



# Architectural Guidelines

**THIS DOCUMENT REGULATES THE DISPLAY OF POLITICAL SIGNS AND REGULATES THE DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA OR STATE OF NORTH CAROLINA.**

**REVISED November 2022**

**Board of Directors & Architectural Control Committee**

**THIS DOCUMENT WORKS IN CONJUNCTION WITH THE LCB RULES AND REGULATIONS. ITEMS NOT COVERED WITHIN THIS DOCUMENT CAN BE FOUND IN THE RULES AND REGULATIONS**

**ARCHITECTURAL GUIDELINES  
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## **REVISIONS:**

The following list summarizes the revisions in this document.

“ARC” is replaced with “ACC” for alignment with other documents.

Items related to Rules & Regulations have been removed to a separate document.

### **Revised content for clarification:**

Part I: Introduction (removed reference to previous management company, defines ACC composition, defines roles and responsibilities)

Part II: Architectural Submission & Review Process (removed previous management information, updated ACC submission method)

- ✓ Garden, Garden Containers (added square footage to clarify size)
- ✓ Patios/ Decks/ Screen Porches (added township language)
- ✓ Landscape modifications (revised “walls” to “retaining walls”)
- ✓ Fence (organized images)
- ✓ Solar Panel & Other “Green Energy” Improvements (added detail around design and installation guidelines, accounting for current/pending legislation changes)
- ✓ Play house, Playground structures (separated shed content)
- ✓ Garbage Storage bins, screening (added more options and revised language around acceptable alternatives)
- ✓ Retaining walls
- ✓ Generators
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- ✓ Site Cleanliness

## **TERMS & DEFINITIONS**

*(Refer to the Declaration of Covenants, Conditions, and Restrictions, Article I)*

## **PART I: INTRODUCTION**

### **Purpose & Policy**

Lake Castleberry is a single family homeowner association. Simply stated, this means that the original tract of property was designed and approved as a self contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide, and which would provide for the maintenance of all Common Areas and improvements thereon. Restrictions were established so that aesthetics, appearance, and continuity could be defined and written based on the covenants and on precedence established by the Board of Directors. The Architectural Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. In addition, these Architectural Guidelines are established to give the homeowner some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values.

The architectural standards and use restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the Lake Castleberry Community. The Lake Castleberry Homeowners Association By-laws and Declaration of Covenants, Conditions and Restrictions (DCCR) supports the Board's ability to adopt and publish from time to time amend written architectural standards and construction specifications. The document may be periodically updated as deemed necessary by the ACC and Board.

These Architectural Guidelines were established by Article 13 of the Declaration of Covenants, Conditions and Restrictions for Lake Castleberry (hereafter referred to as the "Declaration" or "DCCR"). Article 13 also establishes the Architectural Control Committee (hereafter referred to as "ACC" or "ARC" or "Committee").

In accordance with Article 13.01 of the DCCR, ***"...The Architectural Control Committee shall have the absolute and exclusive right to approve or disapprove Plans in its sole discretion and may approve or disapprove Plans based on purely aesthetic reasons, which in the sole discretion of the Architectural Control Committee has been deemed sufficient. Absent an approval from the Architectural Control Committee the proposed alteration or improvement may not be commenced..."***

The ACC is a team of volunteers, consisting of three members of the Association, members who are in good standing, voted and appointed by the Board. Volunteers will be formally solicited for replacements by the Board when vacancies arise.

Homeowners who are concerned about a neighbor's home improvement plan should contact HOA Management. The most recent version of the Guidelines shall apply to all new modifications as of the date of the request or modification.

No improvement of any kind shall be erected, placed or maintained, and no addition, alteration, modification or change to any improvement shall be made without the prior written approval of the ACC. This would include, but is not limited to, any building, wall, fence, patio, deck, driveway, plating, clearing or cutting of trees, color or painting of the exterior, swimming pool, play equipment or screened enclosure constructed, installed or placed prior to the termination of the Declarant control. Nor shall a building permit for such improvement or change be applied for or obtained, nor shall any major landscaping or re-landscaping of any Lot be commenced or made (such construction, alteration and landscaping are hereinafter referred to as the "Improvements") until plans and specifications showing the nature, kind, shape, heights, materials, color and location of same shall have been submitted to and approved in writing by the ACC. Construction must be accomplished in strict conformity with such plans as approved, unless otherwise expressly agreed to in writing by the ACC. The ACC shall have the sole right, authority and complete discretion to approve or disapprove the plans and specifications for any reason, including, but not limited to, exterior colors and appearance, landscaping, location of the structure or structures and aesthetics. In addition to setting standards, the Architectural Guidelines establish a process for review of proposed modifications to Lots and Dwellings to ensure that all sites within the community are developed and maintained with the consistency and quality that attracts residents to Lake Castleberry.

