

Architectural Guidelines for The Retreat at Mallory Creek Homeowners' Association, Inc.



**Guidelines for the Association
Effective: June 3, 2022**

PREAMBLE

The residential sections of The Courtyard at Mallory Retreat and The Retreat at Mallory Creek are both a part of the Association and Property.

The Covenants, Conditions, Restrictions, and Easements (CC&Rs) governing the Association provide that all properties shall be properly maintained and that design of building construction and Lot and Property improvements of any kind require the prior approval of the Architectural Committee. The CC&Rs grant authority to adopt guidelines to accomplish its objectives. Therefore, the Board of Directors and the Committee hereby adopt the Architectural Guidelines set forth herein. The Architectural Guidelines have the same force and effect as the Rules adopted by the Board from time to time, including those Rules attached to the CC&R's as Exhibit C.

The Architectural Guidelines are established for the protection and enjoyment of all Members and are strictly enforced.

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 The Guidelines may be amended or repealed by the Board of Directors as they deem appropriate.

**Board of Directors
The Retreat at Mallory Creek Homeowners' Association, Inc.**

TABLE OF CONTENTS

I.	Definitions.....	1
II.	Introduction.....	1
III.	Committee Procedure.....	2
IV.	Non-Liability of the Committee.....	3
V.	Fence Guidelines.....	3
VI.	Exterior Lighting Guidelines	4
VII.	Storage Building Guidelines	4
VIII.	Basketball Hoop Guidelines	5
IX.	Generator Guidelines	5
X.	Trampoline Guidelines.....	6
XI.	Swing Sets/Playsets Guidelines	6
XII.	Landscaping Guidelines.....	6
XIII.	Garbage/Trash and Recycle Cans Guidelines.....	7
XIV.	Swimming Pool Guidelines	7
XV.	Hot Tub/Jacuzzi Guidelines	7
XVI.	Vehicle and Parking Guidelines.....	8
XVII.	Sign Guidelines	8
XVIII.	Solar Panel/Solar Collection Guidelines.....	9
XIX.	Flags/Flagpoles Guidelines	9
XX.	Patio Cover/Screen Enclosure Guidelines	10
XXI.	Awning/Sails Guidelines	10
XXII.	Antennas/Satellite Guidelines.....	11
XXIII.	Holiday/Decorative Material Guidelines	11
XXIV.	Painting/Repainting – Exterior Guidelines	11
XXV.	Fire Pit Guidelines	11
XXVI.	Concrete Coatings and Driveway Extension Guidelines	12
XXVII.	Concrete Coatings and Patio Extension Guidelines.....	12
XXVIII.	Animal and Pet Guidelines	12
XXIX.	Fishing Guidelines	12
XXX.	Wildlife Guidelines.....	13
XXXI.	Unsignliness Guidelines	13
XXXII.	Nuisance Guidelines	13

XXXIII.	Miscellaneous	14
XXXIV.	Conflict	14
XXXV.	Enforcement	14

I. Definitions

1. Association: The Retreat at Mallory Creek Homeowners' Association, Inc., a North Carolina non-profit corporation, its successors and assigns.
2. Board: The appointed or elected Board of Directions, as applicable, of the Association.
3. CC&R's: The Declaration of Covenants, Conditions, Restrictions, and Easements for The Retreat at Mallory Creek, recorded July 5, 2018, County of Brunswick in the NC Register of Deeds, Book 4077, Page 1284.
4. Committee: Architectural control committee consisting of one or more persons, unless the Board, in its sole discretion, constitutes itself as the Committee by fulfilling the duties of the Committee. The Committee has full authority to regulate the exterior appearance of the Lots.
5. Common Property: The real property, if any, together with improvements located thereon, which is designated "Common Property" or depicted as open space or common area on any plat of The Retreat of Mallory Creek recorded in the Brunswick County Land Records or if not depicted, owned by the Association.
6. Lot: Any lot of land within the Property upon which it is intended that a single-family dwelling be constructed or upon which a single-family dwelling has been constructed as shown on a plat recorded in the Brunswick County Land Records. The ownership of each Lot shall include, and there shall pass with each Lot as an appurtenance thereto, whether or not separately described, all of the right, title, and interest of an Owner in the common property and membership in the Association.
7. Member: Owners who are entitled to membership in the Association as set forth in the CC&R's.
8. Owner: The record Owner, whether one (1) or more persons, of the fee simple title to any Lot situated upon the Property. All Owners shall be Members of the Association.
9. Property: The real property and interests generally referred to as the "The Retreat at Mallory Creek" and such additions or withdrawals to that real property as may be made by the Association pursuant to the CC&Rs. For clarity, this refers to the full residential community, including both divisions of The Retreat at Mallory Creek ("Retreat") and The Courtyards at Mallory Retreat ("Courtyards") as well as Common Property.

