



February 28, 2024

Dear Waterside HOA Member,

As your Waterside Board of Directors President, I wanted to update the membership on a significant development for the Association.

Please see attached revised Architectural Design Guidelines for the Waterside community effective February 29, 2024. These guidelines will replace any previous versions. This document details the Architectural Review process and provides the homeowners a resource for submitting exterior improvements, and also covers general specifications for exterior items such as awnings, enclosures, landscaping and fences, to name a few.

To keep Association printing and administration costs down, these Guidelines will be emailed to the owners. They will also be uploaded to the Association e-portal for quick reference. Please note there is a blank Architectural Review Request form for your use at the end of these Guidelines.

As Architectural Design Guidelines may be revised by the Board of Directors in the years to come, we will certainly welcome your input and suggestions of the enclosed. Thank you for making Waterside a fantastic place to live!

Sincerely,

A handwritten signature in black ink that reads "Kyle J. Berzina".

Kyle J. Berzina
Waterside Board President
Coastal Carolinas D.R. Horton HOA Manager kjberzina@drhorton.com

Enclosure: **Waterside Architectural Design Guidelines** (Dated February 29, 2024)

WATERSIDE

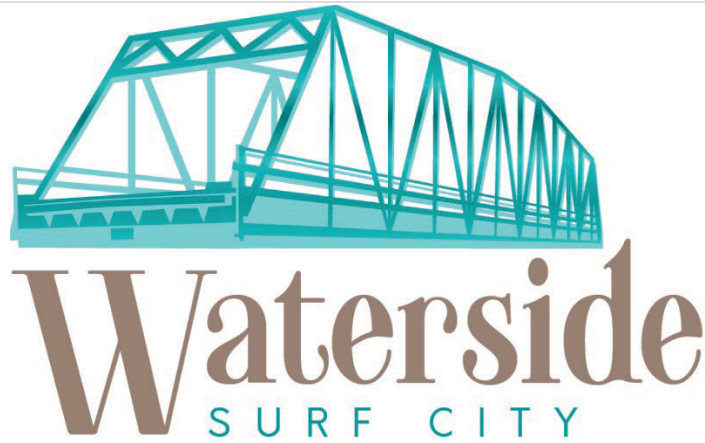
Community Standards



Architectural Design Guidelines

Effective February 29, 2024

These Guidelines will replace any previous Architectural Design Guidelines versions for the Waterside community



INTRODUCTION

The Covenants, Conditions and Restrictions (CC&Rs) governing the Waterside Community Association provide that all properties shall be properly maintained, and that design of building construction and property improvements of any kind require the prior approval of the Architectural Committee. The CC&Rs grant authority to adopt rules and procedures to accomplish its objectives. Therefore, the Board of Directors and Architectural Review Committee (ARC) hereby adopt the Architectural Policies and Procedures set forth herein.

The Architectural Policies and Procedures are established for the protection and enjoyment of all Association members and are strictly enforced.

These Architectural Policies and Procedures supersede and cancel any similar policies and/or guidelines adopted prior. The Policies and Procedures may be amended or repealed by the Board of Directors as they deem appropriate.

We welcome constructive comments on these Architectural Policies and Procedures and any comments regarding them should be forwarded in writing to the Management Company Office.

Kyle J. Berzina, Board of Directors President
Waterside Community Association, Inc.
D.R. Horton, Inc.
ARC Chairperson/Board of Directors

ARC PHILOSOPHY AND REVIEW CRITERIA

All properties within the Waterside Community Association, are subject to the recorded CC&Rs, as well as the restrictions of Pender County, North Carolina as applicable. These restrictions provide that design of building construction or property improvements of any kind require the approval of the Architectural Committee, hereinafter referred to as the Committee. This is in accordance with Article V, "Architecture and Landscaping", of the Declaration of Covenants, Conditions and Restrictions for Waterside to be recorded in the County of Pender in North Carolina.

Waterside is a unique community which incorporates standard single-family home plans. By following these Design Standards and obtaining approvals for Proposed Improvements from the Committee, Owners will be protecting their financial investment and will help to promote Proposed Improvements that are compatible with the other Homes and property within the Community. A spirit of cooperation with the Committee and neighbors will go far in creating an optimum environment which will benefit the Owners.

The Committee was established to enhance the environmental quality and economic value of all properties within the Waterside Community Association. The Committee strives to work in cooperation with the property owners to make our community a desirable place to live, work and play. Article Five of the CC&Rs provides the ARC the power to apply architectural policies.

The Committee does not seek to restrict taste or individual preferences. Their primary function is to review all plans to ensure that the design submitted is harmonious with other structures in the area. The Committee strives to be completely fair, objective, impartial and understanding of individual goals.

The Committee recognizes that occasionally its policies and the objectives of any individual owner may appear to conflict. The policy has been designed so that the Waterside community will benefit by relating each project, its structures, improvements, and amenities to the community.

Decisions made by the Committee are not based on opinion or taste. The following criteria, which represent the general standards of the CC&Rs in more specific terms, are used to determine what designs are acceptable.

DEFINITIONS

I. DEFINITIONS.

For the purpose of these Architectural Design Guidelines, certain words and terms used herein shall be interpreted or defined as indicated in this section. The following terminology, when used in these Architectural Design Guidelines, shall have the meaning as specified:

1. **ACCESSORY BUILDING** - A subordinate building or structure on the same lot or building site, above or below grade, conforming to the same setbacks, color schemes and roof requirements (where applicable) as the main structure, the use of which is incidental to the main residence, and which is used exclusively by the occupants of the main residence.
2. **APPROVALS AND CONSENTS** - Approval, consent, authorization, or permission shall mean an approval, consent, authorization, or permission in writing.
3. **ARCHITECTURAL REVIEW COMMITTEE (or ARC)** - The committee appointed by the Declarant or by the Association to review and approve or disapprove requests for architectural approval, as more fully provided in the Declaration and these Design Guidelines.
4. **ASSOCIATION** - Waterside Community Owners Association, Inc., a homeowners' association.
5. **ATTIC** - The unoccupied area below the roof rafters and above the ceiling joists.
6. **BALCONY** - A platform projecting from the wall of a building or structure supported by pillars, columns or cantilevered, often surrounded by a railing or low wall.
7. **BOARD** - The Board of Directors of Waterside Community Association, Inc.
8. **BUILDING PERMIT** - The permit to build, construct, alter, repair, or demolish a structure or structures. The building permit is issued by the Department of Building and Safety of Pender County and/or Town/City.
9. **BUILDING SITE** - A "building site" shall be a portion of land embraced within the property covered by the Declaration of Protective Restrictions.
10. **COMMON ELEMENTS** - Any real estate owned or leased by the Association other than a Home.
11. **COMMUNITY** - Waterside, the real estate described on Exhibit A attached to the Declaration, as supplemented and amended from time to time, with respect to which a person, by virtue of such person's ownership of a Lot, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in this Declaration.
12. **DECLARANT** - SFTEN, LLC / D.R. Horton, and any other person or group of persons acting in concert, to whom the Declarant, by recorded document, expressly assigns one or more of the Declarant's rights under the Declaration (which shall be the extent of the Declarant's rights to which such assignee succeeds).
13. **DECLARATION** - Waterside Declaration of Covenants, Conditions and Restrictions (CC&Rs) and any other recorded instruments, however denominated, that create this Community, including any supplements and amendments to those instruments and also including, but not limited to, plats and maps.

14. **DECK**- A flat surface mainly used for recreational purposes, constructed of wood, concrete or other durable material and raised above the surrounding finish grade.
15. **DESIGN STANDARDS** - These Design Standards may be amended from time to time by the Committee with the advice and approval of the Board.
16. **EASEMENTS** - The areas of any lot or building site reserved by any Declaration of Protective Restrictions, reservation, or conveyance to be used for roads, streets, bridle trails, parkways, park area, and for any public or quasi-public utility service or function beneath or above the surface of the ground. An interest in land owned by another that entitles its holder to a specific limited use or enjoyment. Put simply, an easement grants access to property that is not owned by the easement holder.
17. **EAVES** - The part of the roof which projects beyond the building line.
18. **EXISTING IMPROVEMENTS** - All existing exterior improvements, structures, and any appurtenances thereto or components thereof, of every type or kind, and all existing landscaping features, including, but not limited to, buildings, outbuildings, swimming pools, tennis courts, patios, patio covers, awnings, solar collectors, painting or other finish materials on any visible structure, additions, walkways, sprinkler systems, garages, driveways, fences, screening walls, retaining walls, basketball hoops, stairs, decks, hedges, windbreaks, plantings, trees, shrubs, flowers, vegetables, sod, gravel, bark, exterior light fixtures, poles, signs, exterior tanks, and exterior air conditioning, cooling, heating and water softening equipment.
19. **FINISHED GRADE** - The grade of the site as improved or if the grade is not within the parameters shown on the approved plans, the grade shown on the approved plans for the site.
20. **FOOTPRINT** - The area of a house or accessory building determined by its outer perimeter including all projections, covered patios, and attached garages.
21. **FOUNTAIN** - A free-standing decorative structure as an integral part of the landscape design which uses water as a design element.
22. **HARDSCAPE** - Artificial surfaces placed on a lot such as concrete, asphalt-concrete brick or stone, driveways, walks, steps, sports courts, decks (wood or concrete), pool decks or any other coverage not classified as a structure.
23. **HOME** - A residence that has been built, or is to be built, on property that is in the Waterside Community.
24. **LOT OR PARCEL** - A distinct and separate portion of a parcel and, if so indicated in the context, such a portion of any other property subject to the jurisdiction of the Association, whether the same is or is not a building site.
25. **OWNER** - The Declarant, the builder, or other person who owns a Lot (Homeowner) but does not include a person having an interest in a Lot solely as security for an obligation. The Declarant is the owner of each Lot provided for in the Declaration until that Lot is conveyed to another person who may or may not be a Declarant, the Homeowner.
26. **PARCEL** - Any separate lot, plot of land, or parcel of land, which is contained in the Community, and on which a Home is located or is planned to be constructed or located.
27. **PROPERTY LINE** - Any recorded boundary of a lot. Please review your lot survey for actual property/lot lines.

28. **PROPOSED IMPROVEMENTS** - Any Improvement which has not yet been constructed, installed, or erected, and includes demolition or removal of any building or other structure, and also includes any change of the exterior appearance of a building or other Existing Improvement.
29. **RETAINING WALL** - A structure to retain earth.
30. **SETBACK** - The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline (see Pender County Development Code). All setbacks within Waterside are outlined and controlled by the Declaration.
31. **SURVEY** - Documents showing the boundary lines of a parcel, all applicable easements, and existing structures, which is certified by a licensed surveyor.
32. **TURNOVER** - This milestone event officially occurs when all (100%) of the planned D.R. Horton lots in the Waterside community have been sold and conveyed (closed) to the homeowners. Once this benchmark is reached, the Association will formally turnover the Board of Directors from a Declarant-controlled Board to a homeowner membership-elected Board consisting entirely of Waterside homeowners. Prior to reaching this Transition benchmark, nominees are solicited in advance by the HOA Management company and a formal election is conducted consisting of homeowner Board candidates is held.
33. **UTILITY LINES OR UTILITIES** - All water, sewer, and under-drain pipelines which lie beneath the surface of the ground and also all electric, telephone, gas and other wire lines, with poles and other necessary appurtenances which run above or below the surface of the ground.

II. YARD TERMINOLOGY:

The following definitions provide additional clarification on yard terminology used throughout this document.

34. **SIDE YARD** - That area between the side property line of the lot and the house, extending from the front corners to the rear corners of the house.
35. **REAR YARD** - That area of the lot located behind a line drawn from the rear corners of the house out to the side property lines, then back to the rear property line.
36. **BEHIND THE HOUSE** - That area of the Rear Yard that lies between two parallel lines drawn along the side framework of the house and extends to the rear property line.
37. **FRONT YARD** - That area of the lot located in front of a line drawn from the front corners of the house out to the side property lines and forward to the front property line.
38. **TREE LAWN / DEVILS STRIP** - The grassy parcel or area of Association maintained property located adjacent to the public street curbing and the owner's front property line (or adjacent to the sidewalk, where applicable). This area is located just outside of the owner's property and is maintained by the Waterside COA. Owners are requested to not park their vehicles on these landscaping strips to ensure the Association's grounds company can perform its routine grounds service (i.e., mowing, weeding, etc.)

ARCHITECTURAL REVIEW OVERVIEW

All properties within the Waterside Community Association are subject to the recorded CC&Rs, as well as any restrictions or requirements for Pender County, North Carolina where applicable. These restrictions provide that any building construction and/or any exterior property improvements of any kind require the approval of the Architectural Review Committee (ARC) in advance. This is in accordance with **Article V, "Architecture and Landscaping"**, of the CC&Rs.

IMPORTANT: No Homeowner shall make any addition, alteration, or improvement to or on any Lot without the prior written consent of the Architectural Review Committee.

Without established Architectural Design Guidelines, your neighbor could easily paint his home neon green with bright pink shutters or install an improvement which could negatively affect drainage onto adjacent properties. By having a defined set of exterior standards in place that extends to colors, patios, sheds, landscaping materials, fence styles just to name a few, the Waterside community can proactively avoid any ugly distractions or unacceptable architectural improvements from occurring.

III. APPLICATION / SUBMISSION PROCESS

If a homeowner wants to make an exterior architectural change to their home or property, they must submit a completed Architectural Review Request application directly to the HOA Management Company. [A blank application form for your use can be found in the Appendix of these Guidelines.](#)

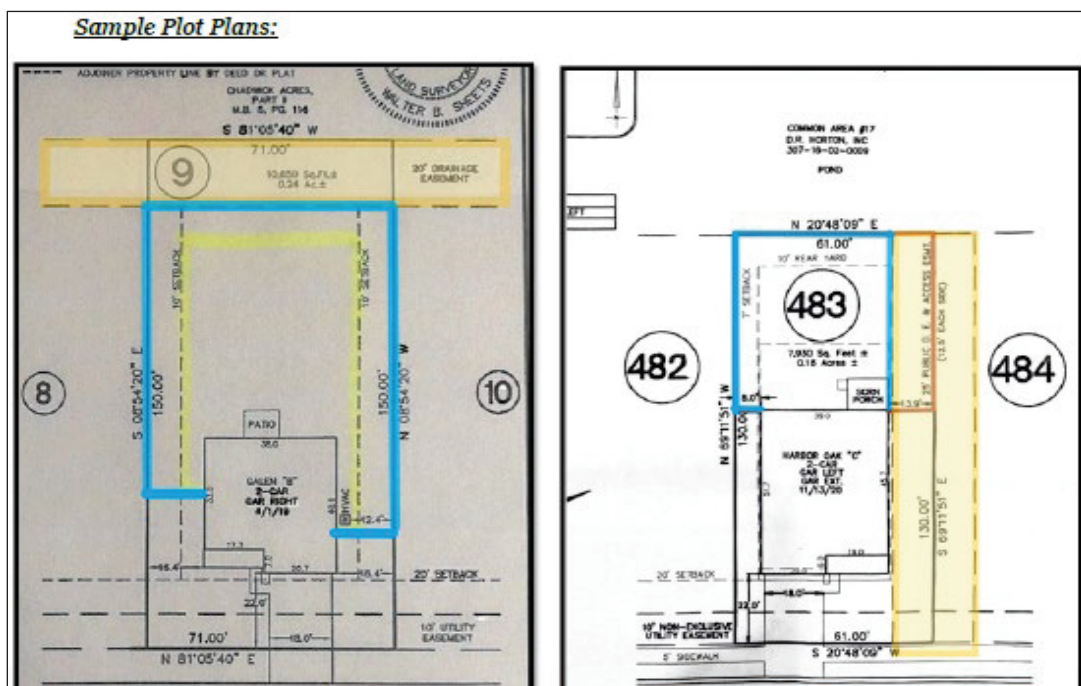
							
The Declarations of Covenants, Conditions and Restrictions for your community specifies that all exterior improvements to your property must be approved in writing by the Architectural / Design Review Committee before improvements begin. Please complete and return this form according to the provided instructions. One form per project.							
Name: _____		Request Date: _____					
Street Address: _____							
Home Phone: _____		Cell Phone: _____		Email: _____			
Estimated Start Date: _____				Completion Date: _____			
List the Type of Modification:							
Location: _____							
Size: _____							
Color: _____							
Material: _____							
Contractor Name: _____							
Owner Signature: _____							
Date: _____							
REQUIREMENTS:							
Type of Modification:	Location on Plot / Plan / Survey	Material	Style	Size and Height	Stain / Color	Built Upon Area / BUA (see BUA instructions)	Images / Plans
Fence / Fence Enclosure	X	X	X	X	X		X
Utility Building / Shed	X	X	X	X	X	X	X
Porch Conversion	X	X	X	X	X	X	X
Exterior Paint					X		X
Pool	X	X	X			X	X
Patio / Deck	X	X		X	X	X	X
Extended Driveway / Walkway	X	X		X		X	X
Gazebo	X	X	X	X	X	X	X
Landscaping	X						X
Addition	X	X		X	X	X	X
INSTRUCTIONS: Please read and follow carefully.							
☐ Please refer to the above chart for specific requirements for your particular project. Provide all "X" items along with this completed Request Form. If your project is not specified above please provide a written description (see next paragraph). ☐ For ALL requests, attach a written description of the scope of the proposed changes including the general nature of the work, location of the changes, colors and materials to be used plus any plans, drawings, photos or brochures necessary to illustrate the dimension, size and appearance. Please be sure to include details of any landscaping changes or removals which may be necessary to accomplish the changes proposed. ☐ Attach a property survey / plot plan with the location of the proposed changes clearly marked on the survey / plot plan. This item MUST be included so that there is a clear understanding of precisely where the changes will occur in relation to the home, driveway, other structures and any easements or rights of way which may exist on the property. Note: Your project will not be sent for Committee review without a copy of the property survey / plot plan. A plot plan can be obtained from your closing documents or you may reach out to your builder for a copy.							
BUA INSTRUCTIONS (Built Upon Area) Projects which require owner(s) to submit BUA amounts, include but are not limited to the following: hardscape around in-ground pools, patio, patio extensions, driveway extensions, walkways and sheds. BUA is considered any impervious surface that does not allow rainwater to infiltrate into the ground – i.e. footprint of the home, sq. ft. of driveway, concrete walks/patios, etc. Note: For pool requests the surface area of the pool should not be included in your BUA calculations. Complete this section for BUA / impervious surface projects: Existing BUA – located on your plot plan: _____ sq. ft. Proposed BUA – total square footage of your project: _____ sq. ft. Maximum Allowable BUA – refer to CC&R's: _____ sq. ft. IMPORTANT: Please allow up to 3-4 weeks for the Committee to complete the review and response process. Requests which do not include the items described above will delay the process. Email is the quickest and most efficient way to submit a request. The review and response is based on the community's governing documents and the information submitted with this request. The property owner is responsible for investigating and complying with any and all other local requirements, permits or jurisdictions the property is subject to as well as HOA governing documents. Homeowners are encouraged to review HOA governing documents prior to submitting a request. HOW TO SUBMIT YOUR REQUEST: • Email, Mail or Fax request form AND supporting documentation to: Waterside COA P.O. Box 12051 Wilmington, NC 28405 Fax: 888-799-7626 Email: ARC@PremierManagementNC.com For email requests: Please assemble electronically into a single email with preferably a single PDF attachment. Include your Community's Name, your Last Name and your Property Address in the subject line.							
Committee Use Only ☐ Approved ☐ Approved with Conditions Conditions: _____ ☐ Denied Comments: _____ Name of Committee Member: _____ Signature of Committee Member: _____ Date: _____							

IV. SUBMITTAL PROCEDURES

Plans and specifications should be detailed and include the following on your application:

1. A detailed description of your proposed improvement(s), dimensions (i.e., six-foot fencing height) and type of materials to be used (i.e., wood shadowbox, dog-eared picket, or black aluminum fencing). You can also obtain this information directly from your contractor.
2. Specifics and Location – Please provide details and proposed trees/shrubs, grounds mulch, planting beds, walkways, patio, shed, gazebo, play equipment, etc.
3. Height, width, length dimensions of any improvements, structures, or equipment.
4. Paint samples or reference color must be submitted with application.
5. Your property's Plot Plan/House or Physical Survey showing all locations of the proposed improvement(s).
6. If available, any illustrations, brochures, literature and/or supporting diagrams that will help in conveying a clear visual and physical description of the requested project(s).

A PLOT PLAN, HOUSE and/or PHYSICAL SURVEY is required for any fencing, shed, driveway expansion, patio, walkways, in-ground pools, new tree/shrubs or outside structures or enclosures. The PLOT PLAN (see examples below) will show any applicable drainage, maintenance, pedestrian and/or utility easements (see the **gold/yellow highlighted area** in the illustrations below), property setbacks and/or designated wetland areas on the lot should they exist. Unfortunately, a hand-drawn map or illustration of the property that is provided by the owner, or their contractor will not accurately illustrate these specific drainage, utility easements, wetlands, and setbacks described above.



V. ARC REVIEW TIMEFRAME

Completed applications can be emailed, mailed, or faxed to the HOA Management company or submitted online via the Association's e-portal. Once received, the management company will review to ensure all information and attachments are included and signed by the owner. The request is then forwarded to the ARC for their review and consideration. The ARC's decision will be relayed to the owner by the management company once it is received.

Please plan ahead! If you are planning an exterior project, please send in your request well in advance of the planned start date. The Committee shall use good faith efforts to render a prompt decision on the application, however; **the ARC is allowed up to thirty (30) days to review, research and respond.** Although your own contractor might be hovering over your shoulder, informing you they have already done several of these in this community, or they have an opening in their schedule and could start tomorrow, please do not do it. **IMPORTANT:** The ARC must review and approve all proposed exterior improvements to the home and property in advance before any work begins.

Proceeding without ARC approval could require the owner to remove what has started and postpone further work. There is also a chance what you want done may not comply with the standards of the community, such as fence styles, layout, colors, designs, materials, and/or correct location. Additionally, do not assume if the exterior improvement is not listed or explicitly included in the CC&Rs or Design Guidelines that there are no standards, and it is automatically approved. This is not the case. The ARC may have to come up with an architectural community standard if one does not exist for a new product and/or improvement. Often, issues between HOAs and homeowners arise when a homeowner did not know or understand what was allowed and what was prohibited.

