

# **Tiberon**

  

# **RULES AND REGULATIONS**

February 2022

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## I. INTRODUCTION

The Rules and Regulations have been adopted by the Board of Directors of **Tiburon Homeowners Association, Inc.** (the “Homeowners Association”) pursuant to the Declaration of Covenants, Conditions and Restrictions. The Rules and Regulations will be enforced by the Board of Directors of the Association as outlined in the Declaration. The Reviewing Entity shall be the Board of Directors.

To the extent that any government ordinance, building code or regulation requires a more restrictive standard than that found in these Rules and Regulations or the Declaration, the government standards shall prevail. To the extent that the local ordinance is less restrictive than these Rules and Regulations, and any standard contained therein, or the Declaration, these Rules and Regulations and the Declaration shall prevail.

Homeowners are responsible for all cleanup of any improvement project. All debris, sod, soil, etc. shall be removed from the Lot and hauled to the proper waste sites. If the project causes damage to any neighboring property, public or private, the Homeowner is responsible for any necessary repairs.

## II. RESIDENTIAL RULES AND REGULATIONS

### A. Architectural Character

1. The architectural design of any and all additions, alterations, and renovations to the exterior of an existing single family/club home shall strictly conform to the design of the original home in style, detailing, materials, and color. Any such improvement shall be made only after an application is given to the Reviewing Entity, and written approval is obtained/received from, the Reviewing Entity.
2. Pursuant to the “Declaration” the Board of Directors may amend the Rules and Regulations, which shall apply to all regulated work within the Properties. Once requests have been submitted and approved by the Board of Directors, and modification has commenced, any subsequent changes of the Rules and Regulations shall not affect or delay the approved project.

Any work that has commenced prior to the approval of the Board of Directors not conforming to the “Declaration” will not constitute approval of the project.

3. The height of any addition to an existing single family home shall not be higher than the original ridgeline. No alterations or improvements shall be approved if the proposed roof pitch varies from the original constructed pitch of the roof.

4. All additions to homes shall be built within the building setback lines originally established or as modified by Century Homes with the requisite approval of the County, regardless of any more lenient requirements of any local governmental authority.
5. All materials used in maintenance, repair, additions and alterations shall match those used by the Builder as to color, composition, type, and method of attachment. The Reviewing Entity may allow substitute materials if such materials are deemed by the Reviewing Entity in its sole discretion to be compatible with the theme of the community.
6. Window treatments must be backed in white or off-white including, but not limited to, shades, drapes or curtains. Blinds and/or shutters may be white, off white. Other colors of blinds/shutters (i.e., brown stain) will be reviewed case by case and approval determined by the Board. The use of foil, paper, plastic, towels, sheets, or any temporary covering will not be permitted.
7. Decorative components added to the exterior of the home (such as, but not limited to, door ornaments, wreaths, potted plants, porch decorations, etc.), shall conform with community wide standards. The Reviewing Entity reserves the right to limit the number decorations.
8. Altering the original condition of the exterior of your home will void warranties.
9. No additions, alteration or renovations shall be permitted, if it is determined to have an adverse material impact upon neighboring properties and/or community. The size of any project shall be determined by the available space per Lot subject to any and all easements. The Reviewing Entity reserves the right to limit the size and location of certain modifications.

**B. Drainage**

1. When any additions, alterations, or renovations are performed to an existing single family home, the established Lot drainage shall not be altered.
  - a. Any Homeowner or Resident who changes the existing grading or drainages shall be liable for all costs and expenses of repairing such changes, or any costs, liabilities, damages or causes of action arising out of such changes.
  - b. All roof drainage shall drain to the ground solely within the deeded Lot area and may not be discharged closer than five feet (5') of any neighboring property. Any project [including downspouts] that materially increases drainage of storm water onto adjacent property,

must receive the consent of the Owner(s) of the affected property. Drain lines, which direct roof drainage, must be approved by the Reviewing Entity and will comply with the following standards:

- i. A drain line plan with pipe sizes, discharge locations, emitters, and existing drainage patterns must be submitted on a site plan of the property to the Reviewing Entity for consideration.
- ii. No discharges of storm-water may be closer than five feet (5') to any neighboring property.
- iii. Air gaps must be provided between downspouts and drain line extensions.
- iv. Drain line extensions may not discharge water directly perpendicular to a neighboring property or an existing drainage flow-line. Drain line alignments shall be set so that discharge water flows in the same basic direction as existing flow-lines on the Lot. Emitters, water disbursement, and/or erosion control measures must be provided to eliminate erosion of the soil on the Lot.
- v. Roof drain downspouts, or any surface runoff or groundwater shall never be connected directly or indirectly to any public sanitary sewer system.
- vi. Gutters and downspouts shall match those originally installed in color and composition.