II. Introduction

All properties within the Association are subject to the recorded CC&Rs, as well as the restrictions of Brunswick County/Town of Leland, North Carolina as applicable. These restrictions provide that no building, improvement, fence, structure, addition, landscaping, attachment, condition, excavation, alteration, or change (including any color change) may be made, installed, maintained, restored, or permitted to remain on the exterior of any Lot, unless made, installed, maintained, or restored, as the case may be, in compliance with plans and specifications reviewed and approved by the an architectural control committee ("Committee") in advance. This is in accordance with Article IX, "Architectural Control", of the Declaration of Covenants, Conditions, Restrictions, and Easements for The Retreat

at Mallory Creek, recorded July 5, 2018, County of Brunswick in the NC Register of Deeds, Book 4077, Page 1284.

The Association incorporates standard single-family homes. By following these Guidelines 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 Lots within the Property. 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 (i) assure harmony of external design, materials, and location in relation to the surrounding buildings and topography within the Property; (ii) protect and conserve the value and desirability of the Property as a residential community; (iii) not conflict with the Declaration, Bylaws, and Rules and Restrictions; and (iv) otherwise be in the best interests of the Owners. Article IX of the CC&Rs gives the Committee the power to adopt and amend reasonable, uniform architectural guidelines. Such architectural guidelines must be approved by the Board before taking effect.

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 Property. The Committee strives to be completely fair, objective, impartial and understanding of individual goals.

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

III. Committee Procedure

1. Owners shall follow the steps in the Architectural Request Instruction Guide to submit an architectural request.
2. Any proposed exterior improvements must be submitted to the Committee for review and consideration using an Architectural Request Form. No Owner shall make any addition, alteration or improvement to or on any Lot without the prior written consent of the Committee.
3. Any Owner submitting plans for Committee approval shall be responsible for the verification and accuracy of all dimensions, grade, elevations and the location of key natural terrain features for the Lot.
4. Within sixty (60) days after receiving an application, the Committee either must approve the application as submitted or notify the Owner application:
 - a. that the application is denied stating the reasons for denial;
 - b. that the Committee needs additional information or documentation in order to take action; or
 - c. conditionally approve the application, with modifications to the original application request.

5. If the Committee fails to take any action with respect to an application within ninety (90) days after their receipt of a completed application and all required information, the request shall be deemed to be approved.
6. When any kind of construction or changes that are governed by this document are done without prior Committee approval, a violation shall be issued, all work shall stop and a Stop Work Notice may be issued. The owner may be fined and have legal action taken against them. Unapproved construction shall be removed and/or altered as required by the Committee after notice.

IV. Non-Liability of the Committee

1. Neither the Board or 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 he will not bring action or suit against the Committee to recover damages or otherwise.
2. Approval by the Committee shall not be deemed to constitute compliance with the requirements of any local building codes and development regulations, and it shall be the responsibility of the Owner to comply therewith.
3. Any approval by the Committee shall not relieve the Owner from obtaining the prior consent and approval, when necessary, of the appropriate department or commission of Brunswick County/Town of Leland. Additionally, any governmental approvals shall not be binding upon the Association as to whether or not any project shall be approved by the Committee.
4. Use of any property in the Property and any improvements must comply with applicable building codes and other governmental requirements and regulations. Approval and permits from Brunswick County/Town of Leland should be obtained where required.
5. Approval by the Committee will not constitute assurance that improvements comply with applicable governmental requirements and regulations, or that a permit or approvals are not also required from applicable governmental bodies. For information about these requirements, Owners should contact Brunswick County and/or the Town of Leland Building Department.