In the event the ARC does fail to respond with an official response to the owner within thirty (30) days after their receipt of a completed application and all required information, the request shall be deemed to be **APPROVED**. All responses/decisions of the ARC must be in writing. Oral or verbal representation of any decision will not be valid and will not represent the decision of the ARC.

Homeowners will be notified directly by the HOA Management company if their plan/project was approved, approved with conditions and/or denied. The ARC will either **(i)** *approve the application, with or without conditions;* **(ii)** *approve a portion of the application and disapprove other portions;* **(iii)** *request further or additional information from the applicant to make a decision;* or **(iv)** *disapprove the application.* In the case of disapproval, the ARC may, but shall not be obligated to, specify the reasons for any objections and/or offer suggestions for curing any objections. The burden of developing the design solution and modifications will lie with the Owner, contractor, or their design professional.

ARC EXPECTATIONS.

Any proposed exterior improvements (except those constructed by the Declarant) must be submitted to the Committee for review and consideration using an Architectural Review Request form (see required submittal form in the Appendix). No Owner shall make any addition, alteration, or improvement to or on any Lot without the prior written consent of the Committee.

QUALIFYING IMPROVEMENTS FOR COMMITTEE REVIEW.

Proposed exterior improvements include, but are not limited to the following: porch additions and enclosures, outbuildings, utility screens, play sets, swimming pools, walls, hedges, yard art, statuary, propane tanks, planting or removal of landscaping, staking, clearing, excavation, grading and other site work, exterior alterations of existing improvements, roofing, exterior painting and/or staining, planting or removal of landscaping and trees (collectively, herein referred to as the “Improvements”) shall take place on such Owner’s Lot or Home unless and until the Committee has given its prior written approval for such improvement activity.

PROHIBITED ITEMS IN WATERSIDE.

Article IV (*“Use and Occupancy of Lots and Common Areas”*), of the CC&Rs, details the initial set of restrictions in the community. Applications to construct or place any of these restricted items in Waterside are automatically deemed to be denied without further requirement for communication of such. These Rules and Regulations may at any time, from time to time, be added to, deleted from, repealed, amended, modified, reenacted, or otherwise changed by the Waterside Board of Directors in its discretion. Owner should always consult the most current version of the Association’s Architectural Design Standards and Rules and Regulations prior to submitting any Architectural Review Request, as the Board and/or ARC may adopt new rules or policies at any time. Owners should contact the Management Company for the latest version of these documents.

CONFORMANCE WITH CC&Rs.

The Architectural Design Standards and procedures are supplementary to all the terms and provisions of the Declaration and shall remain in full force and effect. All applications shall be reviewed to ensure that the project is in conformance with the CC&Rs. In the event of any actual or apparent conflict between these Guidelines and the Declaration, the Declaration shall prevail. Nothing in these Design Standards shall supersede or alter the provisions or requirements of the Declaration. However, the Declarant reserves the right to amend any of the language contained in the Declaration to conform to the current Design Standards during the Declarant Control period.

ARCHITECTURAL REVIEW CRITERIA

REVIEW CONSIDERATIONS.

The Committee will meet as required to review plans submitted for approval. The Committee may require additional clarification, submission of additional information or material, and the request will be deemed denied until all required information and materials have been submitted. **An incomplete application will be returned to the Owner/Applicant by the HOA Management company.**

INFORMATION SUBMITTED BY AN OWNER.

Any Owner submitting plans for ARC approval shall be responsible for the verification and accuracy of all dimensions, grade, elevations, and the location of key natural features of the Property.

INTERPRETATION OF THE DESIGN STANDARDS.

The ARC shall interpret these Design Standards. The Committee reserves the right to waive, update, or vary any of the procedures of Design Standards at its discretion, for good cause shown. Any waiver or variance granted shall be considered unique and will not set any precedent for future decisions.

OVERALL REVIEW CRITERIA.

Decisions made by the Committee are judgments of acceptable design based on the following Criteria:

1. **VALIDITY OF CONCEPT** – The basic idea must be sound and appropriate to its surroundings.
2. **DESIGN COMPATIBILITY** – The proposed improvements must be compatible with the architectural characteristics of the applicant's home, adjoining homes, the neighborhood setting or section of the community. Compatibility is defined to include but not be limited to similarity in architectural style, quality of workmanship, similar use of materials, color, and construction details.
3. **LOCATION AND IMPACT ON NEIGHBORS** – The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view and drainage. For example, fences should not obstruct pond views, or access to neighboring property; decks or larger addition should not infringe on a neighbor's privacy and view.
4. **SCALE** – The proposed home or alterations shall relate in scale to adjacent structures and its surroundings.
5. **EXTERIOR COLOR** – New colors affecting the exterior of a property shall be considered by the Committee on a case-by-case basis.
6. **MATERIALS** – In the case of additions or outbuildings, continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house.

COMMITTEE DECISIONS.

APPROVAL WITH OR WITHOUT CONDITIONS.

If the application is approved by the Committee, the Owner and Contractor will receive notification of the approval from the Committee. If the plans are approved with conditions, the Owner and Contractor will receive notification as to the conditions of approval.

If approval with conditions is granted, and construction then begins, the commencement of construction shall be deemed approval by the Owner/Contractor of the conditions imposed.

PARTIAL APPROVAL.

If the application is partially approved, the Committee will note which items are approved and which items are disapproved. Disapproved items on the application must be corrected and resubmitted. Complete approval with or without conditions must be received from the Committee before any construction may commence.

REQUEST FOR ADDITIONAL INFORMATION.

A request for additional information by the Committee shall be deemed a determination that the information submitted was inadequate. Requested information must be received before the review process will continue.

DISAPPROVAL OF APPLICATION.

Denied approval of submitted plans and specifications may be based upon any ground by the Declarant, including purely aesthetic judgment, which in the sole and uncontrolled discretion of the Declarant shall be sufficient. The right of approval reserved to the Declarant herein may be assigned to the Committee, in the sole discretion of the Declarant.

If in the judgment of the Committee, the plans submitted do not conform to the intent and requirements of Waterside Design Standards, the plans will not be approved. In the case of disapproval, the Committee may, but shall not be obligated to, specify the reasons for any objections and/or offer suggestions for curing any objections.

The burden of developing the design solution and resubmittal lies with the Owner and their design professional.

ARCHITECTURAL VIOLATIONS / FINE AND REMEDY VIOLATIONS POLICY.

Violations of these Guidelines and other Association Rules will be enforced in accordance with the established **FINE AND REMEDY FOR VIOLATIONS POLICY**. An overview follows:

Consistent with the applicable provisions of *North Carolina General Statute (NCGS) § 47F*, Waterside has adopted the following Fine and Remedy policy to be applied to the requirements as stated in the CC&Rs, Bylaws, Design Guidelines and Rules and Regulations. When a violation has been observed/confirmed by management or the Board, the following Fine and Remedy procedure will be utilized:

1. COURTESY LETTER SENT TO OWNER:

Provides written notification of infraction, with specific rule or article violated.

- **If owner corrects the violation, no further action is taken.**

2. WARNING LETTER OF VIOLATION:

A Warning/Reminder letter mailed to the owner giving the Waterside Lot Owner ten (10) days to correct the violation or request a hearing before the Board on the alleged violation. A request for a hearing must be in writing, directed to the Association c/o HOA Management company or its managing agent, and received by the Association within ten (10) days of the date of the Association's warning letter advising of the violation.

- **If owner corrects the violation, no further action is taken.**

3. NOTICE OF HEARING AND INTENT TO FINE:

Advises the owner of the Association's intent to fine. This letter will advise the owner of their right to be heard by the Waterside Board of Directors. This letter will also advise the owner that their failure to attend the hearing will result in a decision being made in their absence.

- **Owner will need to contact the HOA Management company to confirm their attendance of hearing.**
- **Attend the scheduled hearing on stated date and time. Hearing may be conducted at a physical office location, via phone conference call or a Zoom/Teams conference call format.**
- **Hearing: The noncompliance shall be presented to the Board after which the Board shall hear reasons why fines/penalties should not be imposed.**
- **If owner corrects the violation, notify the management company immediately.**

4. HEARING RESULTS / NOTICE OF FINE LETTER(S):

- A hearing results letter and/or email of the Board's decision will be sent to the owner within five (5) days of the hearing.
- As a result of the hearing, in the sole discretion of the Board, a fine may be imposed upon the Owner in an amount not to exceed \$100.00.
- Non-compliance of the violation will result in additional fines at the Board's discretion.
- Fines amounts are charged directly to the homeowner's assessment account, which fees and penalties are stated in the Association's Delinquency Policy, including filing a lien for any excessively late and unpaid owner balance.
- Fines will be collectible in the same manner as any other assessments. Fines will be a personal obligation of the Lot Owner(s) and shall constitute a lien against the affected lot.

5. OWNER COMPLIANCE / USE PRIVILEGES:

After the hearing stage has commenced, the Board may suspend the Owner's use of the Waterside Amenities, voting privileges, and any other Association services until the violation has been corrected and cured.

6. SUBSEQUENT NOTICES – LIEN and LEGAL ACTION:

The homeowner is responsible for complying with the rules, policies, guidelines, and covenants of the Waterside Association. The Association shall have the right to enforce such obligations and liens through the institution of a damages suit or foreclosure action, or both.

For any defiant owner, or an ongoing, unresolved violation, the Board of Directors can seek legal action or the assistance of the Association's Attorney. Subsequent notices will be sent to the owner by the Association's attorney for resolution for these situations. In addition to any fine or unpaid assessment, the Association shall be entitled to recover all costs of collection, including reasonable attorneys' fees and court costs.

The Board reserves the right to take and initiate formal legal action as necessary in its sole discretion as an alternate to the administrative process outlined above.

STARTING AN EXTERIOR PROJECT WITHOUT ARC APPROVAL.

When any exterior construction, modification and/or significant change that is governed by the CC&Rs or these Guidelines is done without prior ARC approval, a violation shall be issued, all work must stop, or a Stop Work Notice may be issued.

The owner may be fined, lose Waterside membership privileges, and additionally have HOA legal action taken against them. Any unapproved exterior construction or unauthorized improvement can be ordered to be removed, altered and/or restored as required by the ARC after notice and a hearing.

IMPORTANT: CONSTRUCTION OF ANY PROPOSED PROJECT CANNOT BEGIN UNTIL THOSE PLANS HAVE BEEN APPROVED IN WRITING BY THE ARC!

VARIANCES.

The ARC may consider and grant variances from the established Waterside Design Guidelines when topography, natural obstructions, owner hardship, and/or aesthetic and environmental considerations require additional evaluation. Property owners may request a variance but shall provide the ARC with the reason(s) for their request.

The Owner may request a formal variance by submitting a written application or email to the Committee along with any support plans and/or information. Such variances may be granted, however, when unique circumstances or conditions dictate, and the existing Guidelines are not adversely impacted by such decision. Following the variance review, the applicant will be notified in writing of the ARC's decision by the HOA Management company.

DEVIATION, AMENDED AND/OR CHANGES TO APPLICATION.

Any deviation and/or changes to an existing application must be presented to the ARC as an amended application for review and approval prior to any implementation. This amended/second Architectural Review Request, with complete descriptions of the changes or deviations, shall be filed with the HOA Management company.

RE-SUBMITTAL OF DENIED PLANS AND APPEAL.

Should the Committee deny any submission; any re-submission shall follow the same procedures as the rejected submittal. Any proposed exterior additions or changes that was not part of the original Architectural Review Request shall be submitted for ARC review and approval.

APPEAL TO THE WATERSIDE BOARD OF DIRECTORS.

The Owner has the option to make an appeal to the Board of Directors regarding any denial of or condition placed on a proposed improvement to property, by providing written notice of appeal to the Association.

Please note, however, the ARC and the Declarant Board of Directors are currently the same entity at this time. Once Declarant to Homeowner Control has occurred (100% of all planned homes have been conveyed to the owner membership), both the ARC and Board of Directors will be composed of separate homeowner representatives. For the appeal process, the Board will utilize the following guidelines:

- If a hearing is requested by the Owner, the HOA Management company shall send a written notice of the hearing date and time to all parties involved at least fourteen (14) days prior to the hearing date.
- The appeal by the Owner may be in person or writing.
- The appeal hearing will be held either in person at the HOA Management company office, onsite in the community if possible, or via electronic means (i.e., conducted through a Microsoft Teams or Zoom meeting format).
- The Owner may present its position to the Board either in person or in writing prior to the hearing.
- The Board shall decide whether the decision of the Committee be affirmed, overturned, or modified and the findings sent to the unit owner within five (5) business days of the hearing.

OWNER AND CONTRACTOR REPRESENTATION.

The Owner shall advise all his representatives, including but not limited to, his architect, engineer, contractor, subcontractors, and their employees, of any applicable architectural standards and owner construction procedures and expectations in the community as outlined in these Architectural Design Guidelines and CC&Rs, and all such representatives shall abide by said standards.

NON-LIABILITY OF THE COMMITTEE.

Neither the Committee or their respective successors or assigns shall be liable in damages to anyone submitting plans to them for approval, or to any Owner by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any plans and specifications. Every owner or other person who submits plans to the Committee for approval agrees, by said submission, that they will not bring action or suit against the Committee to recover damages or otherwise. Approval by the ARC shall not be deemed to constitute compliance with the requirements of any applicable Governmental/County/City/Town building codes and/or development regulations, and it shall be the responsibility of the Owner to comply accordingly.

GOVERNMENTAL AGENCY AND LOCAL ENTITY APPROVALS.

Any approval by the ARC shall not relieve the owner from obtaining prior consent and approval, when necessary, of any appropriate department or commission of **Pender County**.

IMPORTANT: Owners should proactively contact Pender County and Town/City's Building Department. Approval and permits from Pender County should be obtained whenever required.

Additionally, any governmental approvals shall not be binding upon the Association as to whether any project shall be approved by the Committee. Approval by the ARC will not constitute assurances that EXISTING and/or PROPOSED IMPROVEMENTS comply with current and future Governmental, County, City and/or Town requirements and regulations, or that a permit and/or approvals are not also required from all applicable governmental reviewing entities. Use of any property in the Community and any EXISTING or PROPOSED IMPROVEMENTS must comply with all applicable building codes and other governmental requirements and regulations.

EFFECT OF GOVERNMENTAL AND OTHER REGULATIONS.

Approval of plans by the ARC shall not be deemed to constitute compliance with the requirements of any local building, zoning, subdivision, sign, safety, health, public works or fire codes and regulations, nor shall approval waive any requirements on the part of the Owner to comply with setbacks, height restrictions, and/or outside requirements unless such waiver or variance is specifically requested at the time of submittal and granted by the Committee and jurisdictions, where applicable. The CC&Rs as established by the Declarant, shall remain in force as the legal restrictions governing all construction.

INTERFERENCE WITH UTILITIES.

In planning and implementing Proposed Improvements, Owners are responsible for locating all water, sewer, gas, electric, telephone, cable television, irrigation lines, and other utility lines and easements. Owners should not make any Proposed Improvements over such easements without the consent of the utility involved, and Owners will be responsible for any damage to utility lines.

Dial **811** or **1-800-632-4949** three (3) working days before you plan on digging. Please visit the **North Carolina Utility Notification Center** website at <https://nc811.com> or contact them directly at (336) 855-5760 for more information relating to utility locators and requirements.

REVIEW OF WORK IN PROGRESS AND COMPLETION OF WORK.

The ARC may review all work in progress and/or following the completion of work to the extent required to ensure that the improvement(s) complies with all approved plans and/or construction procedures.

In addition, the owner's submission of a request gives permission of the ARC, Board and/or Management Company to walk the owner's property to view/inspect the proposed project through completion and final approval.

TIMELINES FOR COMPLETION OF APPROVED WORK.

Projects are subject to specific time periods for completion. Unfinished projects may be visually objectionable and pose actual hazards and may also be subject to disciplinary action and/or fines. Extension(s) may be granted by the ARC for justifiable reasons. After approval by the Committee, a proposed improvement should be accomplished as promptly as possible, in accordance with the approved plans and drawings.

1. **One Year Time Limit to Start/Commence.** If any project is not commenced within twelve (12) months from the date of approval by the ARC, then the approval shall expire, and therefore be deemed null and void.

The project will need to be submitted to the ARC as a new project and as such, must conform to the most current Architectural Design Guidelines. Even so, re-approval is not guaranteed, as the project may no longer be aesthetically acceptable to the ARC.

2. **Two Year Time Limit to Complete.** If the proposed building or structure is not completed within twenty-four (24) months of the date of approval of the ARC, the approval shall be deemed to have terminated. An extension may be granted at the discretion of the ARC; however, the ARC may require changes be made to the project as a condition of granting the extension.

In the event a project is NOT completed within the deadline and an extension is NOT granted, the project will be deemed to be in violation of the Governing Documents. Please see [ARCHITECTURAL VIOLATIONS / FINE AND REMEDY VIOLATIONS POLICY](#) section regarding the violation policy and procedures.

WORKMANSHIP.

Workmanship is another architectural standard which is applied to all exterior improvements and alterations. The quality of work should be equal to and/or better than that of the surrounding area. Poor workmanship can be visually objectionable to others and can also create safety hazards. Please note, the Association assumes no responsibility for the safety of new construction.

IMPORTANT: To ensure quality workmanship and adherence to requirements and standards, the community requires all fencing installation, home additions projects including decks, screened enclosures, in-ground swimming pool installs, and other applicable projects that require permitting or can impact drainage on the property must be installed by a professional company and/or licensed contractor.

CONSTRUCTION REGULATIONS.

Construction regulations are hereby established to preserve and maintain the quiet enjoyment of the Community, to maintain aesthetics and ensure safety for the Community and to provide reasonable access and controls for construction/contractor activity to reasonably minimize any inconveniences associated with construction for all Owners and their guests. Owners are fully responsible for the actions of their contractors and any subcontractors, agents, or employees thereof.

Owner's Contractors – Hours/Days Permitted & Observed Holidays.

There are **no required days and hours** for any **INTERIOR** Contractor work performed in the Home.

All **EXTERIOR** Contractor work on the home's exterior and/or outside property is limited to the following days, times and Observed Holidays:

- **MONDAYS THROUGH FRIDAYS** 7:00 a.m. to 8:00 p.m.
- **SATURDAYS AND SUNDAYS** 8:00 a.m. to 9:00 p.m.
- **OBSERVED HOLIDAYS**
Exterior Contractor Work is prohibited on the following annual holidays:
 - New Year's Day,
 - Easter Sunday,
 - Memorial Day,
 - Independence Day,
 - Thanksgiving Day,
 - Christmas Day.

Materials, Contractor Equipment, Employee Vehicles and Parking

Equipment and materials not in daily use shall not be stored on the site. No materials or equipment shall be left in the streets without proper safety precautions and marking with caution tape, cones and/or barricades. Construction and crew vehicles must obey all common courtesy traffic and safety rules, including not blocking driveways, mailboxes, fire hydrants or impeding traffic on streets or sidewalks. Care must be taken to ensure the streets and sidewalks are kept clean and debris free, streets and sidewalks must be swept upon completion of work.

Contractor Conduct

Offensive behavior, foul language and/or loud music and/or non-construction activity will NOT be tolerated. Animals, alcohol, drugs, and/or firearms are not permitted. Violators will be required to leave and if necessary, can be asked to leave the property entirely.

Damage Done by Contractors

Damage to any of the Common Elements or neighboring residences will be the responsibility of the Owner, who will be required to pay for any necessary repairs or replacements. Violations of these **CONSTRUCTION REGULATIONS** may result, after Notice and Hearing, in a fine being levied upon the Owner employing the Contractor involved.

COMPLIANCE.

Any owner or resident of the Waterside community who does not fully comply with this document will be subject to any fine structure and/or legal action which the association may deem appropriate.

OWNER COMPLAINTS.

All complaints should be submitted to the Association via the HOA Management company, in writing, and must be dated and signed by an Owner. The Association will take all reasonable action to preserve the anonymity of any reporting/complaining Owners.

NO GUARANTEE OF CONTINUED VIEW.

As the community grows and develops, each owner of Waterside has acquired his/her lot subject with the possibility that the view from such lot may be altered at any time by neighboring properties.

ENFORCEMENT OF THE DECLARATION AND ARCHITECTURAL DESIGN STANDARDS.

The Association shall have primary responsibility for the enforcement of the architectural requirements of the Declaration and these Architectural Design Guidelines. The Association will investigate written complaints of Owners for violations of the architectural requirements of the Waterside CC&Rs and/or these Architectural Design Standards if such complaints are dated and signed by the Owner.

The Association shall use all reasonable means to maintain the anonymity of complaining Owners. The Association shall be allowed access to the property of the Owner filing the complaint for purposes of verification of the complaint. The owner may also provide photographic or video evidence to help expedite this verification.

If a violation is confirmed, the HOA Management company will notify the Owner whose property is in violation, in writing, requesting that appropriate action be taken to achieve compliance. If such Owner does not bring his property into compliance with the CC&Rs and Architectural Design Guidelines within the time specified by the notice, the Association will follow the Fines and Remedy policy, which may include the Board fining the Owner for such non-compliance.

AMENDMENT.

These Architectural Design Standards may at any time, from time to time, be added to, deleted from, repealed, amended, modified, reenacted, or otherwise changed by the Committee in its discretion, with the advice of the Board. The Association will reissue a new version, complete with effective date on the front cover and footer and will notify the membership of the new Guidelines. An electronic version of the new Guidelines will be included in the announcement. The updated version will also be uploaded and made available to the membership via the HOAs web portal for future use and reference.

IMPORTANT SUBMISSION REQUIREMENTS

THE ARCHITECTURAL REQUEST APPLICATION.

All exterior improvement requests must be submitted using the official Waterside Architectural Review Application (see sample below). The actual application is located in the Appendix of these Guidelines. Please note **Sections 1, 2, 3 and 4** of the Architectural Request Application must be filled out completely by the **Owner/Applicant**. As previously mentioned, please be descriptive as possible (i.e., 12' x 20' concrete patio, 10' x 12' storage shed in rear yard, four-foot (4') black aluminum fencing, etc.). This provided information and detail is very helpful for the ARC in producing an informed and timely response and decision back to the Management Company.

