements may exceed those standards.

All pools and hot tubs will maintain proper drainage on the site. If a pool/hot tub is planned, Homeowners are required to provide a plan that details drainage patterns and runoff. Water from the pool or hot tub may be drained into the storm sewer system at the end of the season. Care should be taken to contain water from spilling over onto adjacent properties.

All pools and open hot tubs shall be surrounded by a fence (see Section 3.03) with locking gates. Pools and hot tubs may require additional screening based on the location on the lot to provide visual screening from adjacent property Homeowners or public ways.

Pumps and other machinery related to the pool or hot tub shall be concealed in a manner to avoid offensive visual appearance and minimize noise production or transmission of such noise to nearby lots. “Visually offensive” shall be judged by the ARC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

Care should be taken to locate pools and hot tubs away from potential hazards (i.e., electrocution, drowning). All electrical work related to the pool or hot tub shall comply with all applicable electrical codes.

Homeowners should understand that pools increase the intensity of noise and appropriate measures need to be taken to limit this potential conflict with adjacent Homeowners. In addition, Homeowners must also comply with the Town of Clayton noise ordinance.

Architectural Control Section 3.14 Mailboxes

Mailbox and post style have been predetermined for aesthetic continuity throughout the neighborhood. The approved style cannot be deviated from or changed.

Architectural Control Section 4.00 Maintenance

Appearance:
It is the responsibility of each homeowner to maintain his/her property in such a way that it adds to the overall beauty and harmony of the subdivision. Each homeowner should take this responsibility seriously, as failure to do so can negatively impact the value of your own property, surrounding properties, and the subdivision as a whole.

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

- Lawn Care
- Trimming of trees and shrubbery
- Landscaping
- Decks
- Fences
- Driveways, Sidewalks, and Playground Equipment
- Paint
- Roofing
- Garbage can Storage
- Debris and Trash Removal

Deterioration:
If at any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the Architectural Review Committee, a representative of the management company, or a combination of the two will be requested to make a site inspection. The committee will then make a recommendation for action to the Board of Directors. Appropriate action will be taken in accordance with the enforcement policies of Summerlyn Homeowners Association.

Based on the severity of the deterioration, the homeowner will be given a specified period of time in which to make the necessary repairs. If, after that time, the repairs have not been affected to the satisfaction of the Board, the Board has the obligation of enforcement as described in the Declaration of Master Covenants, Conditions and Restrictions for Summerlyn Owner's Association, the Enforcement Procedures policy of the Association, and other applicable regulations and policies.