## **Government Permits**

To the extent that City and County Ordinances or any local government ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the Declaration, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Architectural Guidelines (in that order) shall prevail. It is the sole responsibility of each homeowner to ensure compliance with municipal authority and all ordinances, laws, permits or other requirements relevant to their property and/or project.

## **Roles & Responsibilities**

Board of Directors: The Board of Directors is responsible for the final interpretation of the Declaration, By-Laws, Rules and Regulations and any other governing document of the Association, and for making decisions about violations and related penalties or legal remedies. The Board of Directors also serves as an arbiter of any appeals of Committee decisions.

Architectural Control Committee (“ACC”, “ARC” or “Committee”): The Architectural Control Committee is responsible for reviewing requests, interpreting Rules & Regulations, making site inspections, and approving or disapproving all architectural requests. The ACC is responsible for the final interpretation of the Guidelines.

Home Owner’s Association Management Company (“HOA Management” or “Management”): It is the contracted HOA Management’s responsibility to collect all architectural request forms submitted and to do an initial screening to assure completeness. Incomplete forms will be immediately returned to the homeowner. Completed submittals will be distributed to the ACC in a timely manner. The Management also acts as the clearinghouse for problems or concerns, which anyone may have in the community. The Management channels these messages to the appropriate authority. Management is also responsible for sending ACC’s official response for each complete submission that was reviewed to the homeowner. Management is responsible for managing online application/approval software and communicating with Board, ACC members and homeowners.

Home Owner (“Owner”): Each Owner has the responsibility to properly complete and submit an Architectural Request Application to Management in accordance with the requirements of these Guidelines. Each homeowner is also responsible for adherence to this policy and to decisions made by ACC. Homeowners may also take the responsibility of reporting any problems or violations to the HOA management, which will be reviewed with the Board and ACC.

## **PART II: ARCHITECTURAL SUBMISSION & REVIEW PROCESS**

### **Review of Proposed Modifications**

The review of the proposed modifications requires the submission of an Architectural Review Application. An application form can be obtained on the current contracted management company's website and app. Depending on the scope of the modification, the ACC may require the submission of all or some of the plans and specifications listed below.

### **Application Process**

The ACC will require a set of modification plans in addition to the submission of an application. The preferred method of receipt is via submission on the company's website or stated software. Generally, drawings of the proposed change should be submitted (to scale) which show relationships to existing structures, landscaping, lot lines, and setbacks (distance from property lines) for all proposed improvements. These drawings should include a "site plan" and an elevation plan along with any additional information, which could help the ACC visualize the project. For further descriptions of the five (5) elements that follow [floor plan, elevations, exterior finishes, landscaping plan, and other], please refer to below:

1. Plot Plan and/or Floor Plan - Showing decks, patios, related to the residential dwelling, trash enclosures, HVAC equipment and utilities.
2. Landscaping Plan & List - Showing location of trees, protection of existing vegetation, use of plants and other landscaping details. For further information refer to the "Landscaping Modifications" category of this document.
3. Other - Such other relevant information, data and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, materiality, specifications, installation information, and other features.

### **Review Criteria: Recommendations & Variances**

While the Architectural Guidelines are intended to provide a framework for modifications, they are not all inclusive. In its review process, the ACC may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography, and finish grade elevation among other factors; however, the ACC will not grant approval for a proposed modification that is inconsistent with the Architectural Guidelines, unless the ACC grants a variance.

Variances may be granted in some circumstances, which include, but are not limited to, topography, natural obstructions, hardship, municipal requirements or environmental considerations. The ACC shall have the power to grant a variance from strict compliance in such circumstances so long as the variance does not result in a material violation of the Declaration. No variance shall be effective unless in writing and supported by all members of the ACC.

### **Review Period**

Each application and plan submittal shall be approved or disapproved within 45 days of receipt of all materials required by the ACC. The ACC's decision shall be based upon a majority vote of the ACC and shall be rendered in one of the following forms:

- "Approved" The entire application as submitted is approved.
- "Approved with Conditions" The application is not approved as submitted, but the ACC's direction for curing objectionable features or segments are noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
- "Disapproved" The entire application as submitted is rejected in total. The ACC shall specify the particular grounds upon which denial of such application is based.
- "Request for Additional Information" This response shall be deemed a determination that the information submitted was inadequate, and the forty-five (45) day time period for further ACC response shall only commence upon receipt of the requested additional information.