**C. Storm Doors**

1. All storm door additions must be full glass or full glass self-store. If installed on the front, these doors must match the color of the doorframe trim, the front door, or white. If installed on the back door, the door trim must match the color of the trim of the home. If other than clear glass is desired, a photograph of the front of the home may be required with the application form. Security doors are prohibited.

**D. Landscaping Requirements and Guidelines**

1. It will be the responsibility of each Homeowner to replace [as necessary] all landscaping on the Lot. This includes any additions made to the Lot by the Homeowner. The Homeowner will remain ultimately responsible for all landscape replacement including any additions made by the Homeowner.

- a. Individual plantings of vegetables and other seasonal plantings, which do not exceed thirty-six inches (36”) in height, do not require the approval of the Reviewing Entity; PROVIDED, all such plantings are within the rear yard, in existing beds, and not in view from the street. Front yard plantings will require written authorization from the Reviewing Entity and the Reviewing Entity may, in its sole discretion, deny any such plantings in the front yard.
- b. No such plants exceeding thirty-six inches (36”) in height shall be permitted anywhere on the Lot unless otherwise approved by the reviewing committee.
- c. Plantings of trees, shrubs, groundcovers, perennials, grasses and vines shall take into account future growth and be at a reasonable distance from foundation walls and adjacent property lines.
- d. The ground surfaces of all portions of the Lot covered with either turf or ground cover. Where turf is used within the Lot, it must match the turf originally installed for replacement. Approved inert materials are described in Appendix “A”.
- e. No decorative rock shall be permitted as ground cover (includes but not limited to white, red, black, and lava rocks). Ground cover or inert material shall not be used to spell out names, nicknames, names of states, city athletic teams, slogans, states, emblems, geometric patterns or any other communication. Earth tone colored manufactured stone, natural stone or bricks mortared together, interlocking or properly secured are permitted as bed edging-materials and landscape curbing (continuous formed concrete) may also be used. All edging materials shall not exceed 4” high from the top of the landscape bed. The Reviewing Entity reserves the right to limit the number of stones or boulders used as decoration in a landscape.

**E. Concrete, Asphalt, or Paver Addition**

- a. No concrete, asphalt or pavers may be located in the driveway areas or installed on the Lot other than that which is initially included with the home without written approval from the Reviewing Entity. The Reviewing Entity may, as determined in its

sole discretion, permit pavers with a maximum width of 18 inches on each side of the driveway from the garage to the sidewalk on the Lot.

- b. Homeowners are responsible for all cleanup of the project. All debris, sod, soil, etc. is to be removed and hauled to the proper waste sites, outside of the community. It is prohibited to dump waste in open space, or common area.
- c. If the project causes damage to owner's property, neighboring property or common area, the homeowner is responsible for any necessary repairs or restoration.

**F. Lawn Accessories**

- 1. Fountains and water features shall be limited in height to four feet (4') above the natural grade of the Lot. Any fountain shall be of natural material, color and design, each of which is compatible with the overall architectural theme of the community. Fountains and water features shall be permitted only within the rear yard and not in view from the street. Design of these features should discourage creation of stagnant pools of water.
- 2. Decorative components such as statues and artifacts shall be limited in height to four feet (4') above the natural grade of the Lot. Statues and artifacts will be allowed in the front and rear yard of the Lot if they meet the following criteria:
  - a. Seasonal statues, artifacts, lighting and other decorative landscaping items may be allowed in the front and rear yard within thirty (30) days prior to, and ten (10) days after a holiday season. In the sole discretion of the Reviewing Entity, this time period may be extended due to extreme weather conditions. During such extended period, lighting may not be illuminated.
  - b. Plastic statuary and yard ornamentation will not be allowed. A maximum of two (2) pots compatible with the overall architectural theme of the home will be permitted in the front of the home on the walkway, stairway or porch. No pots are permitted in the landscape beds.
  - c. No ornaments or statuary shall be attached to the home unless otherwise approved by the reviewing entity.
  - d. The Reviewing Entity reserves the right to limit the number of statues and artifacts on the Lot.

- e. The Reviewing Entity reserves the right to require screening of statues and artifacts from neighboring Lots or the street or deny the placement of any items above in the front yard.
3. Landscape architectural features shall include such items as benches, planters, yard lights, gas fire pits, etc. that are an integral part of a landscape architectural design. Drawings must be provided to the Reviewing Entity, which clearly show the location, size, and materials planned for these features. In addition, a photograph of the home and the relationship of the feature to the existing or proposed landscape must accompany the submittal. Landscape architectural features will be located solely in the rear yard of the Lot unless expressly permitted otherwise in writing by the Reviewing Entity.
- a. There shall be no stand-alone flagpoles allowed on residential Lots. One flag may be flown on the Owner's property. The one flag displayed on the Owner's property, whether The United States flag or a seasonal/decorative flag, may be displayed by a bracket attached to the home. The flag may be up to a size of 3' x 4' and on a removable pole no longer than 5'. Proper flag etiquette must be observed, and no flag may not be torn, tattered, faded or of a controversial type as determined in the sole discretion of the Board of Directors. Any decorative signs or banners require the prior written approval of the board and may or may not be permitted.
  - b. Any screening of ground-mounted equipment (HVAC) shall be of a material and color compatible with the design of the residence; ***however, in no event shall plastic sheeting be used for screening.*** All screens [landscape structures, **fences**, or plant materials] shall be located a minimum of two feet (2') from the equipment to allow for adequate air circulation around the equipment; however, it may not encroach or trespass onto neighboring property.

