



RESTRICTIVE USE POLICIES

AS OF OCTOBER 6, 2014

Included in this document are four (4) Restrictive Use Policies that should be read in conjunction with the various Deeds of Restrictions of The Cape.

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PARKING POLICY

1. For purposes of this policy, "Street" or "Streets" means any street, road, right-of-way, or cul-de-sac, within The Cape which is owned, maintained or subject to the control of The Cape Homeowners Association (the "CHOA").
2. For purposes of this policy, "Common Area" means common area, excluding Streets, within The Cape which is owned, maintained or subject to the control of the CHOA.
3. To the extent, the restrictive covenants for a specific section or development within The Cape contains restrictions on parking which are more restrictive than as provided in this policy, the more restrictive provisions of said restrictive covenants shall control.
4. Except for designated parking lots, areas, and spaces, no parking on the Common Area shall be permitted. Any such designated parking lots, areas, and spaces shall be subject to such existing or future parking policies regarding the same as may be adopted by the CHOA from time to time.
5. Except for emergency purposes, no parking on the following Streets shall be permitted:

Spencer Court	Max Flite Way	Titleist Lane	Top Flite Lane
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6. No vehicle may be parked such that it blocks the sidewalk on or in front of any property owner's lot including the portion of any sidewalk crossing the driveway.
7. Except as otherwise restricted herein, overnight parking on the Streets is restricted to property owner's visitors only, with a maximum of (3) consecutive days. In general, overnight parking should be confined whenever possible to property owner's driveways and/or garages. If individual circumstances require visitor parking in excess of (3) days, the property owner must contact the CHOA property manager for an "Extended Parking Permit" pass which must be displayed on the vehicle dashboard.
8. Property owner's and their guests and invitees shall not park within fifty feet of either side of any fire hydrant located on any Street or the Common Area.
9. Property owner's and their guests and invitees shall not park on any Street in any manner which creates an unsafe condition including but not limited to, blocking traffic, interfering with emergency vehicles, interfering with pedestrian traffic, or parking in blind spots.
10. Property owner's and their guests and invitees shall not park on any portion of any Street which have duly posted signs by the CHOA prohibiting or restricting parking.
11. Compliance with the above rules and regulations, by a property owner, their guests, and invitees, shall be the obligation of the property owner, and a violation of the same shall subject the property owner to the duly adopted fine procedures of the CHOA.
12. Furthermore, the CHOA reserves the right to tow any vehicle in violation of the above rules and regulations which creates a dangerous or unsafe condition, or in case of an emergency.

July 17, 2012



REGARDING BURNING

Applicable Deed Restriction, including but not in its entirety: “No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to the neighborhood. There shall not be maintained any plants or animals, or device or thing of any sort whose normal activities or existence are in any way noxious, dangerous, unsightly, unpleasant or of a nature as may diminish or destroy the enjoyment of other property in the neighborhood by the owners thereof.”

It is deemed a violation of The Cape Deed Restrictions to place or store any amount of combustible material for the purpose of burning openly on any lot inside the boundaries of The Cape subdivision.

This does not apply to fire wood used solely inside any structure with a fireplace or an approved exterior burning device or lawn debris placed in a pile for immediate removal.

Any placed or constructed device or thing must be approved by the ACC prior to placement or construction. Any devices or things on any lot that are in place prior to the adoption of this policy shall seek the approval of the ACC and are currently in violation of the Deed Restrictions. This includes any device or thing other than a commercially available grill such as the type that can be purchased and is used for cooking food items or a commercially available chiminea or metal fire container designed for small fires and that can be easily extinguished.

It is deemed a violation of The Cape Deed Restrictions if a resident starts any fire for the purpose of burning lawn debris.

Burn barrels, metal drums, trash cans, fire pits, fire rings, “camp fires” and other “homemade” devices are not permitted, may not be constructed or placed upon any lot and must be removed from sight upon notice from the ACC. Failure to do so will be deemed a violation of The Cape Deed Restrictions.

Declaration of Restrictions – Section & Restriction for each neighborhood

Section	Restriction #	Section	Restriction #
1	Fifteenth	6	Fifteenth
1 A	Fifteenth	7	Fifteenth
2 A	Fifteenth	8	Fifteenth
2 B	Fifteenth	PH	Fourteenth
3 A	Fifteenth	SAC	Sixteenth
4 A	Fifteenth	BD	Section 4
5	Fifteenth	BW	Article II: Section 6
		LS	Section I e



RETENTION PONDS – “VISUAL & FUNCTIONAL – NOT RECREATIONAL”

The Cape community has three (3) Retention Ponds. The retention ponds are on Cape common areas. It has always been the standing policy of this office; Board of Directors/Property Management, (past and present), to protect and beautify the common areas, to respond when a call or report is received from a concerned resident regarding a common area, and to protect the liability of the Cape HOA Membership as a whole, which includes each resident homeowner. As spring is upon us, not only are our children and we itching to be out in the sunshine and water, so are the creatures of Mother Nature. As many of you know, in the Cape we have alligators, snapping turtles and various other creatures in our ponds. The ponds are beautiful to walk/sit by, look at and enjoy, but residents, children and guests are asked to refrain from entering the waters. It is a hazard that this office has always warned against for several reasons. 1.) Alligators, snakes, snapping turtles, etc. 2.) The Storm Water Retention Ponds are a holding point for storm water run off. Water drains to these collection points and then regulates itself through large underground pipes into our drainage system, which eventually finds its way to the Cape Fear River. The pipes leading to the river have back flow flaps/regulators, which close to protect us when the river rises too high. While pipes at these ponds are protected as much as possible while allowing water to flow, they are large enough, for a child or animal to get caught up in. We must not take this lightly. Parents are asked not to allow or leave children at the ponds unsupervised. It is our responsibility, as it is written in the Cape HOA By-Laws; "To make, amend and enforce regulations governing the use of the common property ... To enforce by legal means or proceedings the provisions of the Articles of Incorporation and By-Laws of the Association, the Declarations of Condominiums, Declarations of Restrictions and the regulations hereinafter promulgated governing use of the common property of the Project."

Therefore, as advised by our attorney and insurance company, please note that the following regulation is in effect specifically stating:

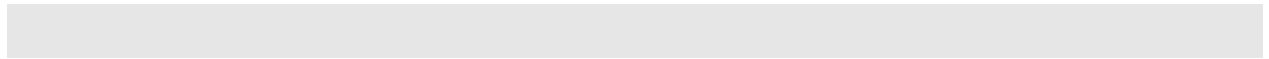
"Retention ponds are required for the functionality of the community storm water drainage system and for the visual pleasure and enjoyment of The Cape residents. Wading, swimming, boating, kayaking and/or entering the pond for any other recreational purpose is prohibited."

Signage will be posted as soon as they are completed.



POLICY FOR USE OF THE CAPE ROADS

No motorized vehicle, including but not limited to golf carts, motor bikes, all-terrain vehicles and go carts, are allowed to be operated upon any roads or streets within The Cape except by a driver who is licensed to operate a motor vehicle upon the public roads of the state of North Carolina



POLITICAL SIGNAGE POLICY

Political support signs must be of a temporary nature and may be installed up to thirty (30) days prior to an election and must be removed within one (1) week after the close of the election.

There is a limit of two (2) signs per lot, not exceeding five (5) square feet each.