IMPORTANT: The property Owner (not the tenant, renter and/or contractor) must sign the second page of the Architectural Request Application. Failure to sign will suspend the application.

SETBACKS, UTILITY AND DRAINAGE EASEMENTS.

Setbacks, public and private drainage, and utility easements (if applicable to the property) are defined for each home site. The location of all proposed improvements of the Home shall also conform to all Pender County Zoning and Code requirements and all other applicable Building Codes which may be subject to error, omissions, variance, or change without notice.

IMPORTANT: No solid structure, and/or accessory building (i.e., Patio, Fencing, Storage shed, etc.), landscaping, or any similar improvement thereof, shall be placed, erected, or maintained on any of said lots within any applicable utility and/or drainage easement areas on the property.

DRAINAGE.

No owner shall interfere with or redirect the natural course or the intended flow of any drainage and runoff, nor construct any improvement, place any landscaping, or allow the existence of any condition which will alter the drainage pattern as intended, except to the extent such alteration is approved in writing by the Committee, and any other public authorities having jurisdiction. Special attention shall be given to proper site surface drainage so that surface waters shall not adversely affect neighboring properties or interfere with natural drainage flows. Surface drainage direction and velocity shall be controlled and slowed by proper placement of landscape elements, ditches, culverts, diverters, and other drainage devices. Drainage cannot be changed substantially without ARC approval.

Waterside

ARCHITECTURAL DESIGN GUIDELINES

The following section contains an alphabetical A to Z listing commonly proposed exterior improvements owners generally request for their homes and/or their property. These items will form the continuing working framework of the community's Architectural Guidelines.

IMPORTANT: If any proposed exterior improvement(s) are NOT listed in these Guidelines, it does not necessarily mean this improvement is automatically prohibited or conversely, automatically approved.

Any exterior improvement requires an Owner request application and ARC's review and written approval regardless of its exterior location on the home or property or its inclusion/exclusion in these Guidelines. This guide only provides general acceptance conditions and standards for said improvement.

Certain physical circumstances, conditions, provisions and/or special circumstances may exist on the owner's property which may need to be considered by the ARC. It is imperative the ARC reviews all submittals and provides their written approval and guidance in advance for any proposed improvements.

These Architectural Design Guidelines are expected to evolve with the community and will be updated from time to time. If any additional improvement items are added, removed, changed or revised, the Board of Directors will issue and distribute an amended version of these Architectural Design Guidelines to the entire membership via the HOA Management company.

SPECIFIC EXTERIOR IMPROVEMENTS

A to Z

1. ADDITIONS AND HOME EXPANSIONS.

Additions/expansions may include any room additions or extensions, sunrooms, patio covers, enclosed porches, etc. They shall be planned and designed with the same care and consideration as initial house construction. Additions or expansions to the home will require a submission of detailed plans and specifications, including the description of materials to be used, and plan and elevation drawings showing dimensions, setbacks, roof slopes, etc. All additions and expansions must be of the same architectural style and color as that of the home. Materials, colors, and architectural styles must match the existing home. Detailed plan and elevation drawings are required for all additions. Paint samples, photos, or brochures of all new building materials must be submitted with the Architectural Review Request. Start and end dates must be specified on the form.

No metal roofs are allowed for room additions and roof shingles must match that of the existing home. Roofing must be of a consistent color and type and slope which complement the existing roof line. Flat roofs on any addition are not allowed. If replacement or repair is required, the roof must be restored to the original design specification. All addition work is subject to obtaining required building permits from Pender County.

No garage may be modified into a living space (i.e., living room) or in such a manner that prevents the number of vehicles which could have reasonably been parked in the garage as originally constructed.

ADDITIONS & EXPANSION GUIDELINES:

- 1. The size and location of the addition should be appropriate in relation to the existing house and space available on the property.**
- 2. The addition should minimize any tree removal.**
- 3. The design and location should consider any adverse impact on neighboring properties that may result through the elimination of privacy or the loss of existing views.**
- 4. Changes in grade or drainage patterns must not adversely affect adjacent properties. If adjacent properties are adversely affected, the Lot owner making the changes is responsible for correction.**

5. The design of the addition should repeat significant architectural elements of the existing house such as roof lines, windows, trim details, materials, and colors.
6. The new roof pitch should, if possible, match that of the existing roof pitch.
7. Foundation or support structure must be architecturally compatible with the house in materials and design.
8. New windows and doors should be the same type, material, and color as those of the existing house.
9. Location and project must meet all county building requirements.
10. Construction must be completed as approved and any changes from the original plan must be approved by the ARC prior to the construction of the changes.

2. ADDRESS SIGNS / HOUSE NUMBERS.

House numbers should complement the architectural style of the house. House numbers within a project or street should be compatible in design and located to be clearly visible. House numbers may only be displayed facing the street or alley where the house is addressed. House numbers shall not face any other street or alley to avoid any confusion during emergency response.

Address plates with the house number, house number and street name, resident's name, house number and street name or any combination of are permitted but should be of a size and color which is appropriate for the applicant's house. All such address plates require approval by the ARC before its installation.

ADDRESS SIGN / HOUSE NUMBERS SUBMISSION GUIDELINES:

1. House numbers should be located near or under a light for nighttime visibility.
2. House numbers must be legible, Arabic numerals, no taller than six (6) inches and should contrast with the color of the background to which attached.
3. Custom designed house numbers may be approved if they are simple, appropriate, and relate to the architecture of the house.
4. A photograph or drawing of the house numbers, including dimensions, material, and color.
5. A drawing or photograph showing the proposed install location of the numbers in relation to the front entrance.

3. AIR CONDITIONING/HEAT PUMP EQUIPMENT.

Approval is not required provided the unit is ground-mounted and placed on the side or rear of the home. Units installed on the side of the home should have adequate landscape screening and/or fencing installed to shield the unit from view from the street. The unit should be located to minimize noise that may be disturbing to neighbors. Care should be taken to ensure structures or plantings do not interfere with air flow or maintenance access.

Air conditioning equipment may not be installed in the front yard of a house. Installation of air conditioning equipment on the roof of the home or as window mounted units will not be permitted. See Air Conditioning unit screening visual examples below for reference:



4. ANTENNAS AND SATELLITE DISHES.

Antennas/satellite dishes should be selected and located, to the extent possible, to minimize their appearance from the street and neighboring properties. The location should take advantage of screening provided by existing structures and/or vegetation. As to antennas which are specifically covered by the Telecommunications Act of 1996 ("Act"), as amended, the Committee shall be empowered to adopt rules and regulations governing the types of antennas that are permissible hereunder, and to the extent permitted by the Act, as amended, establishing reasonable, non-discriminatory restrictions relating to appearance, safety, locations, and maintenance. In accordance with Act, antennas, and satellite dishes not larger than one meter (39") are permitted as a matter-of-right on a privately owned Lot. No request application is required for the installation of an antenna or satellite dish that does not exceed one (1) meter (39") and meets the following guidelines and all of the Federal Communications Commission (FCC) requirements under the Act.

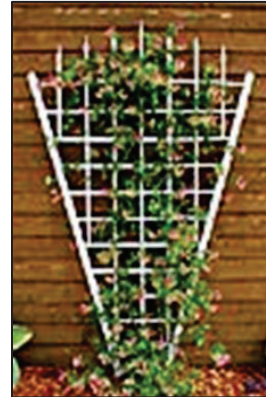
ANTENNA/SATELLITE DISH SUBMISSION GUIDELINES:

- 1. Based on the required positioning to receive transmissions, antennas/satellite dishes should be placed in an inconspicuous location. They should not be placed in areas where they would constitute a safety hazard.**
- 2. Roof installation location is discouraged, as the device would be observable / visible in the community from street or adjoining properties.**
- 3. The ARC requests antennae/satellite be installed in the rear or side of the home under the roof line in the most inconspicuous location as possible.**
- 4. If signal cannot be obtained and roof install occurs, owner acknowledges D.R. Horton will not be held responsible for any future water intrusion or damage to the home in the area where the antennae/satellite is installed whereas the shingles and/or roof is penetrated. The warranty for the roofing is considered voided. Any questions can be directed to www.drhorton.com**
- 5. Any installation wires or cables should be installed internal to the home wherever possible. Any exposed exterior wires or cables from installation should be painted to match the base and/or trim color of the home.**
- 6. Satellite dish colors should remain as purchased. Preferred colors are black, gray, tan and other neutral tones. Where other color options exist, they should complement the color of the house to which the dish is attached (example: the roof or siding color). Other than the brand name, commercial advertising on the dish is prohibited.**
- 7. Landscape plantings are recommended to screen a dish from view if it is placed in a visible location on the ground.**
- 8. Antennas/satellite dishes must be placed on the homeowner's property, not in common areas or on side yard fences.**

5. ARBORS AND TRELLISES.

The inside height of a proposed arbor and/or trellis must not exceed nine feet (9') and must be located in the sides and rear yard areas of the property only. They may NOT be installed in the front yard or in any setback, utility and/or drainage easements. The structure must be white or natural wood (stained/sealed) and placed where they are complementary to the landscaping and residence. Owner to check with the Town and/or County to secure any necessary permits or adhere to any stated guidelines pertaining to the structure, especially regarding wind resistance measures (generally, these structures must be secured to withstand up to 130 mph winds).

Once installed, owner must maintain structure in a well-maintained, clean condition, to include power washing when necessary and the replacement of any worn or weathered components, to include re-painting or pressure washing, when necessary. See Arbor and Trellis visual examples below for reference:



6. ARTIFICIAL GRASS / ASTRO-TURF.

Artificial grass/Astroturf is NOT to be used as a full ground cover (i.e., not intended as a substitute for a lawn). Its application unless specifically approved specifically in writing by the ARC/Board. Neither Astroturf nor any other similar covering shall be used on the front porch, patio, or any balcony or in the place of natural grass on the property unless approved in writing by the ARC Committee.

7. ATTIC VENTILATORS.

Attic ventilating equipment shall be selected, located, and installed to minimize its appearance on the house and visibility from neighboring properties and the street. No application is required for the replacement of existing approved ventilators of a similar size and appearance in the currently approved location.

ATTIC VENTILATORS SUBMISSION GUIDELINES:

1. **The size and appearance of proposed attic ventilators should be appropriate for their residential setting.**
2. **Attic ventilators shall not extend more than 12" above the roof surface.**
3. **Attic ventilators shall be painted a flat black or a flat finish paint to match the roof color. Gable vents shall be painted the color of the siding or trim in which installed, and ridge vents finished in the same color as the roof.**
4. **Although discouraged, wall units may be approved provided they are located on side or rear walls and do not adversely impact-neighboring properties.**

5. Attic ventilators shall be located to the rear of the roof ridge line and/or gable and shall not extend above the highest point of the roof.
6. Rotating or wind-powered turbine ventilators will generally not be approved because of their size and movement.
7. Photographs or manufacturer's "cut sheets" of the ventilator equipment including dimensions and information about its material and color.
8. Drawings or photograph of its proposed location, including the material and color of the surface.

8. AUTOMOBILE/VEHICLE REPAIR.

Except for emergency vehicle repair, no automobile or other motor vehicle may be constructed, reconstructed, or repaired on any lot or street for more than seventy-two (72) hours on any street or driveway. This includes maintenance (other than washing and polishing vehicles), servicing, repair, dismantling, or repainting of any vehicle type, boat, trailer, machine, and/or similar types. The Owner's garage adequately screens the sight and sound of these activities and is permitted providing Pender County noise ordinances are also followed.

9. AWNINGS / CANOPIES / UMBRELLAS AND SAILS.

Awnings and canopies attached to the home are allowed. Some lots may not be able to accommodate awnings in the rear yard due to lack of adequate space. Each submittal is reviewed on a case-by-case basis. Awnings should be harmonious with and enhance the architecture of the house. The style, size, material, and color of the awning must be compatible with the architecture of the house. All awnings must be fabric. The color must be approved by the ARC prior to installation and should match the color theme of the house.

Awnings, canopies, umbrellas, and sails should be constructed of solid color canvas or other woven material. No plastic, vinyl, or metal awnings will be allowed. No rigid metal or plastic awnings are permitted. Metal or wood frames for awnings and canopies must be painted to match either the dominant or trim color of the house.

All awnings, canopies and umbrellas are to be maintained in "like new" condition. Owners will be required to replace awnings, canopies and umbrellas that show signs of weathering. No temporary or portable canopies are allowed. Please do not install awnings and canopies that are not approved. If you do so, you may be asked to remove them.

AWNINGS / CANOPIES / UMBRELLAS AND SAILS SUBMISSION GUIDELINES:

- Wind sensor must be installed and regularly maintained
- Maximum of ten-foot (10') extension from the affixed wall is allowed
- Awnings are not permitted on the front or side portions of the house.
- A picture/design of the awning and sample of the material must be submitted with the Architectural Review Request Form for approval.

The approved specifications for awnings are as follows:

- Sunsetter Retractable Awning™ or similar. Website: <https://www.sunsetter.com>
- Width of awning must match the patio width.
- See acceptable awning colors below:



As a patio cover, ARC approval is required for sails:

- The sail canopy cannot exceed more than five (5) feet beyond the width of the patio.
- The sail can only be installed in the rear of the home.
- The view of the sail from the street must be minimized.
- The support poles must be anchored solidly in the ground with concrete. Support poles must be painted to match the base or trim of the home.
- Sail color must be neutral or earth tones. Color should not draw attention to the back-patio area.



10. BAHAMA SHUTTERS INSTALLATION.

All Bahama shutter frames, and hardware components must be permanently attached to home's exterior. The shutter color must match and be consistent with existing home colors. The Owner acknowledges that D.R. Horton will not be held responsible for any future water intrusion or damage to the home in the area where the Bahama Shutters are installed. The warranty for the siding, exterior trim, etc. is considered voided. Any questions can be directed to www.drhorton.com.



11. BARBECUES.

Portable barbecues do not require approval but must be stored out of view from the street or Common Elements. Constructed barbecue structures must meet all structure setback requirements. Complex barbecue structures may be referred for professional review as necessary. Owner must obtain building permit if applicable and provide a copy of the permit to the Association office prior to beginning work. Permanent grills must be placed in the rear yard of the house and as far as practical from the adjacent property lines and in accordance with Pender County Fire Codes a distance of no less than five feet (5') from a building roofline.

12. BASKETBALL GOALS – (PERMANENT/FIXED).

Permanent basketball (with a permanent basketball pole installed next to the driveway) are permitted with ARC review and approval. Permanent basketball goals that are installed on the home or the roof (example: above the garage) are not permitted and will be denied by the ARC.

Please include the following for submission: 1) a catalogue photograph or manufacturer's "cut sheets" of the backboard and pole, including dimensions, materials, and colors and 2) pictures and/or a drawing of the driveway and home. Driveways shall not be expanded to accommodate a larger playing area. Goals may not be located to allow basketball playing from a street or within a common area.

PERMANENT BASKETBALL GOAL SUBMISSION GUIDELINES:

1. The preferred location is in a driveway with the following stipulations:
 - a. The goal must be on the driveway at least half (1/2) of the length of the driveway away from the street and must be properly balanced and remain upright.
2. The equipment must be located so that loose balls from missed shots fall into the owner's yard, rather than adjoining neighbors.
3. Basketball backboards should be painted white or utilize clear plexiglass. A contrasting rectangular color outline may be painted on the backboard behind the goal. Backboards may not be attached to other areas of the home or roof.
4. Support poles must be metal and be painted black, brown, or left in a galvanized finish.
5. The painting of play lines on the driveway is prohibited.
6. Permanent basketball unit and all components (backboard, goal, net, framework, etc.) must be maintained in a good condition. Components must be replaced if worn and/or damaged.
7. Active use of the basketball goal unit shall be limited to the hours of 9:00 am to 9:00 pm.
8. No more than one fixed basketball goal will be permitted on any Lot.

13. BASKETBALL GOALS – (PORTABLE / MOVABLE UNIT).

1. Portable basketball goals must be placed on the owner's property at all times.
2. Portable basketball goals must be stabilized by filling the base according to manufacturer's instructions.
3. The portable basketball goal unit cannot be placed in such a manner that it blocks sidewalks and/or pedestrian walkways.
4. Portable unit should not be placed in any streets or roadway potentially obstructing traffic or parking patterns.
5. Portable basketball unit and all components (backboard, goal, net, framework, etc.) must be maintained in a good condition. Components must be replaced if worn and/or damaged.
6. Active use of the basketball goal unit shall be limited to the hours of 9:00 am to 9:00 pm.
7. No more than one portable basketball goal will be permitted on any Lot.

14. BIRD HOUSES AND FEEDERS.

Bird houses must be kept in good repair and must be placed in a grounds bed matching others in the rear yard no less than three feet (3') in diameter and no closer than ten feet (10') to the rear property line or any setback or easement line. Birdhouses shall be positioned to not interfere with the use of Association commercial lawn care equipment. Bird feeders may not be installed at a location where they could cause a nuisance to the adjoining neighbors. There may be no more than one (1) bird feeder per residence. Bird feeder shall be allowed only in the rear yard.

- Owner to ensure excess bird feed is cleaned up periodically, to prevent rodents/wildlife presence, which could lead to unwanted snake activity.
- Owner will always maintain bird feeder and posts in good condition.
- Feeder components will be removed in high wind events to prevent possible damage to home or adjacent properties.

15. BUG ZAPPERS.

Not permitted due to light and sound nuisance.

16. CAR COVERS.

Car cover should be manufactured as the specific cover for the vehicle. Cover must be solid neutral color and be tied down and maintained in a good condition. Cover must be replaced if torn or in disrepair. This guideline does NOT apply to any inoperable and/or recreational vehicle stored or parked in the driveway. Vehicles that are in disrepair, not operable or properly licensed, tagged, and registered are not allowed to park within the Community.

17. CARPORTS.

Carports are not permitted.

18. CHIMNEYS.

Flue pipes may be exposed but must be painted black to blend with the roof. No flue may be placed on the front roof. Chimneys constructed of brick must match the brick of the steps and/or the foundation. No wooden chimneys are allowed.

19. CLOTHESLINES AND HANGERS.

The installation or placement of any exterior clothesline or clothes hangers is not permitted and is strictly prohibited. The hanging of laundry, clothing, rugs, or any other articles on the exterior of a Lot or on the exterior of any improvement on any Lot is strictly prohibited.

20. COLOR CHANGES.

Color and material changes shall be appropriate in appearance and quality to the style and design of the house. Exterior colors should be selected to enhance the appearance of the house as well as its relationship with surrounding properties and the natural environment.

No request application is required for any repainting/re-staining (or the replacement of siding) with a color/medium that is the same as the original siding which is being replaced.

Painting and/or staining concrete stairs/stoops/landings or porches is permitted, however, homeowners are warned that painted concrete requires high maintenance, and the homeowner will be required to perform necessary periodic re-painting or re-staining.

Colors must be compatible with the existing colors and materials of the house. Bright or intense colors are prohibited.

COLOR CHANGES (EXTERIOR ONLY) SUBMISSION GUIDELINES:

- 1. Exterior color scheme changes must be submitted for review and approval.**
- 2. Proposed colors and materials must be compatible with other existing or proposed exterior colors and materials on the house.**
- 3. When repainting/re-staining, generally, the entire house is to be repainted/re-stained at one time.**
- 4. Wood must be protected with stain or paint to prevent an uneven weathered appearance. A solid color stain is recommended over semi-transparent stain. Clear preservatives are not permitted.**

21. COMMERCIAL BUSINESS ACTIVITIES.

All lots and owner property are to be used and improved only for residential purposes, and no trade or business may be conducted in or from a dwelling unit unless:

- The existence or operation of the business activities is not apparent or detectable by sight, sound or smell from the outside of the dwelling unit.
- The business activity conforms to all applicable zoning ordinances or requirements.
- The business activity does not involve door-to-door solicitation of other members of the community.
- The use of the dwelling unit for trade or business shall in no way destroy or be incompatible with the residential character of the dwelling unit or the surrounding neighborhood.
- The trade or business shall be conducted only inside the dwelling unit or inside an accessory building or garage and shall not involve the viewing, purchasing, or taking delivery of goods or merchandise at, to, from or in any dwelling unit.
- The trade or business shall be conducted by a resident of the dwelling with no more than one employee working in or from that dwelling who is not a resident thereof.
- No more than 25% of the total floor area of the dwelling unit shall be used for trade of business.
- The dwelling unit used for trade or business shall not be used as a storage facility for a business conducted elsewhere.
- The volume of vehicular or pedestrian traffic of parking generated by such trade or business shall not result in congestion or be in excess of what is customary in a residential neighborhood.
- A trade or business shall not utilize flammable liquids or hazardous materials in quantities not customary to a residential use.

22. COMMERCIAL VEHICLES/INOPERABLE VEHICLES/PARKING.

A “commercial vehicle” is defined for the purposes of these guidelines as a vehicle designed specifically/configured for commercial use or has a carrying capacity of **at least three (3) tons** or has **equipment racks with equipment attached externally**. Examples are tractor trailers / semis, transport or travel buses, school buses, taxis, labor trucks, and vehicles with work equipment attached. These defined commercial vehicles are not allowed to park within the community overnight or for more than twenty-four (24) hours except to load or unload or while performing services on property.

The following vehicles may be parked on the owner’s driveway providing the following criteria are met:

- Cars, SUVs, Trucks, Motorcycles, Passenger Vans or similar standard passenger vehicles with "body wrap" or similar commercial/business logos are acceptable and may be parked on the driveway.
- Total vehicular weight should be under three (3) tons. Any larger-sized vehicles must be relocated or parked outside of the community.
- Commercial vehicles cannot have any ladders, racks, cargo carrying, or related work equipment on the vehicle for it to be parked on the property.
- Public service and/or emergency vehicles, such as police, EMT, fire cars, are always exempted and the Community and on the Owner Property.
- Construction vehicles and trailers associated with the Declarant’s or its affiliates anywhere in the Community and/or Property are exempt from these regulations.
- The Board shall have the right to grant variances from the foregoing restrictions in cases of hardship which variance may be granted upon such terms and conditions deemed appropriate by the Board.

IMPORTANT: With the exception of emergencies, and/or the approval of the Waterside Board of Directors and/or Town/County/State, owners are NOT allowed to park or leave any vehicles on their property’s sodded or grassy areas/lawns for any extended period of time.