**G. Lawn Maintenance**

- 1. The use of solid plastic sheeting or polyethylene over ground areas will not be permitted. If landscape fabric is used, it must allow the free flow of water, air, and gases to and from the soil.
- 2. Pruning of trees must be in compliance with nursery standards. Tree topping, which leaves limbs and branches greater than one-half inch (1/2") in diameter exposed, will not be allowed.
- 3. Lawns must be kept in neat manner.



## **H. Yard Fences**

1. Fences will be allowed no further than one-third up the side from the rear corner of the home, extend to left/right property line and run along the side property lines and across the rear property line. Variations to the above will be considered on a case by case basis. Fence locations for Lots with drainage easements, severe topo, etc., will be considered on a case by case basis. Fences on Corner Lots will be required to keep fence 18 feet from back of curb on street side unless otherwise approved by the Board. Fences must be maintained and kept in good condition. The Board of Directors may require the fence to be pressure washed and/or stained should the fence become unsightly.
2. **The only approved fence stain is Sherwin Williams SW – 3518Hawthorne.**
3. It shall be the duty of the Board of Directors to maintain in effect a standardized design of fence(s) that may be erected upon any Lot. The standardized fence design(s) are referred to as the “Approved Fence Details” conforming to Appendix “B”. Chain link fencing shall not be permitted. A site plan showing fence alignments must be submitted for approval prior to construction in accordance with the review procedures hereof. Fences must be professionally installed. Approved fences are all subject to the following terms and conditions:
  - a. To the extent a fence is constructed within a drainage or access easement, Owner acknowledges and understands the fence may be removed by the Association, governing municipality, or agents acting on their behalf, if necessary for maintenance or repairs as determined in the Association's or Municipality's sole discretion with or without notice. Further, Owner understands to the extent all or a portion of the fence is removed, the Owner shall be responsible for all costs or expenses to repair or rebuild the fence.
  - b. Owner understands that agents acting on behalf of the Association or municipality may access the Lot at any time to inspect, repair, and/or maintain the drainage or access easement area.
  - c. Owner understands that to the extent the fence stops short of the property line or easement area for their Unit, a neighboring/adjacent owner may tie in or connect to the fence to avoid gaps or strips between fences.

- d. Owner is responsible for ensuring the fence is solely located on their property and constructed in compliance with all laws and ordinances, including, without limitation, construction in any easement areas are in compliance with all local laws and ordinances.
  - e. **The bottom of the fence pickets shall be installed at a minimum of 1 ½ inches above the existing grade to ensure proper drainage under the fence. Fence shall not impede the water flow across the lot.**
- 4. Landscape plans which have the effect of creating a “living fence” outside the area eligible for walls or fencing, as described above, will not be approved.
  - 5. Invisible fencing may be used for the restraint of pets in the rear yard. All wiring must be buried no less than six inches (6”) inside the Lot line. No alterations of the yard grade shall be permitted from the installation of such system. Neither Century nor the Homeowners Association shall be responsible for repair to any system that is damaged by normal maintenance of the yard by the Homeowners Association or their designee. Regardless of the method of restraint used, pet owners are responsible for assuring that their pets do not run free. Pet owners are liable for any damage to persons or property caused by their pets.
  - 6. All intended fences must receive written approval by the Reviewing Entity before installation will be permitted.

**I. Pergolas and Arbors**

- 1. All pergolas must be constructed of wood and must be painted or stained. Arbors must be constructed of wood or aluminum. If wood, it must be painted the color of the trim of the house. Detailed construction drawings [including elevations] must be submitted for all pergola and arbor applications.
- 2. Structures permitted in this section must be constructed within the rear area of the Lot and may not exceed forty percent (40%) of the width of the home.
- 3. Pergolas and shade structures must be structurally sound and anchored in accordance with local codes. Knee bracing or cross-bracing shall not be utilized on any side of the structure. When framed, the highest point of the pergola may not exceed the eave height of the home.