If the ACC fails to respond within 45 days of receipt of a complete application, approval shall be deemed granted. As a condition of approval under this section, each Owner and all successors in interest, shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.

Approval of plans for any proposed modification shall not set a precedent for future applications.

### **Limitation of Liability**

Plans and specifications are not approved for engineering or structural design or quality of materials; and by approving such plans and specifications neither the ACC, Members thereof, Board of Directors, nor the Association assumes liability or responsibility therefor, nor for any defect in any structure constructed from such plans and specifications. Neither Declarant, the Association, ACC, Board, nor officers, members, employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any owner of a property affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against Declarant, the Association, ACC, Board, Members, Employers, and Agents of any of them to recover any damages and hereby releases, remises, quitclaims, and covenants not to sue for all claims, demands, and causes of action arising out of or in connection with any judgment, negligence, or nonfeasance and hereby waives the provisions of any law which



provides that a general release does not extend to claims, demands, and causes of action not known at the time the release is given.

### **Appeal**

Any Owner who submits to the ACC and disagrees with the finding of the ACC may appeal the decision to the Board by giving written notice of appeal to the Board or Management, within fifteen (15) days following its receipt of notice of denial. The Board shall review the submission and hold a meeting to hear the case with the Owner and the ACC. At such a meeting the ACC shall present to the Board specific reasons why the requested submission was denied, and the Owner may present information challenging the findings of the ACC. The decision of the ACC shall only be overridden by a majority vote of the Board. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted at any point. Any overriding Board decision rendered will be provided in writing.

### **City / County Approval**

The review and approval of plans and specifications by the ACC shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the Applicant to obtain any and all necessary permits and approvals.

### **Implementation of Approved Plans**

All work must conform to approved plans. If it is determined by the ACC that work completed or in progress on any Dwelling or Lot is not in compliance with these Architectural Guidelines or any approval issued by the ACC or Board, the ACC shall, directly or through the Board and/or management company, notify the Applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Architectural Guidelines and the homeowner (property) shall be subject to a daily monetary fine.

### **Time to Commence**

If construction does not commence on a modification for which plans have been approved within one year of approval, such approval shall be deemed withdrawn unless the applicant requests, in writing, additional time from the ACC.

### **Time to Complete**

The ACC shall include, in any approval, a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, the modification shall be completed within 180 days of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ACC may approve or disapprove.

### **Changes After Approval**

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the ACC prior to implementation of such changes. Close cooperation and coordination between the Applicant and the ACC will ensure that changes are approved within 15 days of receipt of complete information detailing proposed changes.

If the City or County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the ACC, the Applicant must notify the ACC of such changes and receive approval from the ACC prior to implementing such changes.

### **Enforcement, Due Process Hearings, Fines & Fees**

Any construction, alteration, or other work done in violation of these Guidelines or the Declaration, shall be deemed to be nonconforming. Upon written request from the Board or the ACC, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the construction, alteration, or other work.

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

1. The ACC will investigate any reported violation and attempt to bring the owner into compliance. Homeowners will be notified in writing of the violation and are expected to bring the violation into compliance within thirty (30) days.
2. Should the owner fail to act upon the recommendations for corrections, the ACC shall submit the matter to the Board.
3. The homeowner shall be invited to a hearing with the Board where the homeowner will have an opportunity to be heard and present evidence. Failure to appear shall result in a fine, which will begin to accrue five (5) days after the date of the hearing. However, if the violation is brought back into compliance prior to the hearing, no hearing would be necessary.
4. After the hearing, the Board shall respond to the homeowner with a decision. Any penalties or costs relating to the violation (and the date from which the accrual shall begin, which will be no sooner than 5 days after the hearing date) shall be noted in the letter from the Board.
5. Fines will be levied on a daily basis, up to \$100 per day, per violation, until the violation is rectified. The North Carolina Community Act effective in January 2006 allows planned residential communities the ability to fine at a minimum up to \$100/day to uphold standards that will protect and insure homeowners of maintained property values, with regard to holding all property owners accountable for abiding by the existing covenants.

**Fees associated with enforcement.** Should an Owner fail to remove and restore as required hereunder, the Board or its designees shall have the right to enter the property, remove the violation and restore the property to substantially the same condition as existed prior to the construction, alteration or other work. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the nonconforming Lot and collected as a special assessment. In addition, the Board shall have the authority and standing, on behalf of the Association, to pursue all legal and equitable remedies available to enforce the provisions of the Declaration and Architectural Guidelines and the decisions of the ACC.