Effort should always be taken to park any vehicle in the garage, on the driveway or street whenever possible. Vehicles that are in disrepair, not operable or properly licensed, tagged, and registered are not allowed to park within the Community.

Vehicles that are stored completely inside a garage with the garage door closed are allowed regardless of type. Extended driveways may not be used for parking or storing inoperable, commercial vehicles.

23. COMPOST BINS.

Compost bins must be contained in the rear yard and must be inaccessible to pests or wildlife. There cannot be an odor from the compost bin, and the bin must be located so it is not visible to the facing street and/or neighboring properties. Open composting is not permitted, and only controlled compost structures will be considered.

24. CORNER VISIBILITY/MAINTAIN SITE-LINE.

Compliance with Pender County intersection sight-line distance criteria is required for all corner lots. Please ensure all landscaping, shrubs, and trees are always trimmed sufficiently on street corners.

25. DECKS, PATIOS AND TERRACES.

Decks must be constructed of wood or other material matching the material of the Home and, if painted, must match the color scheme of the home, unless otherwise approved by the ARC. Decks must be installed as an integral part of the Home and patio area and placed on the side and rear elevations only. Construction of decks over easement areas is not permitted. Dimensions and location must be submitted on drawings. The ARC will review lot size as a factor in approval of decks and to also confirm and ensure the maximum surface area on the lot is not exceeded.

Decks, patios, and terraces shall be considered an extension of the architecture of the residence and a transition of the architectural mass to the natural forms of the site. The underside of decks must be enclosed with materials that are consistent with the house.

- Owner must maintain decking in good condition, including future power washing, general maintenance, wood replacement, re-staining, or re-sealing, when necessary. Fence sealant or stain if used, must be clear or a light natural wood color.
- It is the owner's responsibility to not exceed the allowable Impervious Square Footage **(ISA)** / **Built Upon Area (BUA)** for the lot. If the ISA/BUA is not exceeded, the proposed improvement may be added. The calculation is found below:
 - **EXISTING BUA** (located on your property's Plot Plan): _____ sq ft
 - **PROPOSED BUA** (total square footage of your project(s)): _____ sq ft
 - **MAXIMUM ALLOWABLE BUA** – Please refer to the CC&Rs requirements for maximum allowed square footage per lot.

IMPORTANT NOTE: If the Maximum Allowable BUA is not exceeded, the proposed improvement may be added (subject to meeting other criteria for the proposed project) to the property.

DECK, PATIOS AND TERRACES SUBMISSION GUIDELINES:

- 1. Modifications or additions to an existing deck must incorporate the same materials, colors and detailing as the approved existing deck.**
- 2. Deck must be located at the rear of the house. Deck or stairs should not project into the side yards.**
- 3. A solid trim board shall be provided on any open side of the deck to conceal the joists and cut ends of the decking. Trim board must match the railings and pickets in material and color.**
- 4. Deck should be constructed in such a way that visible cross braces are not required.**
- 5. Changes in grade or drainage pattern must not adversely affect adjoining properties. Drainage issues created after construction will be the responsibility of and require correction by the owner making the changes.**
- 6. Design and location must minimize any tree removal.**
- 7. Lighting shall be low voltage and non-invasive to neighboring properties or common areas. Lights shall be installed below the railing level.**
- 8. All decks, including their rails, landings and supporting posts may be constructed of cedar, redwood, pressure treated lumber or wood colored composite materials or white vinyl of composite quality. "TREX" or equivalent man-made composite material can be used as decking material.**
- 9. Railings may be constructed of cedar, redwood, pressure treated lumber, wood colored composite materials or white vinyl of composite quality.**
- 10. Wooden portions of the deck and railing may be left natural, stained with a transparent wood color, or be painted to match the trim or dominant color on the house.**
- 11. All portions of the deck (except flooring and railings) should be the same color.**
- 12. Stain color samples must be included with the application and requires ARC approval.**
- 13. Benches, flower boxes, trellises, arbors, lighting, etc., should be designed as a part of the deck and the details included on the application.**
- 14. Unless specifically approved by the ARC, all Privacy Screens and Railings shall be a uniform height when placed and installed on a deck.**
- 15. Privacy screens must be constructed only of cedar, redwood or pressure treated lumber, or white vinyl with framed construction and must match the material and color of the deck railing.**

16. Decks must be set back from the property lines in accordance with County building restriction lines or ordinances.
17. Any area under the deck used as storage, will require lattice screening. All lattice screening must be framed and recessed between the deck posts in order to have a finished appearance. All lattice work (if used) must be stained or painted to match the color of the deck.
18. The use of landscaping to minimize adverse, visual impact is encouraged and may be required by the ARC.

Examples of acceptable deck railing styles

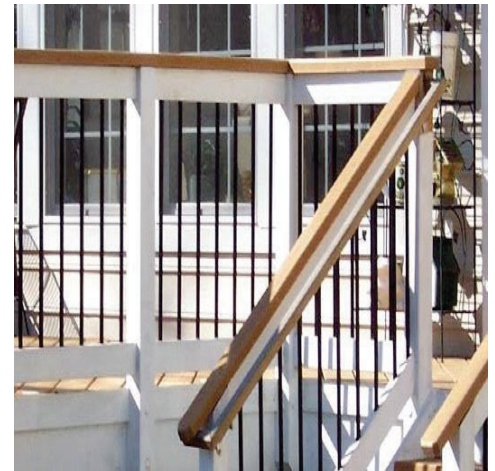
Standard



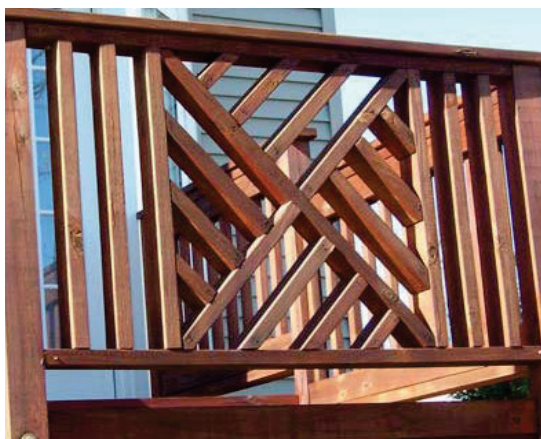
Sunburst



Rod



Chippendale



Spindle



26. DOG RUNS, STAKE OUTS, DOGHOUSES AND DOG FENCES.

Dog runs or exterior dog kennels are not permitted. Generally, dog houses must not exceed four feet (4') in height and must be compatible with the home in material and color. The doghouse area is to be kept free of animal waste and debris. Pet fencing may include any invisible fence on or within the perimeter boundary of an owner's lot.

DOGHOUSE SUBMISSION GUIDELINES:

- 1. No more than two (2) dog houses will be permitted on any one Lot.**
- 2. Doghouses must be located in rear or side yard only.**
- 3. The size of a doghouse should be limited to no larger than 16 square feet and 48" in height.**
- 4. Doghouses must be sturdily constructed of durable materials and should complement the existing house in color and materials.**
- 5. Where in a visible location, doghouses may be required to be screened by fencing and/or landscaping.**

27. DOORS.

Committee approval is required for the addition and/or replacement of exterior entrance doors to a home. The door material must be Commercial grade and shall match existing colors scheme of the home. It will be up to the discretion of the ARC to determine whether the proposed color will be permitted. Doors shall be compatible in style with the architecture of the house. Storm/screen doors must not distract from or alter the appearance of the house.

Doors shall be of quality material and workmanship, and shall be consistent in proportion, detailing and style. The style, material, color, detailing and installation of a new or replacement door must be architecturally compatible with that of existing doors.

DOOR ADDITIONS/REPLACEMENTS

- 1. Doors and doorframes should be clad or painted with a color consistent with other doors, windows and house colors.**
- 2. Wood doors must be protected with stain or paint to prevent an uneven weathered appearance.**

STORM/SCREEN DOORS

1. Storm door color must be white, black, tan and/or best complement the exterior color scheme of the home.
2. Color must compliment the overall appearance of the home. It will be up to the discretion of the ARC to determine whether the proposed color will be permitted.
3. Storm door style should be typical manufacturer grade.
4. Catalogue photographs or manufacturer's "cut sheets" identifying door type and style, including the specific 'name' of the door, if applicable, and dimensions, materials and colors.
5. A sample of the door finish and color, if applicable.
6. Storm/screen doors on front or principal entrance must be "full-view" and simple, and no panels other than glass or transparent screening intended to impede insects. Ornamental styles that are appropriate to the architecture of the house may be approved on a case-by-case basis.
7. Storm doors must match the color of the door they enclose or that of its immediately surrounding trim.

Samples of Acceptable Front Entrance Storm Doors



28. DRAINAGE.

Any interference with the established drainage pattern over any property within the community is not permitted. Owners are not allowed to increase or decrease historical flows of water onto adjacent property. This includes changes that may occur due to installation of any landscaping or structural improvement, including but not limited to drains, channelization, piping, landscaping, decks, patios, retaining walls, pools, spas/hot tubs, play equipment, and accessory structures. If an owner wants to change the established drainage over any Lot or Common Elements, the owner shall submit a plan to the ARC for approval. Additionally, any installed fencing on the property should be installed with a 2-3" gap at the bottom to allow for proper drainage into and through swales.

29. DRIVEWAY EXTENSION/WIDENING.

Vehicles must be parked on the driveway or inside the garage only. Parking of the vehicle(s) in the front yard, rear yard, or side yard(s) (read: grass or sod) is not permitted. The only exception is in cases of emergencies or by granted permission from the Board of Directors, Builder, or the HOA Management company. Any modifications to the original driveway must be submitted for ARC review and approval. Driveway extensions are permitted only to the front corners of the garage. Proposed extensions to the driveway are permitted providing the following:

- Extensions/expansion of the driveway are permitted:
 - **Up to five feet (5') maximum on either side or**
 - **Up to ten feet (10') maximum total on one side only of the driveway.**
- Owner to ensure any required county/city/municipality permit(s) or approval(s) are obtained prior to construction for the proposed driveway extension.
- Driveway extension materials to be used must match or complement existing driveway. All driveways shall have a paved, hard surface of including at least one of the following:
 - **Concrete.**
 - **Concrete with color detailed border treatment.**
 - **Color textured or stamped concrete.**
 - **Stone, brick or masonry pavers.**
- Owner to ensure driveway widening will not negatively impact drainage on Subject Lot or adjoining properties. Proposed expansive area of the driveway cannot be in any Drainage, Utility Easement(s) or Setback(s), if applicable to the owner's property.
- Proposed driveway coatings are subject to review by the ARC. Driveways, guest parking areas and walkways shall be brushed concrete with tooled edge, with no bordering required.

30. EXTERIOR DECORATIVE ITEMS / YARD ART.

Approval will be required for all exterior decorative objects including natural and man-made objects. Placement of decorative objects in the front yard is discouraged. Decorative objects will be considered based on their size, color, scale, appropriateness with the surrounding area, and their visual impact on adjoining lots and open space.

Exterior decorative objects include, but are not limited to, such items as sculptures, fountains, statuary, flags, banners, fountains, lawn art, statuary, bird baths, feeders, trellis, arbors, house numbers and ornaments, flowerpots, outdoor furniture, catchers, and other similar items MAY be displayed in harmony with the natural and surrounding setting. Wind chimes are NOT allowed.

Each piece of yard art must be located in landscaped areas only in front or side yards or where it is not visible from the street in the rear yard. Items must fit in a *hypothetical thirty-six-inch (36") cube* and must blend in with landscaping. Colors are limited to colors that complement the home and are consistent with the character of the neighborhood. The ARC will evaluate all proposed exterior decorative objects solely in terms of design, execution, and general appropriateness to prevent such objects from having a significant negative impact on adjoining homes, the neighborhood setting, and the community at large.

Homeowners should consider these following guidelines when choosing such objects. The Committee will not judge the individual aesthetic or artistic merits of any object, but rather will make its evaluation solely on the object's impact upon the community. The ARC will consider the following items in its evaluation of decorative items:

LOCATION.

The Committee will apply a set of standards to objects located in front yards or positioned where they can be fully viewed from the street fronting the applicant's property than to those objects located in back yards, or within screened locations of lesser visibility and impact.

COLOR.

Objects must not contain colors or color combinations considered excessively bright, overly reflective, or luminescent. The color(s) of an object must compliment the overall appearance of the home and not distract in a way that draws excessive attention to the object.

DESIGN.

Items must be compatible in style and quality of materials and workmanship with the characteristics of the applicant's home, adjoining homes, and the neighborhood setting.

INTRUSIVENESS.

Objects must not substantially intrude by sight, sound, or smell upon adjoining homes or the neighborhood setting. No obscene, profane and/or vulgar images, words or designs will be permitted.

MATERIALS.

Objects must be made of suitable natural or man-made materials capable of withstanding outdoor weather conditions and must be capable of maintaining an attractive appearance. An object may be allowed to become mossy, rusty, or weathered only if it is appropriate to such an object and only if it presents an attractive appearance compatible with the home, adjoining homes, and the neighborhood setting.

RELATIONSHIP TO THE ENVIRONMENT.

Objects shall not create an adverse impact on the natural environment by their installation or location.

SAFETY.

Objects shall not create a hazard to public safety or become an "attractive nuisance."

SIZE, SCALE AND NUMBER.

Objects must be of an appropriate size and within an acceptable scale which is harmonious with the home and its location. Items must not be so numerous so as to present a cluttered or overwhelming appearance.

TASTE.

Objects must avoid using words, images and/or designs that are, by their nature, inflammatory, offensive, profane, or vulgar to any individual and/or the community.

31. EXTERIOR LIGHTING.

Owners should keep in mind the impact to neighbors when considering exterior lighting. Powerful up lights, overly intrusive security lights and such lighting fixtures will likely be denied. Exterior lighting should be limited in purpose to providing light on walkways and, whenever possible, they should be set to turn off when not in use. Overall, lighting fixture design, wattage, color, location, and direction should minimize glare onto neighboring properties, pedestrian walkways, and streets.

LIGHTING TYPES AND CONSIDERATIONS

These lighting types do not require ARC approval, providing the guidelines are followed below:

- **Flood Lights**
- **Coach Lights**
- **Security Lighting**
- **Home Lighting**
- **Landscaping Lighting**

Lighting should be directed away from neighboring properties and not shine into neighboring residences. Lighting must be a "white" color such as LED, incandescent, metal halide, mercury vapor, etc. Colored bulbs are not allowed for continual outdoor lighting unless for observed holidays. As the effects of proposed lighting may be difficult to assess prior to installation, the ARC /Board reserves the right to require correction, including but not limited to removal or modification of lighting found to cause adverse impact after installation. Exterior and landscaping lighting for security and uplighting should be used as intended as grounds illumination or directed towards the ground whereby the light cone stays within the property boundaries and the light source does not cast a glare onto adjacent properties. Low voltage, ground landscaping lights do not require ARC approval provided they are conservative in design and are directed towards the house, tree, or ground. Lighting of parking areas or walkways to houses may be necessary. Lights must be functional and enhance the overall appearance of a residence, but not be disturbing to neighbors or motorists. All light sensitive motion detectors must be adjusted appropriately. Fixture and glass must complement the existing home.

- Owner to ensure fixtures will not cause undue glare onto adjacent properties.
- Light/fixture bulbs cannot exceed 110 watts or cannot be directed onto any adjacent properties and/or Common Areas.
- Owner must maintain lighting fixtures in a good condition, replacing burnt bulbs and broken components (i.e., glass) promptly when needed.

OUTDOOR STRING LIGHTING WITH EDISON BULBS

These lights are generally used to light rear patios and screen porches for decorative effect. These lights may be displayed year-round providing they are white or clear. Colored bulbs are not allowed for continual outdoor lighting unless for observed holidays. These lights will be reviewed and approved on a case-by-case basis. For ARC review, please provide a diagram showing the quantity and placement of the Edison/String lights on the property.

Bulbs and lighting should be replaced when blown, worn and/or broken.



HOLIDAY LIGHTING

Seasonal/holiday lighting will not be reviewed. Lights shall be displayed no earlier than thirty (30) days before the Observed Holiday and shall be removed no later than thirty (30) days thereafter.

LANDSCAPING LIGHTING

Landscape lighting located along a walkway or among shrubbery should be low wattage (less than 14-watt bulbs, if possible) and the lighting fixture is less than 18" in height.

Ground or tree mounted floodlights should have shields/ballasts to effectively screen the light source from view and they should be carefully directed so that no glare impacts adjacent properties.

Lighting from one Lot shall not be directed beyond that Lot's lot lines.

32. FENCING.

Important: ARC review and approval of the proposed fencing plan and type via application is required before any installation can begin. The ARC must ensure and confirm the fence's proper placement on the property and the fencing type and materials used for the project. Failure to follow this requirement can result in the fencing being removed and/or relocated to its correct location. The following are specific lot fencing specifications and available options adopted for the **Waterside** community:

1. LOTS WHICH DIRECTLY FACE OR BORDER ANY WATER SOURCES

will utilize one of these three (3) available fencing styles:

Style W1: *FOUR-FOOT (4') BLACK ALUMINUM*

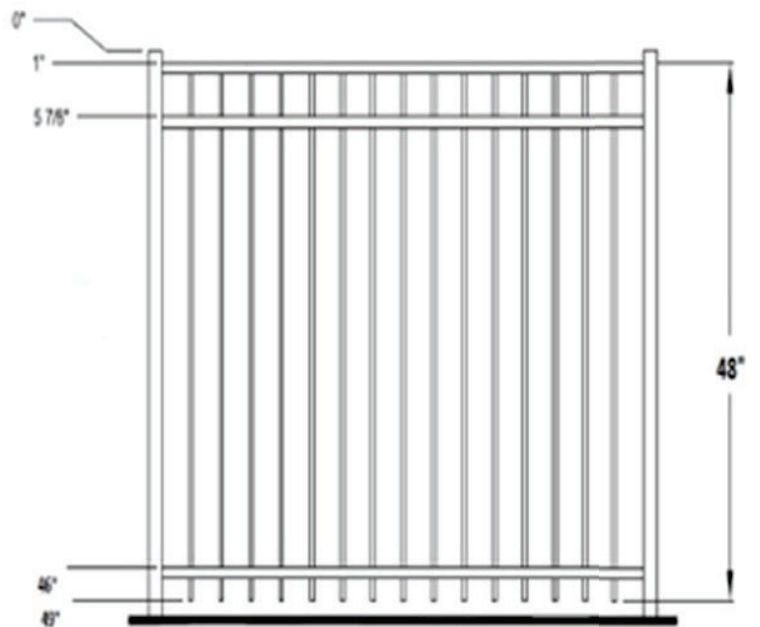
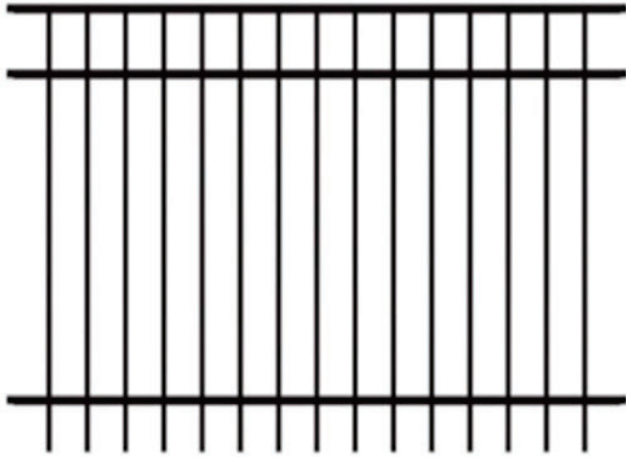
- Black aluminum picket style fencing is one of two available fencing options afforded to owners who have property that directly borders a pond, lake, waterway, canal, and/or qualifying water source and reside in a building phase of the community with a majority of its homes/lots bordering water whereas a different style would conflict in terms of aesthetics.
- Required black aluminum fencing height is **four-feet (4')**.
 - Fencing height of five-feet (5'), six-feet (6') or higher are not permitted for any black aluminum fencing. Conversely, fencing heights under four-feet (4') are also not allowed.
- See Fencing Diagram/Style W1 on following page for reference.

Style W2: *SIX-FOOT (6') WOOD or VINYL FENCING with TRANSITION FENCING DOWN to FOUR-FOOT (4') BLACK ALUMINUM FENCING AT REAR*

Style W3: *SIX-FOOT (6') WOOD or VINYL FENCING with TRANSITION FENCING DOWN to FOUR-FOOT (4') WOOD PICKET FENCING AT REAR*

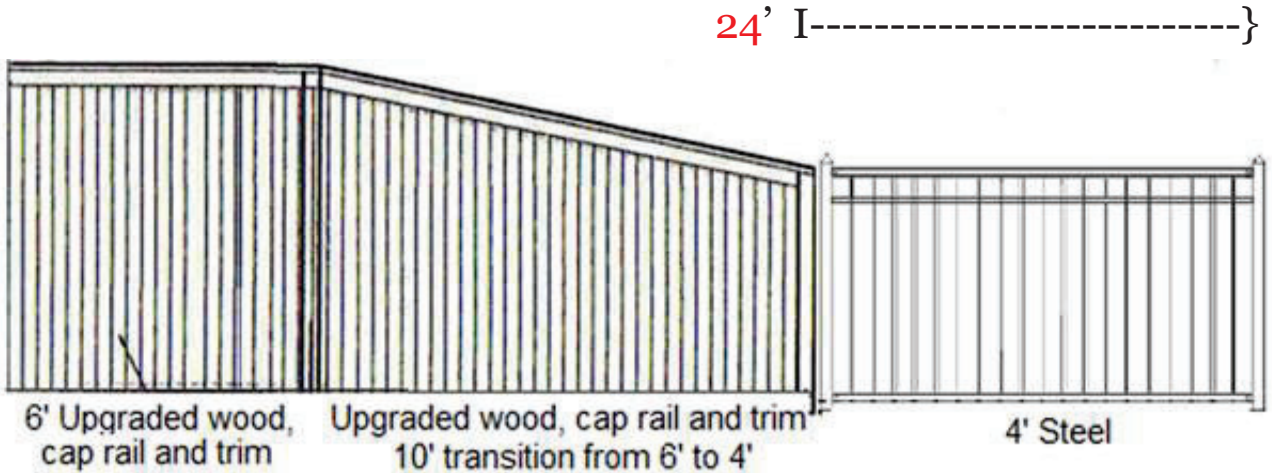
- Six-Foot Wood Fencing
- Transition 10' Fencing
- Four-Foot black aluminum picket style fencing along rear perimeter.
- This fencing is the other available fencing option afforded to those lot owners who have property that directly borders a pond, lake, waterway, canal, and/or qualifying water source or reside in a phase with a majority of its homes border water and a different style would conflict in terms of aesthetics.
- See Fencing Diagram/Style W2/W3 on **page 49** for reference.