4. One (1) arbor may be installed and must be structurally sound and in accordance with local building codes. Arbors may not be attached to the home nor exceed eight feet (8') in height, four feet (4') in width, and four feet (4') in depth. The arbor must be designed to support plant or vine growth and thereafter be maintained with plants or vines growing on it. As all arbors are different, approval will be on a case-by-case basis by the Reviewing Entity.

**J. Decks, Patios, Seat-walls, and Shade Devices**

1. Decks should be designed in harmony with the architecture of the home and match the material and color offered by Century Homes. All handrails, rim joists, stringers, spindles and any other vertical member shall be constructed of wood. Treated lumber can be used to construct the deck flooring and understructure. Construction of decks that conflict with the established drainage pattern of the Lot will not be allowed.
2. Decks, patios and seat-walls should be designed in harmony with the architecture of the home and match as to material and color as existing home. All decks shall be stained the same color as the fence stain shown on Appendix "C". No deck, patio or seat-wall will be constructed that is in conflict with the drainage pattern as established for the Lot.
3. Extensions or modifications that have been determined to have an adverse material impact upon neighboring properties and/or the community shall not be approved. The size of decks and patios shall be determined by the available space per Lot, within the rear yard. The Reviewing Entity reserves the right to limit the size and location of decks.
4. Man-made screens and shade devices must appear as an integral part of the building elevation. Materials must complement the home and the Neighborhood. Roof-mount installation is prohibited. Awnings or similar shading devices are permitted on the rear of the home. Awnings and shade devices must be consistent in color and material with the house, community-wide standard and approved by the Reviewing Entity. No advertising or logos are allowed on awnings.

**Free standing canvas/material gazebos and or canopies/tents must be submitted for approval.**

**K. Ancillary Equipment**

1. All types of equipment shall be screened from street view and neighboring property. Screening shall be installed no less than one foot (1') above the

equipment, or by plant material of adequate density to accomplish the same result; however, a screening structure or planting shall not exceed four feet (4') in height. With the exception of power vents for attic fans and approved lightning protection devices, roof-mounted and window-mounted equipment (including mechanical, air conditioning, and solar heating equipment) will not be allowed.

2. Antennas, satellite dishes or other devices for the transmission/reception of television or radio (including amateur or ham radios) signals are expected to be installed in the rear half of the house, under the eaves. The next preferred location is on the rear portion of the roof of the home such that the satellite dish is installed in a location where it is as screened as possible from the street and neighboring Lots. If the Owner or resident cannot obtain an acceptable quality signal in the aforementioned locations he/she must obtain a written statement from the installer verifying there was no acceptable quality signal in these preferred locations. The statement shall be presented to the Reviewing Entity but shall not delay the installation of the satellite dish. Any installation must be located solely on the Lot.
3. Swing sets are permitted in the rear yard. Swing sets must be constructed of wood and awnings are to be a solid color of navy, brown/tan or dark green. All portable play equipment, garden equipment (including hoses), and lawn furniture must be stored within the rear yard and shall not be left on other portions of the Lot.
4. No artificial vegetation shall be permitted on the exterior of any property. No hammock, statuary, play equipment (including, without limitation, basketball goals or a permanent or portable nature), exterior sculpture or fountains may be erected on any Lot, without the prior written approval of the Reviewing Entity.
5. Portable and Permanent Basketball goals must be submitted for approval.

**L. Trash Containers and Trash Screens**

1. All trash containers shall be covered containers and shall be stored in the garage or on side rear portion of home screened from neighboring view or street. Trash containers may be left out for collection at dusk on the day prior to collection and must be returned to storage by dusk on the day of collection.
2. The Reviewing Entity may permit trash screens on the Lot. The Reviewing Entity may permit or require a paver or concrete path to the trash screen

area. The approved material for a trash screen is wood. A trash screen shall be painted or stained to match the approved fence stain. A trash screen shall not be constructed if it conflicts with the established drainage pattern for the Lot. A trash screen shall be constructed such that it is enclosed on a minimum of three sides (one side being the home itself) and the Reviewing Entity, as determined in its sole discretion on a case by case basis, may require the trash screen be fully enclosed on all four sides if the trash containers are visible from adjacent parcels or any street in the Community.

**M. Signage**

The following will apply, unless otherwise restricted by the City/County:

1. **One** (1) “For Sale” sign will be permitted on any individual Lot within the Community. Such sign shall be located directly within the Lot being advertised “for sale.” The overall height of the sign may not exceed six feet (6’). The sign must be removed within two (2) working days following the closing of the property, or the termination of the listing agreement.”
2. “No Soliciting” and security/alarm notifications shall be limited to placards or stickers not to exceed five by seven inches (5” x 7”) in size placed on the front door or door frame or in a window near the front door, or the mulch bed nearest the front door.
3. In accordance with the Declaration, no other signs are permitted on any residential Lot.
4. Notwithstanding the above, Developer shall be allowed to install any sign(s) necessary for purposes connected with the development of the community and/or as may be described in the Declaration.