### **PART III: ARCHITECTURAL DESIGN STANDARDS**

The following specific site criteria shall apply to all proposed modifications within the community unless the ACC or Board grants a variance. These guidelines may be modified from time to time and are not inclusive of all architectural standards which may be adopted by the Homeowners Association, Inc. Applicants are responsible for obtaining all necessary building permits from both ACC and Township where necessary.

The following list requires approval prior to installation:

#### **Air Conditioning Equipment**

No window-mounted air conditioning unit (on sides or front facades) shall be installed. Other instances of installation are on a case-by-case basis for approval by the ACC.

#### **Antennae and Satellite Dishes**

The installation of antennae and of satellite dishes or disks shall be permitted on a Lot if accomplished in strict compliance with the limitations and conditions imposed by the Telecommunications Act of 1996, as amended from time to time, but no antenna or disk which is in any dimension larger than prescribed by the Telecommunications Act of 1996 or which is not installed in accordance with the advance notice requirements and location guidelines of the Telecommunications Act of 1996 may be installed or maintained on any Lot except with prior written approval of the ACC. A satellite dish: a) must be no more than one (1) meter (39.37 inches) in diameter, b) must have a hidden cable, and c) is placed on the rear roofline of the home. If the only viable location to obtain a signal is in the front of a home, the Owner must submit a letter from the installation company providing a letter confirming that a signal may not be obtained in any other location. In such an instance, the satellite dish must be placed on the roof, not on any other structure.

#### **Awnings**

The installation of awnings on the front of the residence or side(s) of the dwelling is prohibited. Other instances of installation are on a case-by-case basis for approval by the ACC.

#### **Basketball Goals, Sports Equipment**

The placement of a basketball goal requires prior approval of the ACC. Permanent basketball goals are to be placed on the rear third (toward the house) of the driveway or parking pad and must be mounted on a single pole cemented into the ground.

Portable basketball goals 1) may not be stored on Common area; 2) must remain upright at all times; 3) must not impede on neighboring lots, traffic or pedestrians in any way; and 4) may not create a noise nuisance. Similar sports equipment (e.g., soccer or lacrosse goals, netting, etc.) must adhere to the same guidance.

#### **Docks**

Lots 8-22 are the only lots permitted to construct docks on lake adjacent to Lot. In addition to ACC approval, Owner should obtain township approval and inspections.

All docks must comply with the following specifications and requirements:

- Must be of a floating design.
- Docks shall be no closer than 25 feet from each side property line.
  - Must be constructed of “Trex” type synthetic material in “Saddle” or similar color, to minimize deterioration of structure and prevent uniform appearance along shoreline.
- Frame must be constructed of 2” X 8” boards and decking must be 2” x 6” boards
- All hardware and fasteners must be galvanized metal or stainless steel.
- The dock flotation devices must be encapsulated in a black composite material.
- No railings or vertical structures permitted on dock.
- No dock will be more than 200 square feet total, including walkway to dock.
- A walkway not to exceed 4 feet wide by 8 feet long may be utilized to connect dock to shoreline.
- All docks will be attached to the shore in a way that allows them to float in the water.
  - The distance between the outer edge of a dock and the normal shoreline may not exceed 20 feet total, including any walkway.
  - Canoes or kayaks may be launched from dock and may be stored on dock when not in use.
- No other items of any kind may be placed or stored within the 100 foot buffer area.

\*Each application is reviewed on a case-by-case basis and is subject to additional requirements.\*

Refer to Rules & Regulations for more information, in addition to LCB Protected Areas document noting state and local rules.