Style W1 – Four Foot (4') Black Aluminum Fencing Samples



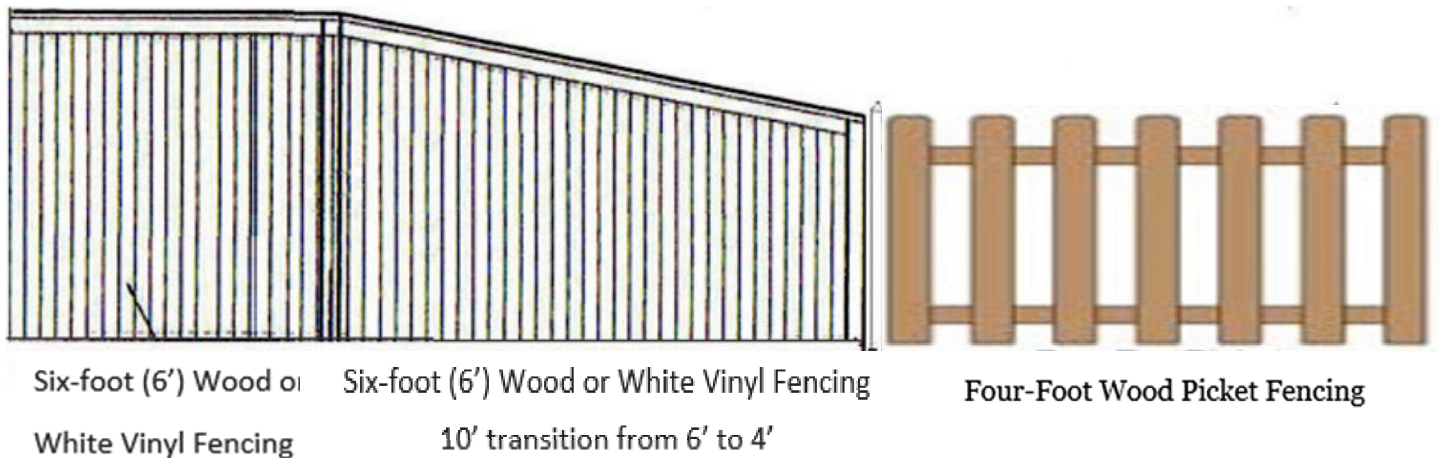
4' Black Aluminum Style:

- The Four-foot (4') aluminum fence must begin no less than Twenty-Four feet (24') from the rear property fencing. See the six-foot wood fencing to four-foot black aluminum transition fencing diagram below:



- Rear Four-foot (4') aluminum perimeter fence must extend across entire rear property line.

4' Wood Picket Style:



- Rear Four-foot (4') wood picket perimeter fence must extend across entire rear property line.

2) LOT LOCATED ON THE OUTSIDE PERIMETER OF THE DESIGNATED PHASE

OR

3) LOT THAT DOES NOT FACE OR BORDER ANY WATER SOURCES

will utilize one of these four (4) available fence styles:

Style P1: SIX-FOOT (6') WOOD FENCING

NOTE: See illustrative fence example on page 52.

Style P2: SIX-FOOT (6') WHITE VINYL FENCING

NOTE: See illustrative fence example on page 53.

**Style P3: SIX-FOOT (6') WOOD or VINYL FENCING with TRANSITION FENCING
DOWN to FOUR-FOOT (4') BLACK ALUMINUM FENCING AT REAR**

NOTE: See illustrative fence example on page 49.

**Style P4: SIX-FOOT (6') WOOD or VINYL FENCING with TRANSITION FENCING
DOWN to FOUR-FOOT (4') WOOD PICKET FENCING AT REAR**

NOTE: See illustrative fence example on page 49.

- Wood Shadowbox, Wood Dog-Eared Picket Style or White PVC Vinyl Fencing is acceptable.
- Required fencing height is six-foot (6').
 - Fencing height of seven-feet (7') or heights higher are not permitted for any wood fencing. Conversely, fencing heights under six-feet (6') are also not allowed.
- See Fencing Diagram/Style P1 & P2 on pages 52 and 53 and Fencing Diagram/Style P3 & P4 on pages 49 for transition fencing for reference.

Style P1 - Fencing Sample

SIX-FOOT (6') WOOD FENCING

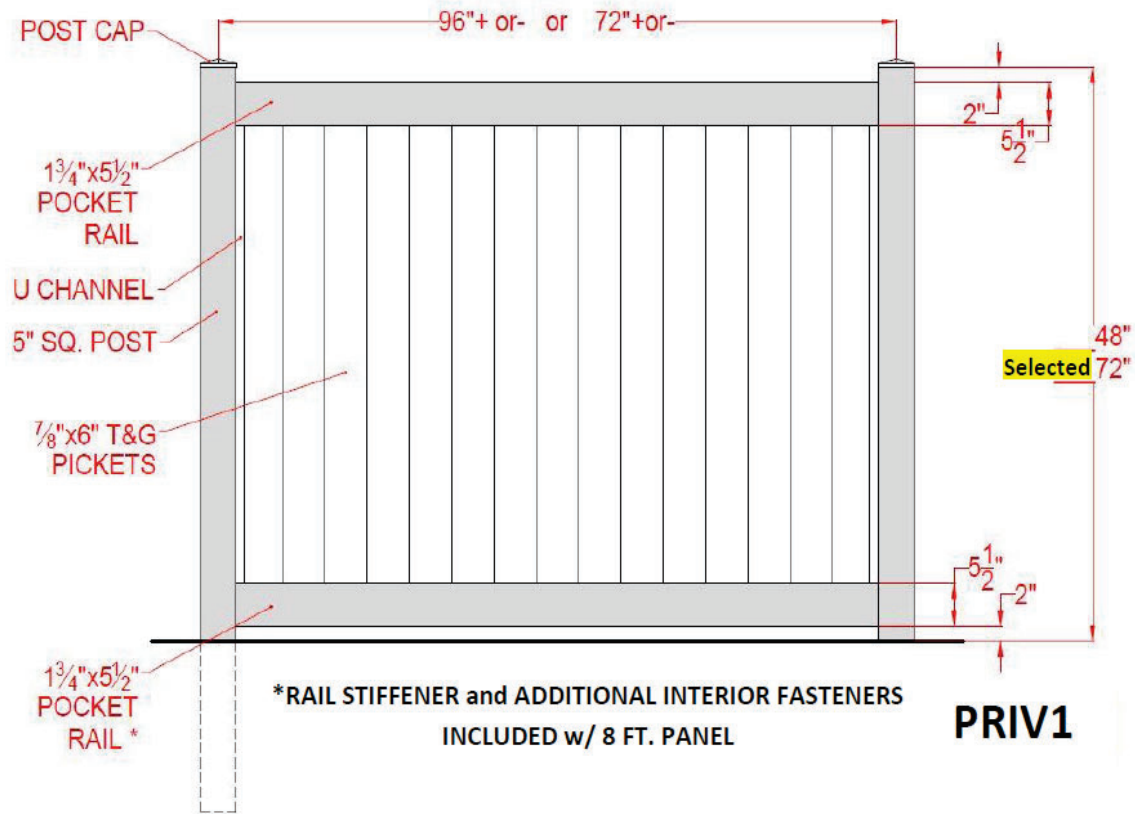
6' Wood Dog-Eared & Shadow-Box Fencing Styles

FOR OUTSIDE PERIMETER or NON-POND or NON- WATER BORDERING LOTS ONLY



Style P2 - Fencing Sample

SIX-FOOT (6') WHITE VINYL/PVC FENCING



IMPORTANT FENCING REQUIREMENTS:

The following fencing installation guidelines and requirements are established and must be followed regardless of the applicant's Waterside lot location and/or fencing style.

FENCING APPLICATION REMINDERS.

- Proper fencing can have a unifying affect upon a neighborhood. Cluttering the neighborhood with an uncoordinated selection and placement of differing fence types is not permitted. If you are unaware of the required type of fencing allowed in your specific neighborhood section, please inquire IN ADVANCE with the HOA Management company, so your Architectural Review Request can properly reflect the correct fencing style on the application.
- **IMPORTANT:** For consideration by the ARC, any proposed fencing layout, along with proposed gate(s), must be clearly highlighted on the Plot Plan (or the Final/Physical/House Survey of the property) and included with the ARC application. Any EXISTING neighboring fencing must be included and marked on the Plot Plan for reference.
- A brochure or visual of the proposed fencing type to be installed per the approved Fencing Plan must be included showing/confirming fence style, height, and color.

FENCING INSTALLATION REQUIREMENTS

- All fencing must be installed by a professional fencing installer. The name of the fencing company must be included on the architectural request application. Unless the owner/applicant is a licensed general contractor, Do-It-Yourself fencing (DYI) installation projects are not allowed.
- All fencing must be well designed and well-constructed. Fencing must be constructed with the "finished" side facing out (i.e., support rails on inside).
- No fencing shall be installed within any **DESIGNATED WETLANDS, DRAINAGE EASEMENTS, UTILITY EASEMENTS, COA COMMON AREAS, MAINTENANCE EASEMENTS** and/or **RIGHT OF WAYS**, if applicable to the owner's property as shown on the Plot Plan, Final Plat of the Community and/or stated within the Declaration.
- Owner is responsible for verifying any County, City/Town requirements for fencing, including obtaining any necessary permits, if applicable. Owner will adhere and comply with any Association and Pender County requirements as part of the installation.

- Owner must locate and arrange to move any associated irrigation lines, heads, utility services lines or other items impacted by the construction of the proposed fencing at owner's expense. If it is necessary, underground utility lines and easements can be located by visiting the **North Carolina Utility Notification Center** website at <https://nc811.com> or contact them directly at (336) 855-5760 for more information relating to utility locators and requirements. Please dial **811** or their toll free **1-800-632-4949** number at least three (3) working days before you plan on digging.
- Please note double-line or dual fencing between neighbors is not allowed. For example, fences that are up against, alongside, or parallel to another fence are not permitted.
 - **IMPORTANT:** Owners/neighbors must share one and the same fencing on their mutual property line.
- Unless approved by the ARC, all proposed fencing must be extended to the respected property lot line to avoid any buffers and gaps between owner fencing with neighbors. Installing your fencing even six to twelve inches (6"-12") inside the property line is NOT permitted, as this creates an potential buffer between the two properties the community wants to avoid for any of our lots.
- If your fencing is the first to be requested and subsequently installed between two or multiple adjoining properties, you are **REQUIRED** to install the approved fencing on the mutual property line(s).
 - This community's stated required mutually shared fencing concept may be a new concept for some property owners. Regardless, the ARC encourages the owner/applicant to proactively communicate with any of their adjoining lot neighbors, so the two (or multiple lot owners) can work together and potentially share these installation costs and future maintenance responsibilities moving forward. Additionally in a developing community, there is potential adjoining neighbors have not purchased or closed on their property, so the owner/applicant will have to install their approved fencing as if they were present. Although proactively communication makes the most sense, it will be up to your neighbors to elect to participate. Furthermore, any neighboring fencing obligation and financial arrangement is NOT required or mandated from the adjoining owners. Since this mutual arrangement is a civil matter, the Association will NOT intercede or facilitate between the parties, unless a violation (or a potential one) exists of the fencing installation guidelines.
- In summary, fencing must be placed on the property line:
 - If existing fencing does not exist from other adjoining properties, the ARC requires installing the fencing on the actual property line. Sharing the fence with neighbor(s) is required to prevent any double fencing in the future.

- Starting from the rear corner of the home, side-yard perimeter fencing may be installed towards the street. It cannot extend no more than past one-half (1/2) of the total length of that side of the home. It is very possible this maximum-allowed distance from the rear corner of the home towards the street may differ for either ½ side length of the Owner's home. At the owner's discretion, the side yard fencing can encompass air conditioning units, utilities, hose bibs, entrances, bathroom/bedroom windows, or to adjoin a neighboring fencing on the side of the home. This will need to be requested on the application and must receive the ARC's consent.
- At least one (1) gate must be installed on the side of the home where the fencing meets the rear corner of the house. Gates must match the design, material, and construction of the fence.
- Proposed fencing cannot negatively impact or impede the community drainage plan.
 - Example: fence pickets cannot be buried in the ground, which would restrict the natural drainage flow of surface water across the properties).
 - If fencing installation does result in ponding or negatively water flow from any of these areas, the owner will be responsible for making the necessary corrections/alterations to restore the intended drainage flow per the community/lot drainage plan at their own expense.

FENCING APPEARANCE / OWNER MAINTENANCE

- The wood on the finished fence can be left natural. However, if fencing stain/sealing is used for the wood fencing, the finished look should be a clear, waterproof seal product and/or a natural wood color. Examples are Behr Premium Semi-Transparent Stain in Red Cedar ST-152 or Sherwin Williams Semi-Transparent Stain SW-3522 Banyan Brown.
 - Painting or staining the fencing with any colored pigment or a darker stain which is not clear or a natural wood color (i.e., Grey, charcoal, or any other proposed colored pigment or stain) must be submitted for ARC review and approval.
 - **IMPORTANT** - Do not paint or stain any fencing until ARC approval is obtained in writing.
- For black aluminum fencing, a medium gauge mesh can be installed/secured to the fencing to increase security or to secure children and/or small pets. The fence mesh must be square or rectangular, factory coated with green, brown, or black vinyl and be attached on the inside of the fence. The proposed mesh cannot extend above the top rail and care should be taken to minimize its appearance. Chicken wire is NOT permitted.
- Fencing must be maintained in a good condition, including power-washing and replacement of damaged pickets and/or fence sections when necessary or when requested by the HOA.
- Owners are responsible for any weed removal/landscape maintenance on their property line.

33. FIRE PIT / OUTDOOR FIREPLACE AND OR KITCHEN AREA.

Exterior fireplaces shall not exceed eight feet (8') in height and shall harmonize with the aesthetics of the Home. Installation of any fireplace or fire pit shall be five feet (5') from any structure.

Owner must obtain Pender County building permit, if applicable. Owner is also responsible for verifying any County, City/Town requirements for outdoor fireplaces, fire pits, grills, kitchen area and their building and utility requirements, if applicable. Installation of these structures and surrounding hardscape cannot not negatively impact drainage of the Subject Lot, adjoining property or properties, including Common Areas.

A Fireplace/Fire Pit must only be installed in the back yards and must be painted to match color of home/trim, interior yard walls, or may be faced with stone or bricks. A Fireplace/Fire Pit cannot create an unreasonable level of disturbance to adjacent property owners. Care shall be taken to not burn during high wind events or during any Pender County declared no burn events.

On any water source facing/adjoining lots, fireplaces may not be located on the property to screen or block pond views from immediate residents.

34. FIREWOOD.

Firewood shall be kept neatly stacked on the homeowner's property within the fencing rear or side yard of the home. Such firewood stacks shall be located in such a manner to avoid adverse visual impacts for adjoining properties, street views and/or open space.

No firewood may be stacked against the fence, garage, or in any Common Areas. Firewood piles must not exceed four (4) feet in height for safety and aesthetic considerations. Firewood piles must not contain any other items, materials, or debris.

Tarps or covers shall be a muted brown, tan or black. The use of brightly colored tarps will not be permitted.

Owner will be requested to remove if the above conditions are not followed.

35. FLAGPOLE / FLAGSTAFF.



- **Flagpole** shall mean any permanent free-standing detached improvement or installation, vertical to the ground, intended for the purpose of holding or displaying a flag or banner; and
- **Flagstaff** shall mean any improvement or installation appropriately attached to a house or dwelling unit either on an incline or perpendicular to the house or dwelling unit under six feet (6') in length and intended for the purpose of holding or displaying a flag or banner.

ARC approval is not required for flying the United States and/or North Carolina state flag from brackets attached to the front of houses or flagpoles. ARC approval is required for flagpole and flagstaff installation to ensure proper placement on the home/property:

- **Flagstaff located on the Home:** Up to two (2) flagstaffs less than six feet (6') in length are allowed with ARC approval. The flagstaff(s) may be attached to the front facade of the house at the garage door or entry door locations.
- **In-Ground Flagpole:** Up to one (1) single flagpole is allowed with ARC approval. Flagpole cannot be less than 1 ½" or greater than three inches (3") in diameter and no more than twenty feet (20') in height above finish grade. Vertical poles cannot be attached to the home. In-ground flag poles must be constructed of aluminum, stainless steel, or any weather resistant non-corrosive metal. No wood, fiberglass, PVC, or similar flag poles are allowed, as they can stain, splinter and age.
 - Flagpole must be vertically anchored solidly in the ground with concrete (to ensure stability and safety). Flagpole must be placed in the front property of the home, placed in a mulch or grounds bed and incorporated into the landscaping design whenever possible.
 - Flagpole shall be a single pole no less than 1 1/2" or greater than three inches in diameter and no more than twenty feet (20') in height above finished grade.
 - Pole must be vertically anchored solidly in the ground with concrete to ensure stability in high winds/storm events.
 - Flagpole must be placed in a mulch or grounds bed.

36. FLAGS.

Allowable flags for the flagstaff and/or flagpole may consist of any of the following:

- **The United States flag**
 - The United States flag must be maintained and displayed in accordance with the United States Flag Code - <https://www.usflag.org/uscode36.html>
 - Lighting of the U.S. Flag must be submitted to the ARC as part of the flagpole request if the U.S. Flag is intended to be displayed twenty-four (24) hours a day.
 - When displaying the American Flag on a permanent flagpole structure, proper lighting is strongly encouraged in observance of the appropriate etiquette and protocol for displaying the American Flag. (Please refer to Public Law 94-344, the Federal Flag Code.). Proper illumination of the flag must be on at night.
- **Political candidate/incumbent/political party specific flags and/or banners**
 - Political campaign election signs for candidates only are allowed for US Federal elections and North Carolina State and Local elections (as tracked on the official North Carolina Board of Elections site. Primaries are not included). No more than one (1) sign per Lot is permitted. These political signs may be placed no sooner than fourteen (14) days prior to election date and must be removed seven (7) days following the election date.
 - Displaying political signs, banners, statements and/or endorsements outside of the County/City's specified political display timeframes is considered a violation of these guidelines and will be reported to the County/City for their ordinance enforcement.
- **U.S. State specific flags** (i.e., North Carolina, South Carolina, Colorado, Nebraska, Ohio, etc.),
- **Military Branch / Service flags**
 - Army Navy, Marine, Air Force, Coast Guard, National Guard and/or Space Force, military unit designation flags, and POW MIA flags.
- **Observed holidays and/or religious denomination flags.**
- **Seasonal and sports teams.**

FLAG / BANNER DISPLAY GUIDELINES

All flags and banners must be properly attached to either a flagpole or flagstaff and be properly displayed and properly maintained. Those flags or banners which, in the discretion of the Committee are not properly displayed or maintained, including any frayed, dilapidated, worn out, tattered, or faded flags or banners, shall be removed immediately by the Owners, and not subsequently displayed unless properly repaired.

- Flags and banners shall not be used for advertising or commercial purposes or be in the nature of an advertisement or other promotion of a commercial or business nature.
- All displayed flags must be kept in good repair.
- No torn, faded, or tattered flags are allowed.
- Flags or banners must not contain any obscenities, offensive language, vulgarity and/or images.
- Flag size to be displayed on the flagpole can be no larger than 4' x 6'.
 - A flag or banner attached to a flagstaff should not exceed 15 square feet in size.
 - A flag or banner attached to a flagpole should not exceed 35 square feet in size.
 - No more than two flags or banners may be displayed on any Lot at any time. The display of multiple flags or banners, or any combination thereof, is strictly prohibited.

37. FLOWERPOTS.

ARC Committee approval is not required for flowerpots providing:

- Flowerpots should be of neutral color and/or the same colors included in the home's color scheme.
- Flowerpots should be within the landscaped area. Up to six (6) flowerpots are allowed within the landscaped area.
- Up to six (6) flowerpots may be placed outside of the landscaped area provided they are close to the home (i.e., the front porch, but not at the road end of driveways).
- It is recommended that flowerpots do not exceed twenty inches (20") in diameter and are over twenty-four inches (24") in height.

38. FRONT PORCH RAILING INSTALLATION.

Homeowner to ensure the installation of the design and materials of railing will complement the existing architecture of the home and the porch railing must match architecturally with the overall style, color, design of the home.

- Owner to obtain all applicable building permits, if required for proposed installation project.
- Owner to ensure porch railing is maintained in clean condition, to include power washing or periodic washing to prevent mildew accumulation or build-up, if needed.

39. GARAGE DOORS.

As a matter of courtesy to your neighbors, garage doors should be left in a fully closed position when the garage is not being accessed by the Owner. Using a garage as an obvious pet confinement area (leaving garage doors partially open with or without screening) is NOT permitted.

40. GARAGE SALES / COMMUNITY YARD SALES.

Garage Sales and/or Community Yard Sales are offered by the Association as a community-wide event generally twice per year (typically they are scheduled in the late spring and another held in the fall). Individual garage sales are NOT permitted. An estate auction and/or estate sale is permitted provided the selling entity notifies the HOA Management company in advance. Estate auction and estate sales should be held in such a manner to not disturb other residents of the area and must comply with all applicable municipal requirements.

41. GARAGE SCREENING SYSTEM.

All garage screen frames must be either black, charcoal, white or match the home. The mesh screen material on the garage screen must be charcoal, black or bronze in color.



42. GARAGE TRELLIS/PERGOLA.

- Garage trellis color must be white, black, or a color that matches the existing home color scheme.
- If required, Owner to check and verify the garage pergola structure will not require any building permit or additional approval from the Town and/or County.
- Garage trellis materials must complement the existing color and architecture of home.
- Once installed, owner must maintain the garage trellis/pergola in a well-maintained, clean condition, to include power washing, maintenance, and replacement when necessary.