**N. Landscape Lighting**

Guidelines for Low-voltage and decorative lighting are defined below.

1. Low Voltage Lighting
  - a. Low voltage light fixtures may be used for low-level path lighting, up lighting, down lighting and landscape architectural accent lighting. Tree-mounted down lights shall be shielded from the street and neighbors’ view.

- b. Low voltage fixtures shall be located and aimed carefully. Fixtures shall not constitute a nuisance or hazard to any Homeowner or neighboring resident.
- c. A lighting layout plan for low voltage fixtures shall be submitted to the Reviewing Entity for review and approval. The submittal shall include a plan of existing landscaping and hard surface locations, proposed light fixture locations, and manufacturer and light type.
- d. Junction boxes shall be placed below grade or screened to minimize daytime visibility of hardware.
- e. Low voltage light fixtures may not exceed thirty inches (30") in height.

## 2. Decorative Lighting

- a. Exterior fence, building or deck-mounted light fixtures, including spotlights, floodlights, lantern lights and stair lights shall conform to the architecture of the home. Enclosures of light fixtures shall be designed to conceal the lamp bulb. No lighting shall be permitted that constitutes a nuisance or hazard to any Homeowner or neighboring resident.
- b. Spotlights and floodlights may be installed when attached to the soffit at the eave line at corner of home on the rear only, unless otherwise approved. Spotlights and floodlights must be installed and adjusted to point straight down, and must remain in that position. Lighting cannot encroach into neighboring property, creating a hazard or nuisance.
- c. Fixtures may be incandescent, metal halide, mercury vapor, and high-pressure sodium or gas lamps. Colored lamps are not allowed. When gas lamps are installed, all gas line extensions and installation must adhere to local codes.
- d. Junction boxes and other lighting hardware shall be placed below grade or screened by landscape material to minimize daytime visibility.
- e. Post-mount light fixtures shall not exceed a height of six feet (6') from finished grade. Post-mounted light fixtures shall conform to the architectural character of the home.

- f. Seasonal lighting is permitted for illumination during a time period consisting of thirty (30) days prior to and ten (10) days after the holiday season. Seasonal lights may be installed between November 15 and January 15, but may only be illuminated as stated above. Should extreme weather conditions become a factor in removal of seasonal lights within the designated time frame, it shall be in the sole discretion of the Reviewing Entity to grant an extension of the allowable time period for removal. Cords shall never be located over public sidewalks.
- g. Attaching lighting to your home may void applicable warranties.

**O. Swimming Pools and Spas**

- 1. Swimming pools and spas shall be of the in ground type with the exception to aboveground spas not exceeding three feet (3') in height above the existing grade level. Such spa must be adequately screened from street view and the view of any neighboring property and common areas.
- 2. All swimming pool and spa equipment shall be screened from street view and view from neighboring property with plant materials of adequate density. Swimming pools and spas must be constructed entirely within the rear yard. All swimming pools and spas shall be fenced for safety as required by applicable law, and installed according to City/County ordinances. The Reviewing Entity may require additional plant materials to be planted to screen the swimming pool or spa from neighboring properties. Please refer to Ancillary Equipment, Section K.1 for equipment screening requirements.
- 3. Swimming pool and spa drains must connect to the street drainage. No swimming pools or spas may be drained onto open space or any other property.

**P. Grills/Outdoor fires**

- 1. Built-in and portable grill units shall be for cooking only and must be located within the rear yard. All built-in grills must be designed as an integral part of the home. Location must be carefully planned to minimize smoke or odors affecting neighboring properties. All built-in grills must be located at least four feet (4') from any wall of the residence. Grills may utilize natural gas, propane or charcoal. As all built-in grills/fireplaces are different, approval will be on a case-by-case basis by the Reviewing Entity.

Outdoor fires utilizing fire pits or chimneys are permitted in the rear yard. Any other outdoor wood burning is prohibited, except at approved events at the recreation area.

**Q.     Sheds**

Not permitted in the community.

**R.     Prohibited Structures**

Pursuant to the Declaration and/or these Rules and Regulations, the following structures shall be prohibited from use:

- ~     Stand alone flagpoles
- ~     Clothes lines or clothes poles
- ~     Detached garages
- ~     Above-ground swimming pools
- ~     A bird or squirrel house exceeding the roof eave in height
- ~     Artificial vegetation
- ~     Sheds

All intended structures must receive written approval by the Reviewing Entity before installation will be permitted.

Notwithstanding the above, Developer shall be allowed to install any structure(s) necessary for purposes connected with the development and/or as may be described in the Declaration.