V. Fence Guidelines

1. Committee approval is required prior to any fencing installation on the Lot.
2. Fences in the Retreat section must be five feet (5') black aluminum. Styles may vary. The finished side of the fence must face outward towards the street/neighborhood Lots.
3. The Courtyards section may install six feet (6') white vinyl privacy OR five feet (5') black aluminum.
4. Fences may be placed a maximum of ½ up the side of the home.
5. Gates may be located on either side or both sides of home.

6. Corner Lot fence placement will be reviewed on a case-by-case basis.
7. No fences shall be placed in a berm, public easement, or drainage area, including drainage areas not indicated on the recorded map as an easement.
8. Fences may be placed in a private drainage easement, however, if access or maintenance is ever required, the Association and/or contractor may access without notice and if further maintenance is required with equipment, it is solely the homeowner's responsibility to remove and replace the section of fence inside the easement.
9. No fences may be installed in a manner that would impede drainage for the fenced Lot or any other Lot or Common Property / Property.
10. Owners are responsible for knowing where their property lines are located and ensuring the fence is installed on their property.
11. Owners must contact a utility locating service to have lines marked before digging. www.nc811.org is a free service.
12. It will be the homeowner's responsibility to move, repair, and/or adjust sprinkler heads due to the fence installation.
13. It is the homeowner's responsibility to confirm and adhere to the guidelines stated above.
14. The homeowner is responsible for repairing any damaged fence within 30 calendar days (i.e. workmanship error, natural disaster, etc.)

VI. Exterior Lighting Guidelines

1. Committee approval is required for all outdoor lighting.
2. Exterior lighting should not disturb neighbors or impair vision of traffic on adjacent streets.
3. In reviewing lighting requests, the Committee will consider the visibility, style, location and quality of the lighting fixtures. When possible, provide the voltage and bulb wattage, along with all dimensions and a picture or drawing with your application.
4. Exterior lighting for security and/or other uses must be 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.
5. Low voltage, ground landscaping lights do not require Committee approval provided they are conservative in design and are directed towards the house, tree or ground.

VII. Storage Building Guidelines

1. Committee approval is required prior to any storage building installation on the Lot.
2. The structure must have significant details matching the house, i.e. style of home, siding material, siding color, color of door, shutters or any other accessory, and roof shingle/material and color.
3. The size of the building is limited to no larger than 12'x16' with the roof no higher than 12 ft. from the ground at its highest point. If there is a porch, awning, overhang

or any other item attached to the building it must be included in the 12'x16' dimensions.

4. The building must be located in the rear corners of the yard and set back a minimum of 10 feet (10') from the side and rear Lot lines. The building can be as close as 5 feet (5') from the side and rear Lot lines if a privacy fence (no shorter than 6') is present. On corner Lots, storage buildings must be located on the side of the Lot farthest from the side street.
5. No buildings will be allowed within an easement, berm, or drainage area, including drainage areas not indicated on the recorded map as an easement.
6. No buildings may be installed in a manner that would impede drainage for the fenced Lot or any other Lot or Common Property / Property. Homeowner is responsible for correcting any drainage related issues arising out of installation and/or location of the storage building.
7. Storage buildings should not be placed next to a neighboring storage building but must be located on the opposite side of requester's Lot (unless both neighbors have existing storage buildings that make this requirement impossible).
8. Owners are required to obtain any necessary building permits as required by the Town of Leland.
9. A color picture (if available) of the building being proposed must be included with the request form.

VIII. Basketball Hoop Guidelines

1. Permanent basketball hoops are prohibited.
2. Portable basketball hoops are permitted. Committee approval is not required.
3. Use of portable basketball hoops shall be limited to the hours of 8:00 am to 9:00 pm. The portable basketball hoop cannot be placed in any manner that it blocks the street, sidewalks and pedestrian walkways. Portable basketball hoop should not be placed directly in any streets or roadways potentially obstructing traffic or parking patterns.
4. Basketball hoops must be laid down or stored away in a garage or storage building during anticipated tropical storms or hurricanes.
5. Basketball hoops must be maintained and repaired as needed.