43. GARBAGE RECEPTACLE / TRASH CONTAINER ENCLOSURE.

Garbage, trash, and recycling cans/toters must be stored out of view behind the home, in the garage, or in Committee approved garbage storage areas. Trash bin storage areas can be screened from the street right-of-way with Committee approved perennials plantings and/or screening measures. Colors and materials for the screening enclosure must be included with the application.

- Enclosure/Shield must be L- or U-Shaped and no higher than six feet (6') in height.
- Enclosure/Shield can be either wood or white PVC of professional construction of pressure.
- Enclosure/Shield may not extend out further than 42" from the side of the home or extend back more than six feet (6') depending on the items to be shielded from view.
- Enclosure/Shield cannot be located within an easement and/or drainage area, including drainage areas indicated on the Plot Plan or Plat map as a drainage or easement area.
- Enclosure/Shield may not be installed in a manner that would impede drainage of the lot on which it is placed or other lots in the area.
- A vegetative screen of shrubs or perennial bushes may be used as well with approval from the ARC.

Non-contained garbage, trash, lumber, grass or shrub clippings, plant waste, compost, metal, bulk materials, scrap, or debris of any kind will not be allowed to be stored or to accumulate on any site. All trash totes must have a cover that is resistant to animals and be kept within an enclosed structure.

The trash tote may be placed at the curb at such times as may be necessary to permit garbage and trash pickup. Trash totes may not be placed at the curb prior to the evening before collection and must be returned to the enclosed structure or inside the garage the day of collection.

44. GARDENS.

Vegetable gardens are limited to back yards and height of mature plants shall not exceed 8 feet. All gardens shall be kept in a neat, weed-free condition

45. GAZEBO / PERGOLA.

A Gazebos and/or Pergola is permitted only in the rear yard and the structure should be constructed of quality wood, metal, composite, or prefabricated materials. The structure can be stained, remain the factory prefab color, or can be painted white, black and/or match the trim of the house. The structure's height shall not exceed twelve feet (12').

- Owner to check with the City/Town and/or County to secure any necessary permits or adhere to any stated guidelines pertaining to the structure, especially regarding wind resistance measures for the structure (typically they must be constructed/secured to withstand up to 130 mph winds) and the approved location per the minimum setbacks allowed from the lot lines.
- The structure cannot be in any setback, public or drainage easement located on the property.
- Owner to ensure project's placement on the property will not negatively impact drainage on Subject Lot and/or adjoining properties or Common Areas.
 - Owner will be responsible for any required corrective action for any drainage issues or if the project/improvements negatively affect or impact the existing drainage plan.
- Privacy screens that are incorporated into the structure's overall design are acceptable, providing they are constructed out of similar material as that of the structure. Horizontal privacy wall slats are acceptable for privacy. The colors of these privacy walls can be white, black, natural wood color or stain and/or a color that complements the base or trim color of the home.
- The structure must be maintained in a good, clean condition after installation, to include replacement of any worn or weathered components, to include re-painting or pressure washing, when necessary.

- **Gazebo Roof:**

- Asphalt shingles should be utilized for the structure's roof exterior.
- Metal roofs or other similar materials will be reviewed and considered by the ARC on a case-by-case basis, providing these roof materials complement the home's roof (material, color scheme and detail).
- The structure must be maintained in a good, clean condition after installation, to include replacement of any worn or weathered components, to include finishing and/or pressure washing, when necessary.

Gazebo / Pergola – Permissible Assemblies



46. GENERATORS FOR HOME (PERMANENT and/or TEMPORARY).

ARC Committee approval is required for any standby or permanent whole house generators. Standby generators to be used specifically for emergency backup power except for a weekly test run of the system. These must be installed per the following guidelines:

- Portable backup generators (i.e., utilized solely for Hurricane and Storm Events) do not require ARC Committee approval.
- Standby generators are to be installed on the side of the home within proximity of the Electric meter and/or Electric Panel. They must be installed per all Federal, State, County, Local and Electric Utility guidelines and specifications with no deviations allowed.
- Standby generators shall be screened from street right-of-way either by approved fencing or by plantings tall enough to conceal the unit.

47. GREENHOUSES.

Greenhouses shall be a predominantly glass enclosure for the purpose of cultivating plants. All installations will be considered on a case-by-case basis. Due to the unique configuration and sizes of some Lots, a greenhouse structure may be deemed inappropriate.

- Owner to check with the City/Town and/or County to secure any necessary building permits or adhere to any stated guidelines pertaining to the structure, especially regarding wind resistance measures for the structure (typically they must be constructed/secured to withstand up to 130 mph winds) and the approved location per the minimum setbacks allowed from the lot lines.
- Greenhouse must be located in the rear yard of the property. It may be freestanding or located at the rear of the house. If located at the rear of the house, no access through the main structure is permitted.
- The overall greenhouse size is limited to 120 square feet with a maximum roof height of 11 feet.
- It is the owner's responsibility to not exceed the allowable **Impervious Square Footage (ISA) / Built Upon Area (BUA)** for the lot. If the ISA/BUA is not exceeded, the proposed improvement may be added. The BUA calculation is found below:
 - **EXISTING BUA** (located on your property's Plot Plan): _____ sq ft
 - **PROPOSED BUA** (total square footage of your project(s): _____ sq ft
 - **MAXIMUM ALLOWABLE BUA** – Please refer to the CC&Rs requirements for maximum allowed square footage per lot.

48. GUTTERS.

Gutter downspouts shall direct water to required drainage facilities at the street. No downspouts shall be piped directly to any pond Owner assumes responsibility for maintenance of gutters.

- Gutters must be five-inch (5”) or six-inch (6”) width, white, aluminum and must match trim color. Black gutters are NOT permitted.
- Downspouts must be compatible with existing exterior color scheme and should be painted to match the body color of the home.
- Outflows should be buried whenever possible and directed away from homes to an acceptable area for dispersion of water splash guards must be installed where buried outflow is not possible. These must be green to blend with turf.
- Owners are not permitted to install guttering that will redirect outflow onto neighboring properties and/or Common Areas.
- Gutters and downspouts shall be painted to match existing gutters and downspouts or may be painted the color of the surface to which they are attached, or the existing trim color.
- Gutter downspouts must match or complement the existing trim color or area of the home to which they are attached.
- Extensions of downspouts at ground level are discouraged because of drainage considerations on adjoining properties and open spaces.
- All downspout extensions must be buried in such a manner to adequately manage runoff, according to correct engineering practices and Pender County codes.
- ARC review is NOT required for the replacement of existing approved gutters and downspouts of a similar size and appearance in the currently approved location.

49. HANDICAPPED ACCESS FACILITIES – WALKWAYS, RAILINGS, RAMPS.

Easy and unhindered entry/exit for handicapped residents and their guests is considered a valuable asset. Therefore, special walkways, railings, ramps, and any other similar supporting facilities do NOT require ARC review or approval providing these facilities are constructed to be harmonious with the existing home and landscaping.

50. HOLIDAY DECORATIONS / SEASONAL DISPLAYS.

ARC approval is NOT required for holiday decorations or lighting displays providing these exterior seasonal, festive, or dedicated holiday decoration materials do not produce annoying light, sounds, or odors.

Observed Holiday decorations and/or holiday lights may be installed **no more than thirty (30) calendar days earlier/prior to the Observed Holiday/Event date** and must be removed for display **no later than two (2) weeks after the Observed Holiday/Event date has transpired.**

All Christmas lighting and decorations must be removed no later than the January 31st date following the recently observed Christmas holiday. Consideration of neighbors should be exercised when decorating for any occasion.

Certain holiday decorations are not permitted to be displayed year-round on the property, even if the decoration itself can be adapted/changed over to another particular observed Holiday. Specifically, this includes the popular 12 ft. giant skeleton or similar Halloween themed character assemblies. Skeletons and specific holiday decorations are to be displayed for their intended Observed Holiday and not for the continuous year-round display on the property with different outfit or designs to coincide with St. Valentines, Easter, Fourth of July, etc. If unsure of the decoration, submit it to ARC for review.

51. DECORATIONS, PERMANENT.

Permanent items, such as yard statuary, benches, arbors, birdbaths, fountains, wall-mounted art, etc. are not allowed in the front area of any Lot, unless it is approved prior to installation by the ARC.

52. HOT TUB / SWIM SPA / JACUZZI.

A hot tub, swim spa, and/or Jacuzzi must be located in the rear yard only, screened by landscaping or privacy fencing that affords both homeowners' adequate privacy, and must be designed as an integral part of the deck or patio area.

Owner is responsible for obtaining and adhering to any Pender County requirements, including noise levels, mechanical and electrical permits for the installation of a hot tub, swim spa, and/or Jacuzzis and surrounding structures, if applicable. No more than one hot tub is permitted on any Lot.

- When set on a deck, the hot tub/spa should be integrated both visually and structurally into the deck. Any mechanical equipment, pipes and wiring must be concealed or screened from view.

53. HURRICANE PROTECTION SYSTEMS - TEMPORARY/PERMANENT.

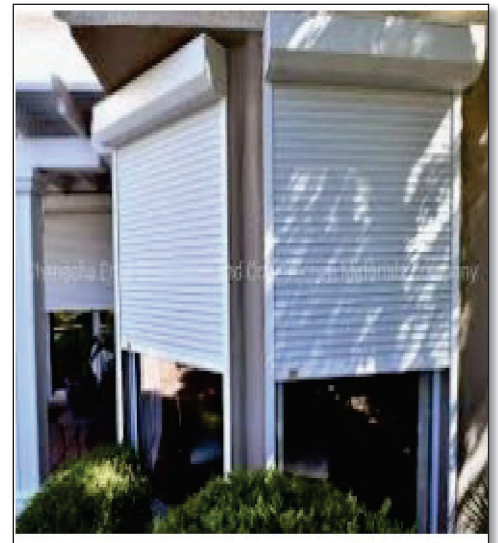
ARC review and approval is required for any permanent/installed Hurricane Storm Protection System, including shutters. The ARC will consider the installation of alternative systems with review.

- **Temporary Storm Protection does NOT require ARC approval.**
 - **Plywood, and similar wood material** purchased to protect home and property from a pending hurricane, tropical storm and/or forecasted high wind events is permitted to be installed without ARC review/approval.
- **Permanent Storm Protection Systems does require ARC review and approval.**

The application should include the proposed type, style and placement of the system desired including the hurricane shutter and protection specifications, installer name and style. Listed below are sample systems and area providers for the owner's reference:

Available Hurricane Protection System Providers (For reference, note this list is not exclusive):

- **UltraTek Worldwide Cleartek™ Shutter System.** <https://ultratekworldwide.com/>
 - Strap & Buckle, Grommet Screen, Roll Down Screen & Slide Screen.
- **Storm Catcher Wind Abatement Screen System.** <http://stormcatcher.com/>
 - Strap & Buckle, Grommet Screen, Roll Down Screen & Slide Screen.
- **Storm Panels and/or Shutter Systems.** <http://midatlanticstormprotection.com/>
 - Aluminum .50 lightweight shutters, Clear Polycarbonate Shutters, Fabric Shutters.



HURRICANE/STORM SYSTEM GUIDELINES

- Hurricane/Storm Shutters systems must be temporary only and allow for the protective screening to be removed and stored after a storm event has passed.
- Frames and hardware can be permanently attached to the exterior of the home.
- Types of hurricane/storm protection systems that are allowed are fabric with anchor straps or studs and caps, channel frames with rigid or corrugated panel inserts, Velcro attached panels, rigid systems with anchor straps or studs and caps.
- Any frames or hardware must match the existing building color scheme, window frame or trim colors and must visually blend in with the existing building so as to not be obvious from the street or adjoining homes.
- Roll down systems with large overhead roll up boxes may be installed on porches or other areas where the system can be placed behind the header beam or trim and hidden from view.
- Frames and mounting systems may not be wider than three inches (3") in width and may not extend more than three inches (3") beyond the surface it is mounted to.
- Surfaced applied films and interior attachment systems are allowed if the system and colors visually blend in with the existing building, to not be obvious from the street or adjoining homes.
- Systems and/or plywood must be removed within twenty-one (21) days of the end of a named storm event or when authorities allow residents to return to their homes.
- The Board of Directors may extend this period at their discretion to ensure the safety and security of property.

54. LANDSCAPING.

Landscaping is an integral part of the overall image and character of Waterside. It should enhance the architecture of the house, the natural beauty of the environment and the overall quality of the neighborhood. Well maintained turf, low ground cover, flowerbeds, evergreens, small flowering trees, and the use of native materials are encouraged.

ARC Committee approval is required for any changes, modifications, or additions in landscaping on the property. All improvements shall be complimentary to the home and shall also follow any landscaping requirements of Pender County.

The guidelines for installation of landscape and features below are written to encourage owners to consult with landscaping professionals to design harmonious modifications, choose complimentary materials and to ensure proper installation. The ARC encourages owners to enjoy their property and plant as they see fit within these guidelines:

- Landscaping for the entire lot, including easement areas, shall always be maintained by the owner. If the Association does not provide the individual lot ground care in the community, the owner will be fully responsible for maintaining all landscaping on the property. This includes, but is not limited to mowing, trimming, weed control and fertilization, and routinely edging the sidewalks and street curbing.
- Care must be exercised in selecting plant materials which, upon maturity, will be an appropriate size in height and breadth for the intended location. Mature size, in height and diameter, should always be considered especially when planting close to property lines, walkways, and houses. Consideration will be given to the effect plantings will have on views from neighboring properties.
- Any alteration, including re-grading, which changes the existing flow of water, must not detrimentally affect neighboring properties or common areas.
- Gravel, rock, sod, trees, plant materials, pinestraw, mulch and/or soil piles stored at the property during landscaping installation, shall be left no longer than a period of fifteen (15) days. Rock and/or soil piles are not permitted on the street.
- Delivery and placement of landscape materials shall not damage any entry or Common Areas. Delivery trucks are not allowed to cross into any of these areas (to avoid sprinkler and landscape damage). If this rule is violated and damage to the Common Elements results, the Owner will be held financially responsible for repairing the damage caused by the Owner or the Owner's agent.

LANDSCAPING ARC DEFINITIONS:

1. **DESIGN COMPATIBILITY** – The proposed improvements must be compatible with the architectural characteristics of the applicant’s home, adjoining homes, the neighborhood setting or section of the community. Compatibility is defined to include but not be limited to similarity in architectural style, quality of workmanship, similar use of materials, color, and construction details.
2. **LOCATION AND IMPACT ON NEIGHBORS** – The proposed alteration should relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns are access, view, and drainage. For example, fences should not obstruct pond views, or access to neighboring property; decks or larger addition should not infringe on a neighbor’s privacy and view.
3. **SCALE** – The proposed home or alterations shall relate in scale to adjacent structures and its surroundings.
4. **NATURAL AREA / LANDSCAPING BED** – Any area with ground cover other than grass.
5. **BUSHES AND SHRUBS** - Any bush or shrub that will exceed 3’-0” in height or width at maturity.
6. **FLOWER BED** - Any grouping of flowers not contained in a natural area or landscape bed.
7. **GARDEN** - Any area used to grow vegetables or herbs.
8. **WATER FEATURES / WATER GARDEN / FOUNTAIN** - Natural or prefabricated body of water for decorative purposes.
9. **TREES/TREE REMOVAL** - Any tree added to or removed from the property.

OTHER LANDSCAPING REQUIREMENTS/GUIDELINES

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 through the use of 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, 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 owners.

Vegetable, fruit, and herb 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".

Requests for water features and gardens in front yards 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. Bird baths are not allowed in front yards.

MATERIALS:

Edging may consist of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete edging, black plastic edging or other commonly used materials. Railroad ties are prohibited. See Landscaping – Curbing/Edging section on the following pages.

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 and will need ARC review and approval.

LANDSCAPING – PINE STRAW CONVERSION TO MULCH, ROCK AND/OR STONE:

Approval is not required for mulching with pine straw, hardwood, or bark mulch.

- Converting existing Pine Straw on the property to or installing any of the following grounds material is acceptable for grounds beds:
 - **Chocolate/Brown Mulch**
 - **Black Mulch**
 - **Red Mulch**
 - **River Rock**
 - **White Stone**
 - **Marble Chips**
 - **A variety of rock sizes are acceptable as a grounds bed cover providing, they are consistently used in the beds.**
 - **The color of any rock, river stone, and/or gravel used in landscaping should be neutral earth tones (such as gray, blue- gray, white, brown, brownish-red, tan or a mixture of these colors). The use of any rock, river stone, or gravel that has been painted, dyed, or otherwise treated to appear a bright or unnatural color is specifically prohibited.**
 - **Other grounds material items may be submitted to the ARC for review and consideration and may ultimately be added to this approved list.**
- Owner to replenish grounds material(s) as needed to ensure bed quality is maintained in a good condition. (Suggest twice per year or as needed, depending upon quality and quantity of depth of your product).
- Owner to ensure all grounds beds on the property are maintained weed free after application.
- Owner to ensure installation of grounds material to the property/beds will not negatively impact drainage on Subject Lot and/or adjoining properties. Installation cannot negatively affect the drainage plan for the property. Owner will be responsible for any corrections that may occur to ensure drainage is not impeded or pools on the property.
- Grounds material, mulch, stone, chips, soil piles stored at the property during landscaping installation, shall be left no longer than a period of fifteen (15) days. None of these materials are permitted to be stored on the street.

LANDSCAPING - TREES AND LARGE SHRUBS.

Request forms must describe types and sizes (height, width, thickness and/or diameter) of proposed trees and shrubs. Trees and shrubs shall be selected and placed in a manner which does not cause an unreasonable nuisance to adjacent properties. Trees and shrubs must not be placed in areas that block sidewalks, restrict drainage, or impede line of sight for vehicular traffic. Trees and shrubs that grow to a height that poses a threat to neighboring properties or have a root structure that interferes with utilities or could prove to be invasive to neighboring properties should be avoided.

If the placement of trees or shrubs results in complaints from neighbors, the Committee may require the homeowner to remedy the problems. Prior to planting, Owners should take care to consider the eventual mature size of the trees and shrubs and what impact they may have on nearby homes, other landscape features, nearby sidewalks, pipes, other utilities, property lines, easements, etc. Owners may not plant trees and shrubs that are likely to cause increased maintenance responsibilities and/or increase the likelihood of damage to a neighboring property (i.e., Excessive leaf accumulation on rooftops and in gutters, increased risk of damage from falling limbs and increased risk of damage to driveways, foundation slabs or other areas of a home).

- **Trees, shrubs, and other landscaping materials shall be contained within the property boundaries to ensure growth does not overhang or infringe on another person's property, public streets or walkways and common areas.**
- **Trees, shrubs, and other landscape materials shall not be placed or allowed to grow to such a height or thickness as to substantially interfere with the view of neighboring properties.**
- **If tree(s) or plant materials die, owner will be responsible to promptly remove dead material from property. ARC approval is not necessary to replace with a similar tree or plant species or one already existing on the property.**
- **Owner to assume all responsibility and care of tree and plant materials, to include annual pruning, removal of dead plant material. Owner to provide necessary treatment(s) to ensure the tree's establishment and long-term health.**

LANDSCAPING - TREE REMOVAL.

All significant tree removals (those of 5" caliper diameter or greater) require ARC approval and all stumps and exposed root systems must be removed. Any dead tree(s) should be promptly removed. The removal of trees will be approved if 1) the tree is dead, 2) there is danger to people or property, or 3) a detrimental condition exists. Detrimental conditions include the physical intrusion by roots and branches on houses in a way that causes damage, excessive shade, or block views or sight lines.

LANDSCAPING – CURBING / EDGING.

- Proposed landscape borders cannot encroach onto any public or private easements (if such easement(s) exist on lot).
- Borders are to be installed for ground bed(s) located exclusively on owner's property.
- Borders will not be permitted on shared grounds beds that overlap property lines, unless both property owners mutually agree and submit for the same border type and borders are installed simultaneously to ensure consistency.
- If this situation does apply, please re-submit for these applicable beds through management company using an amended ARC application.
- Owner to ensure addition of landscaping borders will not negatively impact drainage on Subject Lot, adjoining properties, or Common Areas. If border installation creates any negative drainage issues for adjoining lots to the property, owner will need to remove landscaping border from bed(s) or area(s) of concern immediately at their cost to correct/resolve drainage problem.
- Proposed landscaping borders must be harmonious and complementary with existing landscaping and will not become the main focal point of the yard.
- They are constructed of commercially available landscaping blocks, stacked stone, field stone, or scalloped concrete edging materials that are curved to form a radius.
- The top surface of the ring/edging is no more than ten inches (10") higher than the ground.
- They are installed so that the top surface of all installation materials is flush (same height.) with the adjacent "element" (block, edging material, etc.)
- Color of concrete landscaping borders should be earth tone colors (grey, muted red, brown, or similar).
- Once installed, owner must maintain landscaping borders in good, clean condition.

LANDSCAPING – MAINTENANCE.

All landscaping must be maintained in a neat, attractive, and healthy condition. The Owner, considering weather conditions affecting the planting of replacement landscaping, must replace dead or dying landscape materials as soon as possible and/or within thirty (30) days of written notification from the ARC.

IRRIGATION

All landscape irrigation shall be low water use drip systems, except for turf or flowerbed areas, which may use spray systems. Excessive overspray onto sidewalks, streets or common areas is not allowed. Please be aware that watering can cause major damage to stucco/block walls. Use of overhead sprays is limited to turf areas only and not allowed in planter beds. Every effort must be made to keep overspray off property walls and out of the streets.



LANDSCAPING - IRRIGATION SYSTEMS.

In-ground irrigation systems (underground pipes or tubing) do not require ARC approval providing the entire system is subterranean. All landscape plantings will be maintained by a fully automated underground watering system. Drainage shall not be directed onto sidewalks, curbs, walkways, or driveways. Homeowners are advised backflow preventers are to be inspected annually.

55. LATTICES.

All lattice and/or trellis' used for climbing plants and/or vines must be free standing, no higher than seven (7) feet and of a neutral color. Latticework shall be supported or framed securely to prevent warping or sagging. Wood latticework should generally be painted white, base color or trim of your home. Latticework may not be used to enclose a patio cover or gazebo. Latticework may not be used on the side of a patio cover that is parallel to the house where the patio cover is attached.