**S.     Solar Panels**

1.     In order to provide uniform design, installation, and use standards for solar energy systems, as well as to protect the current aesthetics of the Tiberon community, the Board of Directors adopts the following Solar Panels Guidelines:
  - a.     Homeowners should first consider all existing structures and landscaping before selecting a site for any proposed solar energy system.
  - b.     Solar panels may only be installed on property the applicant owns and the components should be sensibly integrated into the design of the Home.



- c. Solar energy components may not encroach on neighboring property.
- d. No trees may be removed for the sole purpose of facilitating access to sunlight to support the solar panel project. Any other landscape or structural changes to accommodate ground level components of the solar energy system will require prior approval from the Reviewing Entity.
- e. The solar panels must be a high efficiency manufactured design, and where possible, approximately match the color of the Home's roof shingles or maintain black on black on black if no color match option exists.
- f. Installation must use a rack on rail system for attaching solar panels to the roof and utilize the same pitch or slope of the existing roof. Rails must be trimmed flush with edge of the last solar panel and capped after installation to minimize visibility.
- g. No wires or electrical cables should be visible on the roofline or running down the side of the Home to the electrical panel. No exterior conduits may be used. All associated cables, connectors, conduits, junction boxes, etc. shall be painted to match the surface on which they are placed. Any required inverters and additional utility meters/equipment shall be concealed from view from the Home's frontage and shall not be placed more than 1/3 the distance from the rear corner to the front corner of the side of the Home. Associated solar panel equipment shall not be facing any street.
- h. Solar panels may only be installed on the back roof of the applicant's Home and thus no ground-mounted solar energy systems will be permitted. Solar panels may not be visible from the front of the Home or elsewhere from the public street. The Reviewing Entity realizes that, for any Homes located on corner Lots where the back of the Home or roof is visible from a side street, the installation of solar panels may still be visible from the street abutting the side of the Homeowner's Lot, and therefore, the installation on the back of the Home under these circumstances will not be considered a violation of these Guidelines.
- i. The installing contractor must be a certified solar photovoltaic installer accredited by the North American Board of Certified Energy Practitioners (NABCEP). The work must also be in compliance with all relative municipal ordinances. Homeowners are urged to check with their insurance company prior to work to determine impact to their roof warranty or other aspects of their Home. Neither Century Homes nor the Homeowners Association is liable to the Homeowners

for roof damage or for impacts to roof warranties. Neither Century Homes nor the Homeowners Association have expertise or special knowledge regarding such systems and therefore the Reviewing Entity's approval for installation of any solar energy system is not a representation that the system chosen by a Homeowner is safe to use or is compatible with the Home's roof or other structures on the Lot or the Lot involved, and the Homeowner assumes and bears all risks regarding installation and use of such a system.

- j. The highest point of the solar panel array must be no higher than twelve inches (12") from the ridgeline of the roof where it is attached. The array shall be made parallel to the main roof line(s). Panels shall be arrayed on the roof in a manner where they present a simple shape (rectangle, square), a balanced look and symmetry where appropriate. In roof areas with valleys or "hip" rooflines, minor "staggering" or "off-setting" of panels may occur.
  - k. The size of the solar energy system should be appropriate in scale and subordinate to the house structure.
  - l. All painted surfaces and system components must be kept in good repair and functionality must be at least 50% of installed capacity or the system must be removed or replaced.
2. No solar panels shall be installed on any Home without prior written approval from the Reviewing Entity. The plans and specifications submitted to the Reviewing Entity must include the following:
- a. To-scale construction drawing(s) for the proposed installation. The drawing(s) should include and/or show the exact location, number of panels, exterior components and means of attachment to the roof.
  - b. The contractor's name, license, and contact information. The applicant must also provide verification that the contractor is a certified solar photovoltaic installer accredited by the NABCEP.
  - c. Verification that the system meets all State and local guidelines, as well as the technical requirements from Sawnee EMC. Additional information from Sawnee EMC can be found at: [www.sawnee.com/content/solar](http://www.sawnee.com/content/solar). Only commercially and professionally made devices will be allowed.
  - d. A site map showing the orientation of the Home and the solar system in relation to the neighboring properties.