IX. Generator Guidelines

1. Committee approval is required prior to any standby or permanent whole house generators are installed.
2. Portable backup generators (i.e. utilized solely for Hurricane and Storm Events) do not require Committee approval.
3. Standby generators are to be installed on the side of the home within close proximity of the Electric meter and/or Electric Panel.
4. Standby generators must be installed per all Federal, State, County, Local and Electric Utility guidelines and specifications with no deviations allowed.
5. Standby generators shall be screened either by approved fencing or by plantings tall enough to conceal the unit of visibility from any street or adjacent properties.

6. Standby generators to be used specifically for emergency backup power with the exception of test run of the system.

X. Trampoline Guidelines

1. Committee approval is required prior to any trampoline installation on the Lot.
2. Trampolines are limited to the rear yard and generally should not be visible from any street or adjacent properties. On corner Lots, trampolines must be located on the side of the Lot farthest from the side street. Trampolines must be located behind landscaping whenever possible and must be located at least fifteen feet (15') from adjacent Lots and may not exceed twelve feet (12') in height.
3. Trampolines must be anchored to the ground with appropriate hardware.
4. Trampolines must be stored away in a garage or storage building during anticipated tropical storms or hurricanes.
5. Should the trampoline cause damage to any other property or structure, owner of said trampoline will be responsible for the damage.
6. Trampolines must be maintained and repaired as needed.
7. Use of trampoline should not create a nuisance to surrounding neighbors during quiet hours (same hours observed by city and county)

XI. Swing Sets/Playsets Guidelines

1. Committee approval is required prior to any swing/playset installation on the Lot.
2. Swing/playsets are limited to the rear yard and generally should not be visible from any street or adjacent properties. Swing/playsets must be located behind landscaping whenever possible and must be located at least fifteen feet (15') from adjacent Lots and may not exceed twelve feet (12') in height.
3. Should the swing/playset cause damage to any other property or structure, owner of said swing/playset will be responsible for the damage.
4. Swing/playsets must be maintained and repaired as needed.
5. Use of swing/playset should not create a nuisance to surrounding neighbors during quiet hours (same hours observed by city and county)

XII. Landscaping Guidelines

1. Committee approval is required for any changes, modifications or additions in landscaping on the Lot.
2. All improvements shall be complimentary to the home and shall follow any landscaping requirements of Brunswick County and/or the City/Town. The Committee encourages Owners to consult with landscaping professionals in order to design harmonious modifications, choose complimentary materials and to ensure proper installation.
3. No trees, regardless of type or diameter, shall be removed from any Lot without the prior written consent of the Board.
4. All maintenance of Lots and all structures, parking areas, landscaping, and other improvements thereon shall be the sole responsibility of the Owner.

5. In the event the Board or the Committee determine that any Owner has failed or refused to properly maintain, repair, or replace items for which such Owner is responsible, the Association shall have the power to levy specific fines against a particular Lot as described in Enforcement below or may perform such maintenance, repair, or replacement for the Owner at the expense of the Owner.

XIII. Garbage/Trash and Recycle Cans Guidelines

1. Garbage and recycling cans must be stored out of view, either in the garage or in Committee approved garbage storage areas.
2. The garbage storage area must have significant details matching the house, i.e. style of home, siding material, and siding color.
3. The garbage storage area must be L-shaped and four feet (4') tall with rail cap and post caps.
4. No garbage storage areas will be allowed within an easement, berm, or drainage area, including drainage areas not indicated on the recorded map as an easement.
5. No garbage storage areas may be installed in a manner that would impede drainage for the Lot or any other Lot or Common Property / Property. Owner is responsible for correcting any drainage related issues arising out of installation and/or location of the garbage storage area.
6. Owners are required to obtain any necessary building permits as required by the Town of Leland.

XIV. Swimming Pool Guidelines

1. No above ground swimming pools shall be located on any Lot. The only exception to this guideline is for small "kiddy" pools which have a volume capacity of fifteen (15) gallons or less that must be located in the rear of the home.
2. Committee approval is required prior to any in-ground pool installation on the Lot.
3. In-ground Pools may be permitted in fenced yards. Request for in-ground swimming pools 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, size of pool enclosure, pool materials, and impervious surface.
4. All in-ground pools must meet the Association, Brunswick County, Town of Leland, and DHEC (Department of Health and Environmental Control) regulations and standards.