### **Exterior Lighting**

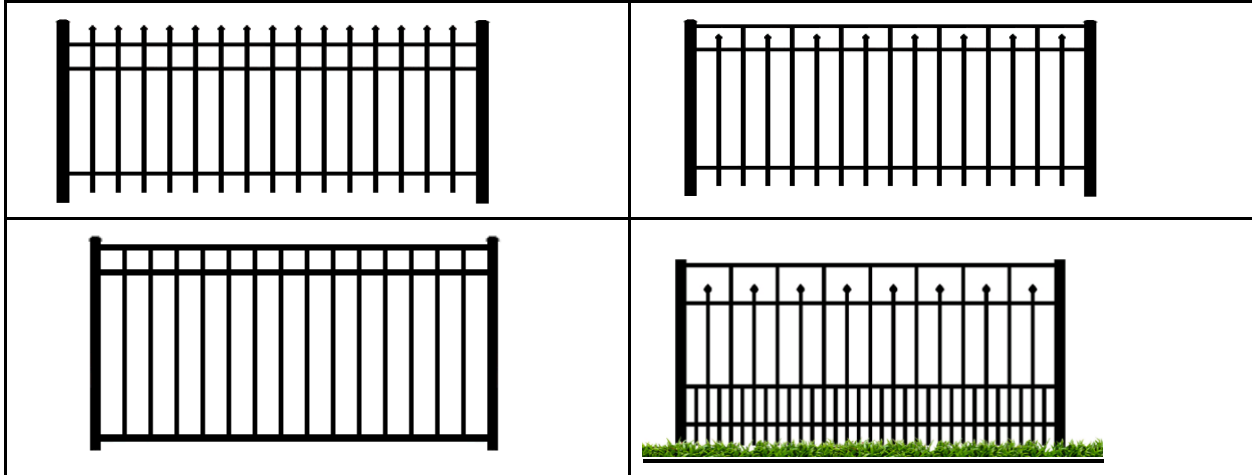
All significant exterior lighting changes must be approved by the ACC. The ACC may take into consideration the visibility and style of the fixture and its location. Exterior lighting shall be shielded and must be directed so as not to shine directly on another Lot. Seasonal or Holiday lights do not need approval by the ACC. Refer to Rules & Regulations for more information.

### **Fences**

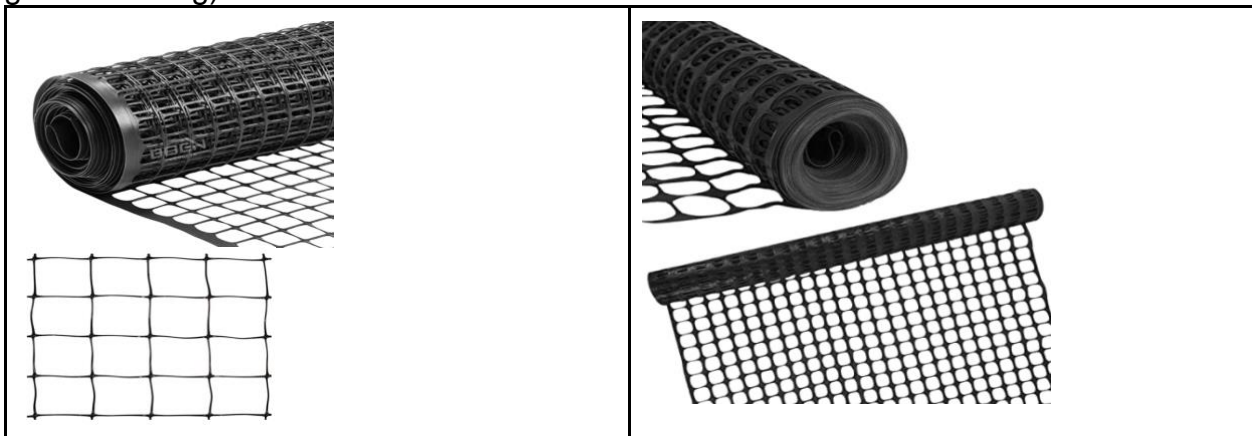
Chain link fencing is expressly prohibited. See Rules & Regulations for more information and other prohibited items for the community.

Only aluminum fencing is allowed at a maximum height of 60 inches (5 feet) and must be located wholly within the property lines of the Lot. Fencing may not extend any further forward than 15 feet behind front corners of home. A copy of the plat plan with the location of the fence denoted must be submitted with the application to the ACC for approval. If any proposed fence line is located within a public easement (sewer, drainage, etc.) of any type, the Lot Owner must submit a letter from the municipality governing this area which authorizes placement of the fence into the easement area.

Samples of approved aluminum fencing styles are shown below:



"Puppy Panels" shall only be allowed on the bottom third of a black aluminum fence, shall consist of a black mesh (not chain link fencing), and will only be allowed as a temporary barrier for six months after approval unless a special exception is granted by the ACC. An example of a permissible black mesh barrier is below (aka bird or rabbit or deer or garden netting):



### **Gardens, Garden Containers**

Garden plots and/or raised beds do not require prior approval of the ACC, provided that the following criteria are met:

- 1) the total garden area does not exceed a total of 8 feet X 12 feet or 96 sf ;
- 2) the garden area is located directly behind the home and not visible from the street;
- 3) the perimeter of the bed is constructed of materials specifically designed for outdoor use;
- 4) no wire or chain link may be used to enclose the garden;
- 5) the garden be maintained throughout the growing season and dead plant material removed at the end of the growing season.