- e. Verification from the contractor that the Home's roof and shingles are suitable for mounting solar panels.
  - f. A detailed list of all materials to be used in the installation, including pictures and/or diagrams of the proposed system and its color(s).
  - g. Evidence that the applicant notified (or made a reasonable effort to notify) all adjoining neighbors who may be directly impacted by the installation of solar panels (e.g., reduced sightlines, staging of materials, increased noise, etc.). Applicant should provide the date and time of such notification to each adjoining neighbor. The Reviewing Entity reserves the right to confirm such notifications and/or provide additional notifications as may be necessary.
  - h. Verification that all piping and electrical connections will be located directly under and/or within the perimeter of the panels and placed as inconspicuously as possible when viewed from all angles.
  - i. Since solar energy system will be permanent or semi-permanent additions to the Home, roof replacement is often recommended and/or required, and therefore details of any roof replacement or modification must also be included with the modification form.
  - j. Documentation that the solar panels are southern-facing, with no more than a 30-degree variance from due south.
3. Homeowners shall be solely responsible for the maintenance, repair, and replacement of any approved solar energy system installed on a Home. The Homeowner will prevent any unsightly and unkempt condition by properly maintaining a clean appearance of the solar panels and their related components (e.g., no accumulation of debris or animal infestation under the panels, immediate replacement of damaged panels and/or damaged or rusty frames). The Homeowner will ensure that all surfaces of the devices or equipment, whether painted or colored materials, are properly and timely maintained to prevent peeling and cracking of paint or loss of coloration or other deterioration to the point where the equipment becomes unsightly and/or incompatible with the aesthetic standards of the community.
  4. The Reviewing Entity reserves all rights to approve or disapprove all proposed solar energy systems in the community. All other aspects of reviewing a proposed solar energy system shall comply with Article VI of the Declaration.

### **III. ARCHITECTURAL REVIEW AND RESIDENTIAL PROPERTY OWNER**

## REQUIREMENTS

The architectural review process has been established to maintain the integrity of the architectural and design character of the community. To this end, the Reviewing Entity will review all proposed additions, improvements or alterations on homes for conformity with the Rules and Regulations. The Declaration sets forth provisions with respect to the review process, including possible delegation of certain review functions to the Architectural Advisory Committee to make recommendations to the Board of Directors.

### A. Residential Property Owners.

Homeowners are required to submit plans to, and receive written approval from, the Reviewing Entity prior to performing (1) additions, alterations, or modifications to existing homes, (2) exterior painting, (3) landscaping, (4) the installing of pools, spas, Jacuzzis, and fences, (5) any exception to or deviation from the Rules and Regulations, or (6) any concrete work, ancillary equipment, signage, and any and all other such on-site improvements not listed in the Rules and Regulations. However, it shall be the responsibility of all Homeowners to comply with all standards and guidelines of Article II of these Rules and Regulations, as well as all requirements of the Declaration.

### B. Submittals For Changes and Additions.

1. The Homeowner shall submit a request for approval showing the plans for the proposed improvement as follows:
  - a. For landscaping plan approval, or amendments to an approved landscaping plan, the Homeowner shall submit a copy of the landscaping plan for the Lot, including a description of all varieties and sizes of trees and shrubs, with the location of each tree and shrub clearly delineated on the plan. To the extent the Homeowner can color code the trees and shrubs and provide a legend, it will facilitate review. If the submittal is for an amendment to a previously approved landscape plan, the existing trees and shrubs shall be marked on the landscape plan with a circle marked with a dashed line and a cross in the center indicating their location, and with the proposed additions marked on the landscape plan with a circle marked with a solid line and a dot in the center. All deleted materials shall be described as part of the submittal. The initial submittal shall also describe any proposed irrigation system, with the location of the timer box, the valves, and of each sprinkler head and emitter. All irrigation systems shall have an automatic timer. In the event the Homeowner desires to install any hardscape, including but not limited to brick, masonry, railroad ties, wood trim, concrete, rocks or other inert material, such items shall be clearly marked on the landscape plan and a legend shall be provided so that the reviewer can easily determine the location and

type of material. Lots have been designed and graded to provide positive drainage from the Lot and to protect environmental resources; in the event Homeowner's plan proposes to alter the grade of the Lot, the location of all drainage structures and direction and slope of flow must be indicated on the plan. Homeowner shall hold harmless Century Homes and the Homeowners Association for any and all damage to any party caused by the alteration of the grade by the Homeowner in connection with the design or installation of the Homeowner's landscaping, including damage to the Homeowner's house. Homeowners will be responsible for any damage caused by any change to drainage by themselves or hired landscapers.

- b. For changes to or additions to the home, the Homeowner shall submit a copy of the site plan along with a drawing of the changes to be made. On such plans, the Homeowner shall draw the proposed changes or additions to the exterior elevation. If the Homeowner has a photograph of another house, or picture out of a magazine, which will assist the reviewer, such photo should be submitted. The application should contain a description of the materials the Homeowner plans to use in such changes or additions. If the change or addition affects the roof or roofline, a roof plan should also be submitted. A building section may be requested depending on the complexity of the change or addition.
  - c. Homeowners are advised that the City/County requires certain permits, depending on the proposed change, alteration or addition. It is the Homeowner's responsibility to comply with permit requirements. The Homeowner shall provide the Reviewing Entity with copies of any such required permits if so requested. Homeowners should contact the City/County Building Department for further information.
  - d. Prior to submittal of a request for a permit to be issued by the City/County, the Homeowner will obtain the approval of the Reviewing Entity of any plans, changes, alterations or additions.
  - e. Any permit or approval issued by the City/County shall in no manner whatsoever bind the Reviewing Entity with respect to approval or denial of any application for items submitted for consideration; the Reviewing Entity shall be fully independent and will have full authority for approval or denial of any such matters.
2. The Reviewing Entity shall review such submittals without a hearing and based solely on the information contained within each submittal. Every effort shall be made to respond within thirty (30) days. The Reviewing Entity's decision shall be final on all reviews.