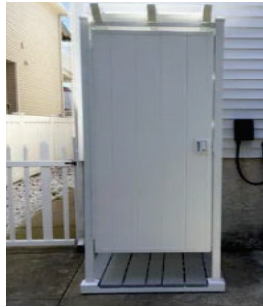
56. MAILBOXES.

Mailboxes are installed by the Developer in accordance with the County and USPS requirements guidelines. In most developments, Pender County mandates the mailbox design and their locations. The United States Postal Service (USPS) Postmaster also coordinates the setup and the specific owner mailbox assignments of the Mailbox Cluster Units.

57. MECHANICAL EQUIPMENT.

Installation of mechanical equipment, including but not limited to air conditioners, swimming pool and spa equipment, water softeners, waterfall pumps, etc., shall be screened from public view and shall adhere to the following guidelines: All equipment shall be located a reasonable distance from neighboring property lines. Owner must obtain building permit if applicable and provide a copy of the permit to the Association office prior to beginning work where applicable.

58. OUTDOOR SHOWER INSTALLATION.



- Outdoor shower cannot be located in any public and/or private drainage easement, swale and/or setbacks on the property.
- If board on board walls for the shower are stained, stain color must be a clear, natural wood color. No orange or red pigments.
- Owner to ensure installation of the outdoor shower will not negatively impact drainage on Subject Lot and/or adjoining property or common areas.
- Side yard location is acceptable, the ARC would prefer placement of the outdoor shower at the rear of the home rather than the side, due to street visibility concerns.
- If side is utilized, owner to ensure shower is suitable screened with landscaping or related screening so it is not highly visible from the street.
- Owner to ensure exterior of outdoor shower is maintained in clean condition, to include power washing, or periodic washing to prevent mildew accumulation or build-up, if needed.

59. PAINTING/REPAINTING – EXTERIOR COLORS.

Committee approval is not required if color and color combinations are identical to the original color painted by builder. **Any color and/or color combination changes require Committee approval.**

- All roof vent caps, louvers, plumbing stacks, chimney flashing, valley flashing, etc., are to be painted a color not in contrast with the color of the roofing.
- Whenever exterior painting is to be done, all changes must be approved by the ARC prior to commencement of such painting. Changes include any paint or color scheme other than the original brand paint, color number and scheme.
- Garage doors are to be the same color as the siding or trim of the Home, unless otherwise requested and approved by the Committee.
- Color selections should be submitted to the ARC in the form of manufacturer's paint chips. Please indicate which color chips are for trim, siding, and accent color.

60. PARKING OF VEHICLES

Parking any vehicles on the community streets or thoroughfares and/or the Waterside amenity parking lot for extended periods of time is restricted. No passenger vehicle, pickup, trailer, commercial vehicle and/or equipment (owned by the resident and/or their guests) may be parked or stored on the Association maintained Devil Strip / Tree Lawn area (see page 6), the owner's front or side lawn (i.e., sod/grass) of the property for any period of time.

Owners (and their guests) must utilize their driveways and garages for parking, not the Devil Strip/Tree Lawn, owner's own lawn and/or sodded areas of their property. Under no circumstances, can any vehicle be parked or stored on the side or rear of the property.

Unless parked inside the owner's own enclosed garage or behind a six-foot ARC approved fence, any recreational vehicles (RVs), trailer, trailers of all types (either with or without wheels), campers, camper trailers, house trailer, horse trailer, motor home, stored vehicle, and/or inoperable vehicles must be stored off the property. These types of vehicles and trailers may be brought to the residence for loading and unloading purposes only, but may NOT be parked/stored overnight.

61. PATIO / PAVER WALKWAYS.

All proposed patio designs, their placement and materials must be ARC approved.

- Materials for patio can be either slate, brick, stone, masonry, concrete, wood or pavers. Materials used must complement the home.
- Patio installation cannot be in any drainage or utility easement or setback. Homeowner/contractor to ensure installation of addition will not negatively impact drainage on Subject Lot or adjoining properties and/or Common Areas. If any drainage is affected, it will be the owner's responsibility to make any necessary corrections (with ARC approval) to correct any drainage issues that could result.
- Owner to maintain porch in a good condition after installation, to include any maintenance and exterior appearance (i.e., pressure washing when needed or requested by the COA).

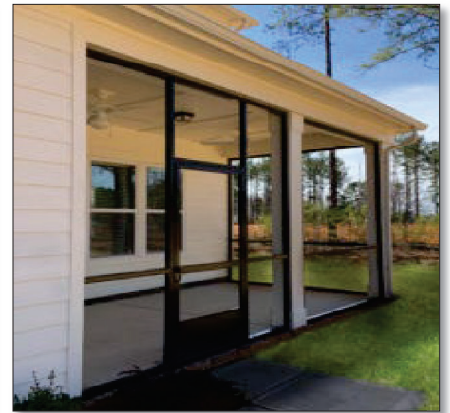
Patios shall be placed on the side (if permitted and feasible for the lot) and/or rear elevations of the property only. The location of the patio and/or pavers cannot be installed in any designated easement area(s), setback(s) and utility easement(s).

The patio and/or paver dimensions, proposed location(s) and materials to be used must be included with the application. Owner to ensure addition of patio landscaping borders will not negatively impact drainage on Subject Lot, adjoining properties, or Common Areas.

62. PATIO FURNITURE/OUTDOOR SEATING AREAS.

Patio furniture cannot be in the front yard on a permanent basis. All patio furniture should be located in the rear property or front porch area. Benches and umbrellas are allowed provided they are low key in appearance and are of complementary tone colors to match the color scheme of the house.

63. PATIO COVER/ADDITIONS, EZ BREEZE and SCREEN ENCLOSURES.



- Homeowner to ensure improvement will meet all Pender County requirements where applicable:
- Owner is responsible for verifying any County and Town requirements for the enclosure or the patio cover, including obtaining any necessary building permits, if applicable.
- The location of the patio cover or enclosure cannot be installed in any designated easement area(s), setback(s) and utility easement(s).
- No flat roofs allowed, and roofing must match that of existing home in terms of design, architecture and materials used.
- If porch is to be enclosed, porch must contain materials that are consistent architecturally with the home, if applicable.
 - Color of the porch screens, if used, must be charcoal or black. Enclosure color should be the same as the siding or trim color of the home. Color of enclosure frame and overall design of enclosure should be the same color as the siding and/or trim color of the home.
 - Once installed, owner must maintain patio enclosure, windows and/or screens in a well-maintained, clean condition, to include all maintenance and upkeep of exterior appearance (i.e., pressure washing exterior siding when needed or requested by the COA).

64. PLAY AND RECREATION EQUIPMENT.

ARC approval is required for all play equipment, playhouses, and trampolines. Play equipment shall be positioned in a way to minimize its impact on neighbors and its appearance to neighbors.

Size of the play and recreation equipment will be considered on a case-by-case basis depending on the Lot size and its proposed proximity to neighbors. Play and recreation equipment must be located in the rear yard and approved in writing by the ARC.

PLAY EQUIPMENT OVERVIEW

This includes fort-style play structures, playhouses, swing sets, climbing equipment, sandboxes, putting greens, bocce court, etc. should be selected and located to minimize its visual and acoustical impact on adjacent properties. Its design and location should visually integrate the structure into its surroundings and should take advantage of any screening provided by existing vegetation.

When considering play equipment, the size of the property, equipment size, material, color, relationship to adjacent residences and amount of visual screening are important factors. Generally, equipment shall be in the back yard and must be a minimum of 6 feet (6') from any property line. Maximum allowable height of swing sets/play structures is ten feet (10') from ground with natural wood and/or earth tone finishes preferred. Additional landscape screening or setbacks may be required depending on location of play area and proximity to adjacent properties.

Temporary/Portable Play Equipment: Includes plastic playhouses, small sliding boards, sand boxes, and skateboarding ramps, etc. and does not require ARC approval. These should be used in the rear yard and must be stored out of view daily when not in use. They cannot be placed off the owner's property.

PLAY EQUIPMENT GUIDELINES

- On lots that are adjacent to ponds/water, please ensure the placement location of swing set/playset is installed as close to the home as possible to ensure maximum pond/water views for your adjoining neighbors. Location of structure should be at least ten feet (10') from the rear property lines. However, the more distance it can be placed from the rear property line the better.
- Structure should be located at least ten feet (10') from the side property lines of any adjacent lots. On corner lots, it must be located on the side of the lot farthest from the side street.
- Swing set / Playset are limited to the rear yard and generally should not be highly visible from the street.

- Swing set / Playset must be located at least fifteen feet (15') from adjacent lots and may not exceed twelve feet (12') in height.
- Liability Insurance should be obtained.
- To ensure there is no outside use or access of the playground equipment for safety reasons, owner must have an ARC approved four-foot perimeter fencing installed on their property as condition of playset approval.
- Swing set / Playset must be maintained in a good condition. Equipment should be cleaned, and power washed as necessary to prevent any mold and mildew accrual.
- Playground components should be repaired immediately or replaced through the useful life of structure.

PLAYGROUND - TRAMPOLINE.

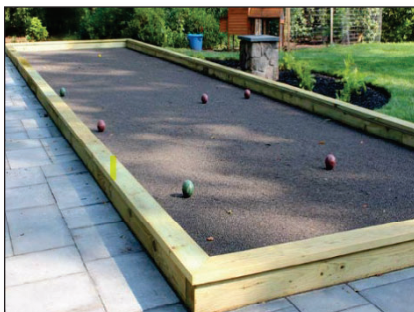


A trampoline may be installed:

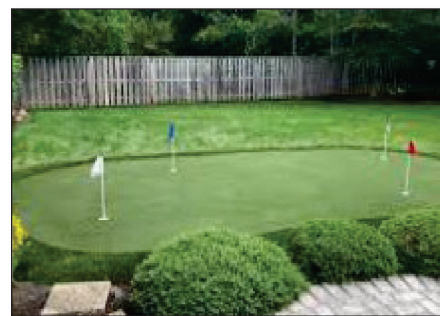
- On lots that are adjacent to ponds/water, please ensure the placement location of trampoline is installed as close to the home as possible to ensure maximum pond/water views for your adjoining neighbors. Location of structure must be at least ten feet (10') from the rear property line. However, the more distance it can be placed from the rear property line the better.
- They are limited to the rear yard and generally should not be highly visible from the street. Trampolines must be located at least fifteen feet (15') from any adjacent lots and may not exceed twelve feet (12') in height.
- If safety netting is used it must be black or charcoal. The color of the supporting poles must match the home.
- Alternatively, the trampoline may be recessed into the ground, eliminating the need for a screen.
- Trampolines must be anchored to the ground with appropriate hardware.
- Trampolines must be kept rust free with no torn canvas or missing springs.
- Trampolines must be stored in a garage or storage building during anticipated tropical storms or hurricanes.
- It is advised that owner Liability Insurance be obtained for the trampoline.

- Trampolines, new and existing, must be maintained and repaired as needed.
- Should the trampoline cause damage to any other property or structure, owner of said trampoline will be responsible for the damage.
- Use of trampoline should not create a nuisance to surrounding neighbors during quiet hours (same hours observed by Town and County)

BOCCE COURT INSTALLATION.



PUTTING GREEN INSTALLATION.



Specialty playing areas, such as a bocce court and/or a putting green may be installed on the property providing the following guidelines are followed:

- One (1) Bocce Court or one (1) Putting Green may be installed in the rear yard of the property (behind the rear corners of the home). On lots that are adjacent to ponds/water, please ensure the placement of the court and/or putting green is installed as close to the home as possible to ensure maximum pond/water views for your adjoining neighbors.
- Location of the playing court and/or green must be at least ten feet (10') from the rear property lines. However, the more distance it can be placed from the rear property line the better.
- Playing court and/or green should be located at least ten feet (10') from the side property lines of adjacent lots. On corner lots, these playing areas should be located on the side of the lot farthest from the side street.
- Bocce court and/or putting green cannot be installed in any setback, drainage, swale, or utility easement.
- Owner to ensure installation and playing area will not negatively affect drainage on Subject Lot and/or adjoining properties, and/or HOA Common Areas.

65. TEMPORARY STORAGE UNIT (I.E., PODS) / MOVING CONTAINER.

A "PODS" type container (or similar professional storage service container) is permissible providing the owner notifies the HOA Management company in advance to include the intent to use such storage unit, the start date of when the unit will be delivered to the home, and the intended removal date.

The container must be placed in the driveway. Storing or using the container in the private street is prohibited. Sidewalks, pedestrian walkways, and/or vehicular traffic cannot be blocked by the container. The storage unit may be stored for a **maximum of two (2) weeks**. The owner must notify and request additional time in writing to the HOA Management company for ARC approval.

66. RECREATIONAL VEHICLES.

Recreational vehicles and equipment (such as "RVs", campers, camping trailers, motor homes, boats, jet skis, snowmobiles, etc.) are not allowed and shall not be in the community on a permanent basis, unless it is in the garage or stored behind six-foot fence, so it is primarily screened from view. Recreational vehicles may be stored in the driveway in such a manner as to be visible from any other property for no longer than 48 hours in a seven (7) day period. Note: The periodic movement of the vehicle or equipment for the purpose of circumventing this standard shall not qualify the vehicle for exception from this standard. The purpose of the 48 hours is to load and unload the RV, not to provide storage/parking for the unit.

67. RETAINING AND DECORATIVE WALLS.

Retaining or decorative walls shall be designed and located to be harmonious with the architecture of the house and to mitigate the impact upon neighboring properties. The wall shall be an appropriate size for the area in which it is to be located and should be constructed of brick, decorative concrete, or natural stone material.

- Walls should be made of durable materials that are compatible in color and appearance with their environment. Depending upon location, brick, decorative concrete, or natural stone are appropriate.
- Retaining walls must not create any adverse drainage problems. Any drainage problems arising from the retaining wall will be the responsibility of the owner to correct.
- Depending on size, material and location, walls may require landscaping to soften the visual impact of the wall.
- All applicable building codes and permits must be complied and obtained.

68. ROOF / SHINGLE REPLACEMENT.

Replacement and repair of roof elements in single family homes due to damage does not require approval unless materials and colors differ from the original construction or previously approved modification. New roofing of the same shape, color scheme and material as the originally installed roof can be installed without Committee approval. The approved color of roofing material is **“Weatherwood”** or an earth tone color that is equivalent. Any color or roofing material changes require approval. The manufacturer and specific color "name" of the proposed roofing material, and a sample.

All roof penetrations such as attic and plumbing vents should be finished to blend with the roof color.

69. RUBBISH, DEBRIS AND NUISANCES.

No rubbish or debris of any kind shall be placed or permitted to accumulate upon any portion of any lot, and no odor shall be permitted thereon or to arise to render the Owner's property unsanitary, unsightly, offensive or detrimental to adjacent property owners and/or the community as a whole.

No nuisance shall be permitted to exist or to operate upon any portion of the property that is offensive or detrimental to property in the vicinity thereof or to its occupants. The **FINE AND REMEDY VIOLATIONS POLICY** will be followed for any non-compliance relating to this standard.

70. SECURITY DEVICES.

The installation of video cameras and other security/surveillance equipment (i.e., “Ring” or “Nest” cameras) does not require ARC approval providing the following are met:

- Security devices including cameras, alarms, and the installation of window and door components shall be selected, located, and installed to be an integral part of the house and will not distract or clash with the home's architecture and appearance.
- Sirens, speaker boxes, conduit and related exterior elements must be unobtrusive and inconspicuous.
- To protect neighbors and other Association members, no home camera(s) and related security/surveillance equipment may be directed specifically at other homes in the community and/or Common Areas, in which an invasion of privacy may occur.
- If complaints are received or camera settings observed, the Owner will be expected to adjust camera direction accordingly, while still achieving the intended surveillance result.

71. SHUTTERS.

Shutters must be consistent with the architectural design and color scheme of the residence. Exterior shutters must be the same materials and painted to match the color scheme of the exterior of the Home, unless otherwise approved by the ARC. A change in shutter color or design will require approval.

- Frames and hardware for the shutters must be permanently attached to the exterior of the home.
- Shutter color must be consistent and match one of the existing home colors.
- Owner acknowledges that D.R. Horton will not be held responsible for any future water intrusion or damage to the home in the area where the proposed shutters are installed. The warranty for the siding, exterior trim, etc. is considered voided. Any questions can be directed to www.drhorton.com

Removal of existing shutters without replacements must be submitted for ARC Committee review and approval. Broken or missing shutters must be repaired or replaced within thirty (30) days. See previous “Hurricane Shutters” section specific to Bahama-type shutter installation guidelines.

72. SIDING.

Replacement and repair of siding elements in single family homes due to damage does not require ARC approval unless materials and colors differ from the original construction or previously approved modification. **Aluminum or steel siding is NOT permitted.**

Approval is not required to re-side your home in the same materials and colors as the originally constructed or previously approved. Any color or material changes require approval. Siding shall be kept in a well-maintained condition. Exterior walls must be clean and free of mildew and algae.

73. SIGNS.

The display regulations for political/civic display signs are listed below:

POLITICAL/CIVIC SIGNS.

Temporary Political Signs are allowed on the private property but are subject to all current Pender County signage codes for size, display locations, and timeframes.

No rule shall regulate the content of political signs, however, the ARC may regulate the type, quantity, size, length of time and manner of placement of the signs. For this rule, the ARC and Board is deferring to the Pender County signage codes in place at this time:

- Political campaign election signs for candidates only are allowed for US Federal elections and North Carolina State and Local elections (as tracked on the official North Carolina Board of Elections site. Primaries are not included). No more than one sign per Lot is permitted.
- These political signs may be placed no sooner than fourteen (14) days prior to election date and all must be removed from the property seven (7) days following the election date.
- Displaying political signs, banners, statements and/or endorsements outside of the County/City's specified political display timeframes is considered a violation of these guidelines and will be reported to the County/City for their ordinance enforcement.

ADVERTISING SIGNS.

- No signs, billboard or other advertising of any kind shall be displayed to public view on any Lot, right of way or Common Area.
- This provision does not apply to Marketing, Construction, Advertising, or Informational Signs placed on any Owned Lot, Right of Ways and/or Common Areas by the Declarant (D.R. Horton).

FOR SALE AND FOR RENT SIGNS.

- IMPORTANT: A "**FOR SALE**" or "**FOR RENT**" sign of professional quality is permitted on the property/lot, providing the sign is not larger than 18" x 24" not exceeding fifteen inches (15") by eighteen inches (18").
- Open house signs are allowed only when sales personnel are in attendance.
- Temporary realtor flags, banners, balloons, streamers, propellers, and/or other similar apparatus placed and intended to attract the attention of the general public are allowed on the property only of the open house during the open house period and shall be removed at the end of each day.
- None of the above sales display items are permitted in the HOA Common Areas or main entrance without the approval of the Board.
- All "For Sale" or "For Rent" signs must be removed at the close of escrow or occupancy.

74. SKYLIGHTS / SOLAR TUBES.

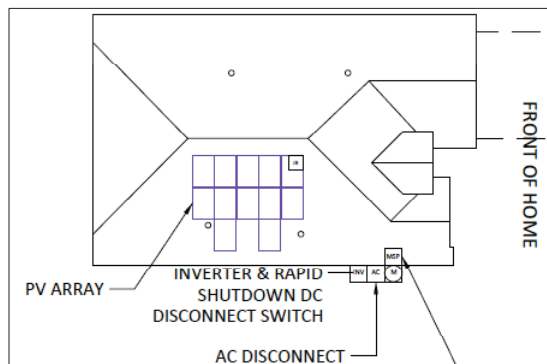
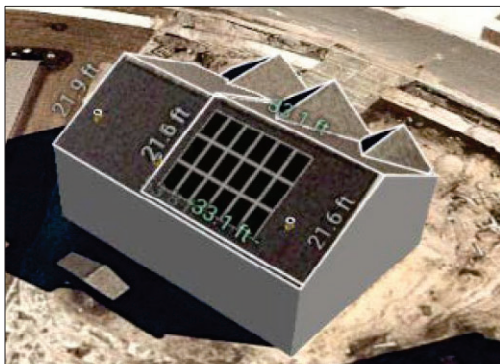
Skylights and/or Solar Tubes should be visually integrated with the architecture of the house regarding style, location, size, and color.