### **Retaining Walls**

Approval is required for retaining walls for landscaping. Submission should include material specifications and supporting images. Any modifications to existing HOA retaining walls is prohibited; see Rules & Regulations.

### **Generators**

Approval by ACC is required prior to installation. Generators are prone to noise issues and disturbance. Generators shall not be located where visible to street views. Whenever possible, they should be located in the rear of the house in a location not immediately visible to adjacent property owners. Landscaping may be required to mask the equipment. Refer to Noise, Nuisance and Disturbance sections in Rules & Regulations.

### **Flags**

Installation of permanent flag poles must be approved by ACC. When permitted, flag poles must have a maximum height of 20 feet from grade. They must be a satin finish aluminum pole with internal halyard or have a telescoping design that does not require a halyard. A 4' X 6' US flag and NC flag may be flown on the flag pole, in accordance with §47F-3-121 North Carolina Planned Community Act. Flags may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of the flag displayed does not exceed the standard size cited above.

Refer to Rules & Regulations for additional information, including temporary team flags, lawn signages, and seasonal decorations.

### **Hot Tubs and Saunas**

The approval of the ACC is required for the installation of any hot tub, sauna or spa. Any hot tub or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs or spas shall be located at the rear of the property and shall be installed in such a way that is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Owners are recommended to install safety features such as locks or covers for these items when such are not in use. Applicable City and County ordinances govern these requirements.

### **Patios/Decks/Screened Porches**

The approval of the ACC is required for the construction of patios and screened porches. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio product must be similar to or generally accepted as a color and material complementary to the design and color of the residence. Any decks or screened porches must be constructed of wood, with siding and architectural shingles to match existing house. Patios, deck, and screened porches should not extend beyond building set back lines and in the side yards in accordance to township regulations.

### **Play Equipment/Trampolines**

No owner shall erect a trampoline or play equipment without prior approval of the ACC. In no event shall trampoline or play equipment be placed on any Lot in the front or side yards, as determined by the building lines applicable to the Lot. In the event where rear yard is limited on a Lot, ACC shall review requests on a case by case basis.

### **Pools**

In ground pools are permitted with prior approval of the ACC. They will be considered and reviewed on a case-by-case basis.

### **Rooftop Equipment**

The approval of the ACC is required for all rooftop equipment and accessories.

### **Rooftop Lightning Rod System**

Lightning rod systems require ACC approval prior to installation. Systems must be installed by a licensed contractor. Submissions should include diagrams and images of house and grounded locations. Hardware on roof lines should be installed to minimize visibility from the street and adjacent neighbors to the extent possible.

### **Solar Panels & Other “Green Energy” Improvements**

The installation of solar panels or other “green energy” improvements to the roof or exterior of a dwelling located on a Lot shall be permitted in accordance with *NCGS §22B-20* after approval by the ACC. See also *Section 13.01 of Declaration of Covenants, Conditions & Restrictions for Lake Castleberry, page 40.*

Any installed solar energy equipment should be installed on the rear roof line and not be visible from the street. The ACC will consider and may allow solar panels to be installed on the front of the house only if applications include an assessment by a licensed solar contractor demonstrating that optimal sun exposure and solar panel efficiency is achieved with panels on the front and not the rear. Solar panels installed in front of house, where visible to street view, the design of the panels should minimize exposure of panel hardware attachments, and parallel with the roof slope. For example, bevel edges and finishes of panels should be carefully considered. If concealed conduits cannot be achieved, visible conduits should match the existing color scheme of the house.

Solar panels are prohibited on other surfaces of the lot. *Refer to Rules & Regulations* for more information.

### **Play Houses or Playground structures**

1. Play houses or playground structures (e.g., swing sets) require ACC approval.
2. Refer to township regulations for permits, if necessary.
3. Such structures must be no larger in size than eight (8) feet by twelve (12) feet.
4. Structures may not be located on a sewer, landscape or drainage easement.
5. Tree houses do not have a standard design requirement and will be considered and reviewed on a case-by-case basis.

### **Storage Sheds (manufactured or custom)**

Placement/construction of storage Sheds requires ACC approval. Submissions should include specifications. Sheds should not be visible from the street and be located against the rear of the house. Storage sheds should be no larger in size than seven (7) feet by nine (9) feet by eight (8) feet tall or 500 cubic feet with a maximum height of eight (8) feet.