XV. Hot Tub/Jacuzzi Guidelines

1. Committee approval is required prior to any hot tub or jacuzzi installation on the Lot.
2. Hot tubs and Jacuzzis must be located in the rear yard, screened by landscaping or approved privacy screening.

3. Owner is responsible for obtaining and adhering to any Brunswick County and/or City/Town requirements for hot tub or jacuzzi and surrounding structures, including obtaining any necessary permits, if applicable.

XVI. Vehicle and Parking Guidelines

1. Four (4) working, licensed and registered vehicles are allowed per Lot unless otherwise permitted by the Board.
2. Vehicles shall be parked in the driveway only. Parking on lawns or vacant Lots is prohibited.
3. Parking of broken or abandoned vehicles on any Lot or the Common Property is prohibited.
4. Vehicles or equipment that are unsightly in appearance as determined by the Board or Committee shall not be allowed. Junk vehicles or vehicles that appear abandoned are subject to towing at Owner's expense.
5. No boats, boat trailers, campers, camper trailers, recreational vehicles, or utility trailers shall be stored on the Common Property or Property at any time without prior written approval of the Board.
6. On street parking is strictly prohibited. The Town of Leland has established a code of ordinances allowing parking by permit, but only for special events, subject to the Police Chief's approval.
7. The community has on street parking spaces throughout the Property. These parking spaces are to be used by authorized guests of Owners only. Any use of the on street parking spaces by Owners without the prior written consent of the Committee is strictly prohibited. Authorized guest use of on street parking spaces of more than one (1) week requires Committee approval.
8. In the event the Board or the Committee determine that any Owner has failed to follow the Vehicle and Parking guidelines, the Board shall have the power to levy specific fines against a particular Lot as described in Enforcement below.

XVII. Sign Guidelines

1. Committee approval is required prior to installation of all signs on the Lot.
2. No advertising signs or billboards or other advertising structure(s) of any kind can be erected on an Owner's property without prior written approval.
3. Committee approval is not required for an Owner to erect a "For Sale" sign on the Lot. The size shall not exceed eighteen inches (18") by twenty-four inches (24"). Wording on the sign shall coincide with activity, i.e., for sale, open house, contractor identification, etc.
4. Committee approval is not required for informational signs for Association-sponsored events.
5. Committee approval is not required of signs less than six (6") inches by six (6") inches placed on the Lot or the exterior of the residence stating that such residence is protected by a security system.
6. Temporary political signs are allowed on Lots subject to the current Brunswick County signage codes without Committee approval. The Board encourages any

political signs be placed no earlier than thirty (30) days before an election, run off, primary or referendum. All political signs must be removed from the property within seven (7) days of such event as mentioned above. Political signs shall have a maximum size of nine (9) square feet, with a maximum height of five feet (5') from the top to the ground level.

7. The Board shall have the right to erect reasonable and appropriate signs without Committee approval at its discretion.

XVIII. Solar Panel/Solar Collection Guidelines

1. Committee approval is required prior to installation of any solar equipment.
2. Solar equipment must be designed as an integral part of the roof.
3. Solar Panel installation must conform to all Town/City, Brunswick County, State, Federal and Electric Utility regulations.
4. 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.
5. Solar equipment color must blend in with roof and or home colors as much as reasonably 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.
6. The location of the equipment must be installed on the rear facing portion of the roof (away from the street) that, in the opinion of the Committee, is the least objectionable location for the device. The Committee's guiding principle is to balance between a location that enables the equipment to be effective and a location that is the least visible and least obtrusive. Be aware that some Insurance companies will not insure.