3. Upon completion of review by the Reviewing Entity, a letter indicating the Reviewing Entity's decision and shall be rendered in one (1) of the following three (3) forms:
  - a. "Approved" - The entire document submitted is approved in total.
  - b. "Approved with a stipulation" - The document submitted is partially approved. A Homeowner may proceed with the work to be performed as modified but must comply with any and all notations on the submittal.
  - c. "Not Approved" - The entire document submitted is not approved and no work may commence.

C. Fees

Review of all applications and all landscaping plans shall be subject to a nominal fee structure payable to the Reviewing Entity to cover costs.

D. Effect of Building Permit.

If the plans submitted by a Homeowner require a building permit, the approval by the Reviewing Entity is not a guarantee that such plans will be approved by the City/County. If the City/County requires modification to such plans, such modifications must also be approved of by the Reviewing Entity for the Homeowner to remain in compliance with these guidelines.

#### IV. ENFORCEMENT OF INSTRUMENTS

The Declaration describes scope of authority of the Homeowners Association, including the review and determination of alleged violations by Homeowners and Residents, execution of certain remedies, and recommendations to the Board of Directors of the Community Association for further action. Century Homes or the Homeowners Association may execute certain remedies as provided for in the Declaration.

A. Non-compliance by Homeowner.

The Declaration describes the Homeowners Association's right to require the Homeowner to remedy any non-compliance. The Homeowners Association will deliver written notice to the noncompliant Member of the specific nature of the violation and the action necessary by the Member to cure the violation. Any member in receipt of such notice shall have (14) days thereafter or such longer time as the Board of Directors shall determine in its sole discretion to cure the specified violation. After the expiration of the cure period described above, the Member shall incur a Specific Assessment for each day that the violation has not been cured by

the action described in the notice from the Homeowners Association. Please note the enforcement rights herein are not exclusive, the Association may utilize any other rights or remedies available pursuant to the Declaration or Georgia law in addition to those referenced herein.

B. Appeal of Decision.

Any Homeowner, or resident aggrieved by a decision of the Reviewing Entity may appeal such decision. An appeal shall be considered only if the appellant has modified the requested action or has new information that would, in the Community Association's opinion, warrant reconsideration.

**V. CHANGES AND AMENDMENTS TO THE RULES AND REGULATIONS**

The Rules and Regulations may be amended as follows:

- A. The Board of Directors approves any amendments to the Rules and Regulations.
- B. All amendments shall become effective upon adoption by the Board of Directors. Such amendments shall not be retroactive to previous work or approved work in progress.
- C. In no way shall any amendment to the Rules and Regulations change, alter or modify any provision of the Declaration, any Supplemental Declaration or the Articles or Bylaws of the Homeowners Association.

**VI. AUTHORIZATIONS**

These Rules and Regulations are adopted by the Board of Directors of the Homeowners Association. These Rules and Regulations may be amended from time to time by the Board of Directors. The Reviewing Entity, whether expressly noted or not herein, may review all applications on a case by case basis and, as determined in its sole discretion, grant or deny a request. Notwithstanding anything to the contrary contained herein, the Reviewing Entity shall be authorized to grant individual variances from any of the provisions of these Rules and Regulations if it determines that waiver of application or enforcement of the provision in a particular case is dictated by unique circumstances, such as, but not limited to, topography, natural obstructions, hardship, aesthetic considerations or environmental considerations and would not be inconsistent with the overall scheme of development for the Community.

# **Appendix A**

## **APPROVED INERT MATERIALS**

Approved inert materials shall include those described below and other materials as may be approved by the Board of Directors, from time to time. Determination of whether a material is acceptable for inclusion in any specific situation shall be made by the Board of Directors and shall be in writing. Currently approved materials are as follows:

### **A. MULCH/BARK/PINE STRAW**

**Brown, red or black** hardwood shredded mulch/bark and pine straw may be approved as inert ground cover and used in beds. Stone mulch is not permitted.

### **B. DECORATIVE ROCK MATERIAL**

Decorative rock shall not be permitted as ground cover. Categories of decorative boulders are approved as follows:

- i. Moss Rock
- ii. Tan Limestone
- iii. Tan Sandstone
- iv. Granite



## **Appendix B**

### **APPROVED FENCE STYLES**

**The only approved fence stain is Sherwin Williams SW – 3518 Hawthorne.**

**6' Cap Top with Dados**