They must be located within rear building setback lines. Sheds cannot be located on any HOA or township areas, including easement areas. Constructed/custom sheds must match the existing aesthetics and color scheme of the house. No attachments or accessories to the surfaces of sheds are allowed, including the roof. Submission will be considered and reviewed on a case-by-case basis.



### Storm Doors





Storm doors on the front or rear doors of a home require ACC approval prior to installation provided that the following criteria is met:



1. Doors must have full view, single pane of glass with no visible etchings or tint from the street;
2. Frame of doors must be the same color as the existing door trim;
3. Metal hardware on the storm door must match the hardware on existing doors.

### Garbage Bin Storage and Screening

Where garbage bins are not placed inconspicuously, and are located where visible to street views, garbage storage shed or screening is required against the side of the house. Horizontal Storage shed and Screening (maximum height of 6 feet) require approval by ACC. Dimensions of Storage bins and screening structures must be limited to contain bins only (two 96 gallon bins, approximately 6 feet wide and 4 feet tall). Permanent structures, including a custom design screen should match the aesthetics of the home in terms of design, including color scheme and materiality. Some approved containers are listed below. If approved containers or screens listed below are not available or desired, a similar type and design can be submitted for approval. Please note the screen panel sizes below: homeowner may need to purchase a minimum of three panels to cover the width of two garbage bins.

<p>Example #1 container: <a href="https://www.amazon.com/Leisure-Season-Horizontal-Storage-Resistant/dp/B0044YG2D2?ref_=fscpl_dp_10">https://www.amazon.com/Leisure-Season-Horizontal-Storage-Resistant/dp/B0044YG2D2?ref_=fscpl_dp_10</a></p>	
<p>Example #2 container: <a href="https://www.amazon.com/dp/B01BHMKT AU/ref=sbl_dp_outdoor-storage-sheds_B0044YG2D2_0">https://www.amazon.com/dp/B01BHMKT AU/ref=sbl_dp_outdoor-storage-sheds_B0044YG2D2_0</a></p>	

<p>Example #3 container: <a href="https://www.costco.com/suncast-horizontal-shed.product.100789984.html">https://www.costco.com/suncast-horizontal-shed.product.100789984.html</a></p>	
<p>Example #4 container: <a href="https://www.lowes.com/pd/CRAFTSMAN-Common-6-ft-x-4-ft-Actual-Interior-Dimensions-5-46-ft-x-3-21-ft-Storage-Shed/1001052370?cm_mmc=shp--c--vf--tol--ggl--SS_SDB-Craftsman--1001052370--local--0--0&amp;&amp;ds_a_cid=279391351&amp;gclid=CjwKCAjw7eSZBhB8EiwA60kCW4_2v9DP7M2vlt0yMyG8XcwC2fXLHLdcuyT2RYNDk_ShGkRBbPOIhoC5H0QAvD_BwE&amp;gclidsrc=aw.ds">https://www.lowes.com/pd/CRAFTSMAN-Common-6-ft-x-4-ft-Actual-Interior-Dimensions-5-46-ft-x-3-21-ft-Storage-Shed/1001052370?cm_mmc=shp--c--vf--tol--ggl--SS_SDB-Craftsman--1001052370--local--0--0&amp;&amp;ds_a_cid=279391351&amp;gclid=CjwKCAjw7eSZBhB8EiwA60kCW4_2v9DP7M2vlt0yMyG8XcwC2fXLHLdcuyT2RYNDk_ShGkRBbPOIhoC5H0QAvD_BwE&amp;gclidsrc=aw.ds</a></p>	
<p>Example #5 container: <a href="https://www.costco.com/.product.100360828.html">https://www.costco.com/.product.100360828.html</a></p>	
<p>Example #1 screen: <a href="https://www.homedepot.com/p/Signature-Development-6-ft-H-x-6-ft-W-Western-Red-Cedar-Checker-Lattice-Top-Fence-Panel-Kit-6x6ChekrTopFKit/205918296">https://www.homedepot.com/p/Signature-Development-6-ft-H-x-6-ft-W-Western-Red-Cedar-Checker-Lattice-Top-Fence-Panel-Kit-6x6ChekrTopFKit/205918296</a></p>	