- Skylights shall have a low profile and lie flat on the roof and must be installed parallel with the roof ridge and edges.
- Solar tube(s) and skylight(s) design must be complementary to the roof and the color of the tube base must match the existing shingles in the community.
- Owner acknowledges that D.R. Horton will not be held responsible for any future water intrusion or damage to the home in the area where the Solar Tube(s) and/or Skylight(s) are installed. The warranty for the roofing is considered voided. Any questions can be directed to www.drhorton.com

75. SOLAR PANELS / SOLAR COLLECTION DEVICES.

All Solar Collection/Solar Panel equipment must be designed as an integral part of the roof. The solar device must also meet the following criteria for installation:

- Installation must be roof mounted only and must conform to all Pender County, State, Federal, and Electric Utility provider regulations.
- Solar equipment may not extend higher than or beyond the roof line, the device(s) must conform to the slope of the roof, and the top edge of the device(s) must be parallel to the roof line.
- Solar equipment color must blend in with roof and or home colors as much as possible. The color of the frame, support bracket(s), and visible piping or wiring must be silver, bronze, or black tone commonly available in the marketplace or hidden from view.
- The ARC recommends a majority of the panel installation and their location(s) be installed on the rear or side facing portion of the roof (away from the street) whenever possible. Front placement is acceptable, but it should be minimized



- The device may not extend higher than or beyond the roof line, the device must conform to the slope of the roof, and the top edge of the device must be parallel to the roof line.
- Device color must blend in with roof and or home colors as much as reasonably possible. The color of the device's frame, support bracket(s), and visible piping or wiring must be silver, bronze, or black tone commonly available in the marketplace or hidden from view.
- Owner acknowledges that D.R. Horton will not be held responsible for any future water intrusion or damage to the home in the area where the Solar Panel(s) are installed whereas the shingles and/or roof is penetrated. The warranty for the roofing is considered voided. Any questions can be directed to www.drhorton.com

76. STORAGE SHED – REAR YARD LOCATION.

Please do NOT purchase and/or install your shed without ARC prior approval. The following shed installation guidelines must be met:

- Placement of a standard-sized storage shed should be minimized from any front street.
- Shed shall be allowed only in rear yard of the lot. On corner lots, the storage shed must be located on the side of the lot farthest from the side street.
- Storage shed cannot be located in any public or private drainage or utility easement(s), swale(s) or setback(s) on the property if applicable to the property.
- Storage shed must be installed with hurricane tie-downs and meet all town/city/county requirements. The owner will be responsible for checking in and securing any necessary permits from the Town, City and/or County, if applicable or required.
- Owner to ensure placement of shed and its foundation will not negatively impact drainage on subject property and/or adjoining properties and HOA common area. Owner will be responsible to relocating shed, if any drainage issues are reporting or experienced by any adjoining parties to the property.
- The maximum permitted size of the shed in the community is: 120 square feet. The following typical manufactured/pre-built shed size dimensions are acceptable:
 - 10' x 12',
 - 10' x 10',
 - 8' x 10' or
 - 6' x 10'

- The maximum height of the shed (including the top of the roof) must be ten-feet (10') from the base of the shed at its highest point.
- If there is a proposed shed porch, awning, overhang, or any other item attached to the storage shed, it must be included in the allowed 120 sq. ft.
- Storage shed exterior components - color, siding, shutters, and trim materials must be architecturally similar or ideally match that of the home.
- Vinyl, plastic, and/or metal storage buildings are not allowed.
- Shed exterior and trim must be the same color as the exterior of the home, unless otherwise approved by the ARC.
- Colors that contrast with the home and surrounding homes will NOT be approved.
- The shed roofing materials (i.e., asphalt shingles) should match the home in color and shingle style.
- No plastic, shake, resin, or wooden shake style roof materials are permitted.
- As of November 1, 2023, metal-styled shed roofs are permitted by the ARC providing the proposed roof color is grey, charcoal, black, brown or an approved ARC roof color which complements the home color scheme.
- All proposed metal roof material for the storage shed will be reviewed and considered by the ARC on a case-by-case basis, providing the proposed shed roof will complement the existing home's roof (in material used, color scheme and detail).
- Overall, the Owner will be required to ensure the storage shed and its components are maintained in a clean and presentable condition after installation, to include power-washing, repainting and/or replacing any damaged, worn or rotted siding/trim/roofing materials when needed or requested by the Association.

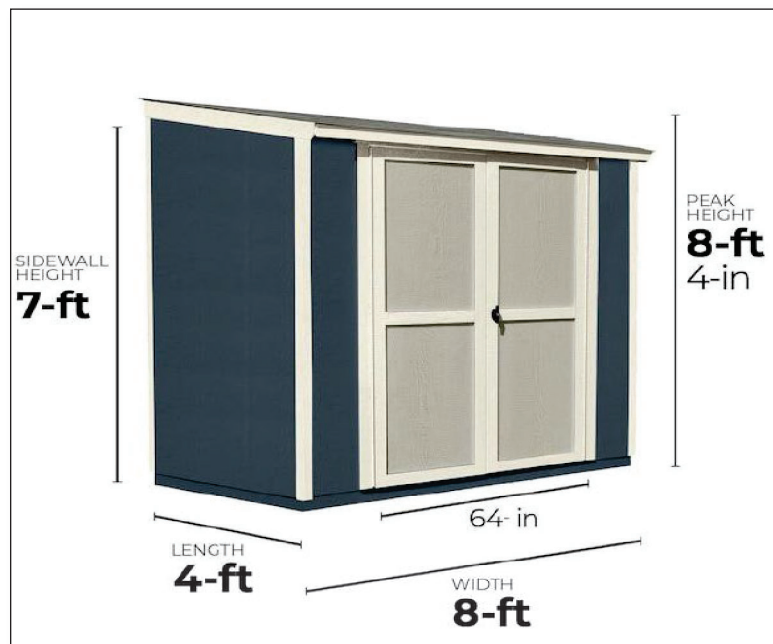
77. STORAGE SHED – SIDE OF HOME LOCATION:

Smaller side storage sheds require ARC review. Please do NOT purchase and/or install your shed without ARC prior approval. The following side yard shed installation guidelines must be met:

- Storage shed must meet all town/city/county requirements. The owner will be responsible for checking in and securing any necessary permits from the Town, City and/or County, if applicable or required.
- The maximum permitted size of the shed in the community is: **40 square feet**. The typical shed size dimensions are 4' x 8' (as shown in the diagram on the following page).

- Owner to ensure placement of shed and its foundation will not negatively impact drainage on subject property and/or adjoining properties and HOA common area. Owner will be responsible to relocating shed, if any drainage issues are reporting or experienced by any adjoining parties to the property.
- The maximum height of the shed (including the top of the roof) must be eight-feet (8') from the base of the shed at its highest point.
- Storage shed cannot be located in any public or private drainage or utility easement(s), swale(s) or setback(s) on the property if applicable to the property.
- Storage shed exterior components - color, siding, shutters, and trim materials must be architecturally similar or ideally match that of the home.

Storage Shed – Side Yard Location Example



- Vinyl, Rubbermaid, plastic and/or metal type storage sheds are not allowed.
- Shed exterior and trim must be the same color scheme as the exterior of the home, unless otherwise approved by the ARC. Colors that contrast with the home and surrounding homes will NOT be approved.
- The shed roofing materials (i.e., asphalt shingles) should match the home in color and shingle style.
- No plastic, shake, resin, or wooden shake style roof materials are permitted.
- As of November 1, 2023, metal-styled shed roofs are permitted by the ARC providing the proposed roof color is grey, charcoal, black, brown or an approved ARC roof color which complements the home color scheme.

- All proposed metal roof material for the storage shed will be reviewed and considered by the ARC on a case-by-case basis, providing the proposed shed roof will complement the existing home's roof (in material used, color scheme and detail).
- Overall, the Owner will be required to ensure the storage shed and its components are maintained in a clean and presentable condition after installation, to include power-washing, repainting and/or replacing any damaged, worn, or rotted siding/trim/roofing materials when needed or requested by the Association.

78. SWIMMING POOLS.

ABOVE-GROUND SWIMMING POOLS:

Above Ground pools are NOT permitted on any lot in the community. The only exception to this guideline is for the allowance of readily available small "kiddy" pools which have a volume capacity of **fifteen (15) gallons or less and are located/installed in the rear of the property (i.e., patio or deck)**. These pools should be stored away when not in use.

IN-GROUND SWIMMING POOLS:

In-Ground Pools may be permitted in a fenced rear yard with prior ARC approval. All in-ground swimming pool installation requests will be reviewed on a case-by-case basis with consideration given to, but not necessarily limited to, the size of the yard area, setback from impact on neighboring properties, overall size of pool enclosure, pool secondary structures and related materials.

In-Ground Swimming Pool Application Protocol for Waterside Owners:

- The pool must meet all Pender County pool regulations and standards and DHEC (Department of Health and Environmental Control) regulations and standards, if applicable. The owner will need to obtain any required County permits prior to applying for ARC review.
- The swimming pool, surrounding decking and pool perimeter fencing cannot be located **outside the property lines and/or in any setback, private or public drainage easement(s), established drainage swales and/or utility easement(s) on the property**, if applicable.
- **IMPORTANT:** A **refundable check in the amount of \$2,000** as an initial damage deposit for the pool installation is **REQUIRED** from the owner/applicant immediately following the ARC's approval and must be received by the HOA Management company **PRIOR** to starting the installation project. This deposit is to prevent any possible damage done to 1) Association Common Areas, 2) established drainage components installed by the Builder and/or 3) roadways and curbing areas from the pool installation work by the owner's contractors.

- The damage deposit check will be made payable to the **WATERSIDE COMMUNITY ASSOCIATION** and will be deposited by the HOA Management company until all final work is reviewed and verified by the HOA Management company, ARC or Board of Directors.
- Pool fences are required with the County and must be in compliance with their swimming pool ordinances and fencing criteria. Wrought iron or black aluminum fencing may be used around the pool area only.
- The following pool installation items must be included on the pool submittal:
 - Pool deck and pool perimeter fencing plans showing proposed style and layout on a Plot Plan.
 - Location of pool equipment, filters, heaters, pumps, etc., Drain line must be connected to sewer main via a control valve.
- Homeowner/contractor to ensure installation of pool, pool decking, and any additional pool components will not negatively impact drainage on Subject Lot or adjoining properties and/or Common Areas. If any drainage is affected, it will be the owner's responsibility to make any necessary corrections (with ARC approval) to correct any drainage issues that could result.
- Pool backwash water shall not drain into adjacent properties or Common Areas. Backwash must be disposed of onsite according to County requirements.
- It is the responsibility of the owner to notify the HOA Management company of the **STARTING INSTALLATION DATE**, so an Association representative can evaluate the site before installation work has commenced.
- Owner and contractors will ensure minimal disturbance and distress will be created on neighbors during pool install to property and the Common Areas as a whole. Damage caused to any Common Area, landscaping, sod, shrubs, plant material or irrigation during the owner's pool installation by the installer(s) or deliveries will be the financial responsibility of the owner to pay the Association for any said repairs or replacement(s). Should damages occur during the pool installation, the damages will be noted and reported immediately to the Owner and the ARC and Board of Directors by the HOA Management company.
- During the project, if any damages occur to Common Area, the owner will be notified by the HOA Management company and required to issue another \$2,000 damage deposit check to the COA before further installation can commence. Failure to supply the deposit will result in a \$500 fine.
- Conversely, it will be the responsibility of the owner to notify the HOA Management company of the **COMPLETION INSTALLATION DATE**, so an Association representative can evaluate the site to confirm all pool installation work is complete, no Common Area has been damaged from contractor(s) work and the damage deposit check (with any adjustments, if necessary) can be returned to the owner.

- Owner to maintain pool, components and pool decking in a good condition after installation, to include any maintenance and exterior appearance (i.e., pressure washing when needed or requested by the COA).

79. UTILITIES.

For new construction, all electrical, telephone and/or other utility lines should be installed underground.

80. VEGETABLE GARDENS.

All planting gardens, (i.e., vegetable, orchard, herb gardens) must be in the rear yard and cannot exceed more than 220 square feet in size. Garden must be screened from neighboring homes, common open space areas, and adjacent streets.

- Garden area shall harmonize with the aesthetics of the Home and property.
- Garden / planter boxes cannot be installed in any setback, drainage, swale or utility easement.
- Owner to ensure installation and pad will not negatively affect drainage on Subject Lot and/or adjoining properties or COA Common Areas.
- Owner to maintain garden and remove dead plantings and weeds as needed.

81. WINDOWS.

Windows must be consistent with the architecture of the house. Proposed windows and/or doors must match the material, appearance, and finish of the original windows and/or doors.

Replacement windows shall be substantially the same as those initially installed. Any proposed variance from the foregoing will be considered on a case-by-case basis.

- Individual replacement windows must match or be compatible with existing windows in design, configuration, material, frame width, and color.
- Window frames shall be clad or painted a color consistent with other windows.
- Windows shall have clear glass. Highly reflective glass tinting is not permitted.
- Bars and roll down security shutters are not permitted on the exterior of windows and/or doorways.

All broken windows and screens must be repaired at the earliest convenience not later than thirty (30) days of being damaged.

82. WINDOW COVERINGS.

Windows shall be covered with curtains, draperies, or other acceptable coverings within six (6) months of occupancy.

Window coverings shall be compatible with the architectural character of the residence. Reflective shades or film-type window coverings are specifically prohibited. Windows that are decorative in nature, such as transoms, sidelights, or special accent shapes, are not required to be covered.

No laminates, tin and/or aluminum foil, or hung sheets are allowed as window coverings. Hung sheets may only be used for a temporary period. No garments, rugs, etc., shall be hung from any doors and/or windows.

Blinds, shutters and other coverings must be maintained in a good condition. Any broken and/or damaged blinds, shades, and/or shutters which are visible from the community must be repaired or replaced in a timely manner.

No reflective window coverings or unsightly objects shall be placed in windows visible from adjoining portions of the property.

83. WINDOW PLANTER BOXES.

- All planter boxes affixed to the home shall harmonize with the aesthetics of the Home.
- The color of the planter boxes must match and/or complement the current color scheme of the home.
- Owner to ensure boxes are maintained, including repainting and replacement of box and components when necessary.
- D.R. Horton will not be held responsible for any future water intrusion or damage to the home in the area where any window planter box(es) is installed. The warranty for the siding will be considered voided. Any questions can be directed to www.drhorton.com

84. WIRES AND CABLES LOCATED ON THE HOME EXTERIOR.

Wires and cables, including those installed to convey radio or television signals, shall be hidden, painted, buried, or secured flush with the side of each house to minimize their visibility.

GENERAL OWNER MAINTENANCE GUIDELINES

I. General Maintenance

APPEARANCE OF THE OWNER'S PROPERTY.

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 Waterside community as a whole.

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

- Lawn care
- Trimming of trees and shrubbery
- Landscaping
- Decks
- Fences
- Driveways and sidewalks
- Playground equipment
- Paint
- Roofing
- Garbage Can / Toter storage
- Debris and trash removal

MAINTENANCE OF ALL PROPERTY IMPROVEMENTS.

No property within the community must be permitted to fail into disrepair and all property, including any Improvements upon that property (i.e., landscaping, screens, fencing, etc.), must be kept and maintained in a clean, safe, and attractive condition.

Homeowners are responsible for keeping all buildings, landscaping, and other improvements on their lots in well maintained, clean, neat, and attractive condition at all times.

Home and Other Structures.

Paint, wood trims and stucco shall be maintained in good condition. Broken glass and any missing roof tiles or shingles shall be replaced in a timely manner. Grease and oil stains shall be removed from driveways in a timely manner.

Maintenance of the Lawn.

Front and rear yards should be maintained so as not to degrade the appearance of the neighborhood. This includes mowing, weeding, and mulching, trimming, and pruning, and replacing dead or diseased shrubs and trees. Trees, shrubs, and bushes bordering sidewalks, walkways, property lines and common areas, need to be trimmed in such a fashion that they do not limit or impede access or infringe on a neighbor's property.

Maintenance of Drainage.

All Owners of real property within the Community Area will be responsible for maintaining the established drainage pattern on such real property in accordance with the grading plan provided to the Owner at the time of closing.

Maintenance of Fencing.

Each owner of a site will be responsible for maintaining, repairing, and replacing, in a reasonably attractive manner, any fence located on the owner's site.

No Hazardous Activities.

No activity must be conducted on and/or no improvement must be constructed on any property that is or might be unsafe or hazardous to any person or property.

Unightly Storage of Objects.

The continuous storage of trash, debris, appliances, and/or other unsightly objects on the outside of the home and property is prohibited.

No Unsightliness.

All unsightly conditions, structures, facilities, equipment, and objects, including lawn and garden equipment and other maintenance equipment when not in actual use, must be enclosed within a structure or garage.

II. Waterside Member/Owner Lot Responsibilities

HOMEOWNER RESPONSIBILITIES TO THEIR PROPERTY

In accordance with the Waterside CC&Rs, it is each homeowner's responsibility to:

- Regularly maintain his/her Waterside property and all unimproved Common Areas along the boundaries of his/her Lot (e.g., area between lot line and curb).
- Maintain all landscaping, paving, structures, and improvements of any nature whatsoever located on his or her Lot.
- Maintain their Lot. Responsibilities shall include, but are not limited to:
 - Keeping property clear of all litter, trash, and pet waste.
 - Mowing lawn on a regular basis. Pruning and maintaining trees and shrubs on the property. Promptly removing any dead plant material, trees and/or shrubs, if occurs.
 - Maintaining grounds beds and ensuring the lawn is adequately watered and alive.
 - Removing and replacing any dead plant material, weeds in grounds beds.
 - Keeping driveway and walkways in good repair.
 - Repainting of all exterior structures, when needed or requested.
 - Keeping exterior lighting and mechanical facilities in working order.
 - Promptly repairing any exterior damage to all structures (i.e., fencing, siding, shutters, etc.)
 - Complying with all Association, municipal and/or county, governmental health, and law enforcement requirements.
- Reference and abide by the rules, requirements and guidelines contained in the CC&Rs, specifically **Section 4** - *"Use and Occupancy of Lots and Common Areas"* and **Exhibit C** - *"Initial Rules and Regulations"* and the **Architectural Design Guidelines** for the community. They cover a variety of items, including but not limited to:
 - **Restriction on Use and Occupancy**
 - **NOTE: There is a minimum Six (6) Month Leasing Requirement on all lots. No Airbnb's, VRBOs, timeshares, rentals or leases which are used less than six months.**
 - Signs and Displays on Property.
 - Outside Storage / No Burning or Accumulation of rubbish, trash, or garbage.
 - RVs, boat, trailers, >3 ton commercial vehicle, and vehicle storage. No street parking.
 - Underground Utilities.
 - Swimming pools (also covered in the Architectural Guidelines).
 - Business and trades in the home.
 - Noxious or offensive noise or odorous activities.
 - Pets and owner responsibilities.
 - Obstructing or rechanneling established drainage flows on property.

CONFLICTS

The Committee does not have the lawful authority to consent to any modification that violates the Declaration. Owners are cautioned to review all legal requirements carefully before submitting their applications. Any owner whose modification violates any provision of the Declaration, whether it is inadvertently approved by the Committee, shall be required to remove the unlawful modification.

ENFORCEMENT

Waterside Community Association, Inc., its Board of Directors, and Architectural Review Committee shall enforce the policies contained herein to the greatest reasonable and legal extent possible. Violations of these policies may be dealt with by one or more of the following:

FINES AND SUSPENSION

Fines and/or suspension of membership privileges may be imposed on property owners by means of the citation process. A complete listing of possible penalties and citation procedures are published separately.

LEGAL PROCEEDINGS

Proceedings at law may be instituted against property owners. It should be noted that Waterside Declaration provide that the prevailing party in any such litigation shall be entitled to attorney's fees from the other party.

LIMITATION OF LIABILITY

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 ARC, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Declarant, the Association, the ARC, nor the officers, directors, 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 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, the ARC, or the officers, directors, members, employees, 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.

RECORDATION

These Architectural Guidelines have been prepared by the Declarant for Waterside and hereby adopted by the Board of Directors on this **28th day of February 2024**. These design standards were initially adopted by Waterside Architectural Review Committee on the **12th day of January 2024**. As provided in the Declaration and as provided in this document, these Design Standards are subject to amendment by the Committee with the consent and approval of the Board.

WATERSIDE COMMUNITY ASSOCIATION, INC.,

a North Carolina non-profit corporation



Waterside Board of Directors / Architectural Review Chairperson

February 28, 2024



The Declarations of Covenants, Conditions and Restrictions for your community specifies that all exterior improvements to your property must be approved in writing by the Architectural / Design Review Committee before improvements begin. Please complete and return this form according to the provided instructions. One form per project.

Name: _____ Request Date: _____

Street Address: _____

Home Phone: _____ Cell Phone: _____ Email: _____

Estimated Start Date: _____ Completion Date: _____

List the Type of Modification: _____

Location: _____

Size: _____

Color: _____

Material: _____

Contractor Name: _____

Owner Signature: _____

Date: _____

REQUIREMENTS:

Type of Modification:	Location on Plot Plan / Survey	Material	Style	Size and / Height	Stain / Color	Built Upon Area / BUA *** (see BUA instructions)	Images / Plans
Fence / Fence Enclosure	X	X	X	X	X		X
Utility Building / Shed	X	X	X	X	X	X	X
Porch Conversion	X	X	X	X	X	X	X
Exterior Paint					X		X
Pool	X	X	X			X	X
Patio / Deck	X	X		X	X	X	X
Extended Driveway / Walkway	X	X		X		X	X
Gazebo	X	X	X	X	X	X	X
Landscape	X						X
Addition	X	X		X	X	X	X

INSTRUCTIONS: Please read and follow carefully.

- ☐ Please refer to the above chart for specific requirements for your particular project. **Provide all "X" items along with this completed Request Form.** If your project is not specified above please provide a written description (see next paragraph).
- ☐ For ALL requests, attach a **written description** of the scope of the proposed changes including the general nature of the work, location of the changes, colors and materials to be used plus any plans, drawings, photos or brochures necessary to illustrate the dimension, size and appearance. Please be sure to include details of any landscaping changes or removals which may be necessary to accomplish the changes proposed.
- ☐ Attach a **property survey / plot plan** with the location of the proposed changes **clearly marked on the survey / plot plan**. This item **MUST** be included so that there is a clear understanding of precisely where the changes will occur in relation to the home, driveway, other structures and any easements or rights of way which may exist on the property. Note: Your project will not be sent for Committee review without a copy of the property survey / plot plan. A plot plan can be obtained from your closing documents or you may reach out to your builder for a copy.

***** BUA INSTRUCTIONS (Built Upon Area)**

Projects which require owner(s) to submit BUA amounts, include but are not limited to the following; hardscape around in-ground pools, patio, patio extensions, driveway extensions, walkways and sheds. BUA is considered any impervious surface that does not allow rainwater to infiltrate into the ground – i.e. footprint of the home, sq. ft. of driveway, concrete walks/patios, etc. Note: For pool requests the surface area of the pool should not be included in your BUA calculations.

Complete this section for BUA / impervious surface projects:

Existing BUA – located on your plot plan: _____ sq. ft.
Proposed BUA – total square footage of your project: _____ sq. ft.
Maximum Allowable BUA – refer to CC&R's: _____ sq. ft.

IMPORTANT: Please allow up to 3-4 weeks for the Committee to complete the review and response process. Requests which do not include the items described above will delay the process. Email is the quickest and most efficient way to submit a request. The review and response is based on the community's governing documents and the information submitted with this request. **The property owner is responsible** for investigating and complying with any and all other local requirements, permits or jurisdictions the property is subject to as well as HOA governing documents. Homeowners are encouraged to review HOA governing documents prior to submitting a request.

HOW TO SUBMIT YOUR REQUEST:

- Email, Mail or Fax request form AND supporting documentation to:

Waterside COA
P.O. Box 12051
Wilmington, NC 28405
Fax: 888-799-7626
Email: ARC@PremierManagementNC.com

For email requests: Please assemble electronically into a *single email* with preferably a single PDF attachment. Include your Community's Name, your Last Name and your Property Address in the subject line.

Committee Use Only

☐ Approved

☐ Approved with Conditions

Conditions:

☐ Denied

Comments:

Name of Committee Member: _____

Signature of Committee Member: _____

Date: _____