<p>Example #2 screen: <a href="https://www.homedepot.com/p/Signature-Development-6-ft-H-x-6-ft-W-Western-Red-Cedar-Diagonal-Lattice-Top-Fence-Panel-Kit-6x6DiagTopFKit/205918314">https://www.homedepot.com/p/Signature-Development-6-ft-H-x-6-ft-W-Western-Red-Cedar-Diagonal-Lattice-Top-Fence-Panel-Kit-6x6DiagTopFKit/205918314</a></p>	
<p>Example #3 screen: <a href="https://www.wayfair.com/outdoor/pdp/outdoor-essentials-45-ft-h-x-35-ft-w-corner-privacy-vinyl-fencing-ques1107.html?pid=">https://www.wayfair.com/outdoor/pdp/outdoor-essentials-45-ft-h-x-35-ft-w-corner-privacy-vinyl-fencing-ques1107.html?pid=</a></p>	

### Landscaping Modifications

Any changes to the existing landscaping plan of the home require prior approval of the ACC. Requests should be accompanied by a plat plan or landscaping plan illustrating the location of the modifications, including hardscape features such as walkways, retaining walls, driveways, paths, and fence, pool or spa, outdoor lighting, plantings, topographic changes, other fixtures, and other additional information as required by ACC. Refer to *Rules & Regulations* for modifications to Buffer Areas.

- **Removal of a tree on a Lot.** Trees measuring two (2) inches or more in diameter at a point two (2) feet above ground level and any flowering trees or shrubs above two (2) feet in height may not be removed from the Property without prior written approval of the ACC, unless such landscaping material is in the path of driveways, walkways located or to be located on any Lot. Excepted here from shall be damaged or diseased trees that threaten persons or property, which damaged or diseased trees should be removed by the Owner. Owner should include the location of the tree on the plot plan, along with supporting images.
- **Additional planting of tree(s).** A plot plan noting additional plantings should be located, including planting types and maturity size for ACC approval.
- **Shrubbery.** No hedge, shrubbery, or other planting, nor other plant screening shall be installed on any Lot except with prior approval by ACC.
- **Drainage.** Drainage of the property must conform to all municipality requirements. All drainage and grading must be indicated on the proposed plans submitted to the

ACC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ACC.

The established drainage pattern is defined as the drainage pattern engineered and constructed by the original builder prior to (or in some cases, immediately following) conveyance of title from the builder to the individual homeowner.

No building or other structure shall be placed or permitted to remain on any Lot which may damage or interfere with the use, maintenance, repair or replacement of such drainage facilities and appurtenances and no Lot Owner shall do any work, construct any improvements, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Lots or common area.

Landscaping shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under, ponding near, or against the foundation of the dwelling. Water should flow fully over walkways, sidewalks, or driveways into the street.

## **PART IV: CONSTRUCTION GUIDELINES**

### **Construction and Completion Timelines**

When construction of any Lot, structure, improvement or addition has begun, work shall commence diligently and continuously through completion. Any structures must be “dried-in” with exterior finishes installed within 120 days of commencement of construction and all phases of work, including all landscaping must be complete within six (6) months of the date of ACC approval.

### **Inspections**

The ACC may perform periodic informal inspections to ensure that work is being performed in conformance with approved plans and the Architectural guidelines. All inspections are observations only and will not relieve the owner's obligation to obtain inspection approvals from the City and or County and other governmental entities having jurisdiction.

Job sites not in compliance with these Architectural Guidelines or approved plans will be issued a Notice of Violation. Further construction is prohibited until the homeowner addresses the violations.

### **Construction Damages**

Any damage to vegetation or common area facilities caused by the Applicant, their contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the Board and the owner of the damaged property. If the damage is not corrected, the Association may repair such damage and assess the costs of repair to the Applicant.

### **Conduct**

The applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in the community. Loud music, profanity and other behavior, which is unbecoming, will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future access to the community.

### **Site Cleanliness**

All work sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared on a regular basis. Staging of materials should not be in the street or any common and public right of way; this includes public streets and sidewalk. Materials staged in the street can potentially be swept into the stormwater drainage system. Homeowners may be subjected to fines by HOA and township. Non-vehicular elements such as tool or equipment storage trailers, portable toilets, and dumpsters may not be parked on the public streets or sidewalks.

**OWNERS SHOULD REFER TO ARTICLE 7, USE RESTRICTIONS AND ARTICLE 13, ARCHITECTURAL CONTROL, IN THE DECLARATION OF COVENANTS,**

**CONDITIONS & RESTRICTIONS FOR LAKE CASTLEBERRY FOR ADDITIONAL INFORMATION.**