XIX. Flags/Flagpoles Guidelines

1. Committee approval is required for a freestanding flagpole. A flag mount secured on the home does not require Committee approval.
2. Flag pole 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.
3. Flag pole must be vertically anchored solidly in the ground with concrete to ensure stability in high winds/storms.
4. 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.
5. Flag pole 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.
6. Owner to ensure any components or flag pole hardware will not create unnecessary noise and nuisance to adjoining properties during high wind conditions.
7. Committee approval is not required for flying the U.S. or North Carolina flag from brackets attached to the front of houses or on flagpoles. Allowable pre-approved flags may be no larger than 4' x 6' and consist of any of the following: United States

flag or other official national flags, military service flags (Army, Navy, Marine, Air Force, Coast Guard or National Guard), military unit designation flags, sports teams, First Responder, or Holiday/Seasonal flags. All flags must be kept in good repair.

8. Political flags are not permitted.
9. 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 as part of the Architectural Request Form, if the U.S. Flag is to be displayed twenty-four (24) hours a day to ensure proper illumination of the flag at all times.

XX. Patio Cover/Screen Enclosure Guidelines

1. Committee approval is required for exterior patio covers and screen enclosures of any kind.
2. Owner must submit the cover/enclosure design, specific location of the improvement in relation to the home, exterior views of the cover/enclosure system, materials and colors to be used, and overall dimensions.
3. If porch is to be enclosed, porch must contain materials that are consistent architecturally with the home, if applicable.
 1. Color of the porch screens, if used, must be charcoal or black.
 2. Color of enclosure should be the same color as the siding or trim color of the home.
 3. Color of enclosure frame and overall design of enclosure should be the same color as the siding and/or trim color of the home.
 4. Once installed, owner must maintain patio cover/enclosure, windows and/or screens in a well-maintained, clean condition, to include all maintenance and upkeep of exterior appearance.

XXI. Awning/Sails Guidelines

1. Committee approval is required for exterior awnings and sails of any kind.
2. Awnings are not permitted on the front portions of the house.
3. A picture/design of the awning and sample of the material must be submitted.
4. Color of awning must match aesthetics of home. The color should not draw attention to the patio area.
5. Once installed, owner must maintain the awning in a well-maintained, clean condition, to include all maintenance and upkeep of exterior appearance.
6. Sail canopy cannot exceed more than five feet (5') beyond the width of the patio.
7. The sail can only be installed in the rear of the house. The view of the sail from the street must be minimized.
8. The support poles must be anchored solidly in the ground with concrete or appropriate hardware.
9. Support poles must be painted to match the base or trim of the home.
10. Color of sail must match aesthetics of home. The color should not draw attention to the back-patio area.

XXII. Antennas/Satellite Guidelines

1. Committee approval is required for exterior antennas and satellites of any kind.
2. Satellite dishes shall not be over eighteen (18) inches in diameter.
3. Satellite dishes should not be visible from any street or adjacent properties.

XXIII. Holiday/Decorative Material Guidelines

1. Owners are permitted to decorate their Lots in anticipation of any holiday without Committee approval.
2. Owners may not, however, decorate their Lots more than thirty (30) days prior to the holiday and must remove all decorations thirty (30) days following the holiday.

XXIV. Painting/Repainting – Exterior Guidelines

1. Committee approval is required for all exterior painting or repainting of the home and accessory improvements.
2. 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.
3. Whenever exterior painting is to be done, all changes must be approved by the Committee prior to commencement of such painting. Changes include any paint or color scheme other than the original brand paint, color number and scheme.

XXV. Fire Pit Guidelines

1. Committee approval is required prior to any fire pit installation on the Lot.
2. Fire pits, as defined here, are either pre-fabricated or purpose-built devices or structures designed to house a controlled flame for aesthetic appeal and personal enjoyment. Such outdoor burning devices are allowed under Town of Leland ordinances.
3. Exterior fireplaces shall not exceed eight feet (8') in height and shall harmonize with the aesthetics of the patio/home.
4. Fire pit shall be a structure or device designed specifically for personal use as an aesthetic feature. A hole dug in the ground or any otherwise un-contained open fire on a Lot is prohibited.
5. Fire pits are permitted in rear yards only.
6. For safety reasons, fire pits should be attended at all times while in use. They should be located away from the house and any other flammable material, to include overhanging trees.
7. An open flame from a Fire pit may not be more than two (2) feet in height and embers from a fire should be controlled so as not to escape more than five (5) feet into the air.
8. A Fire pit shall only burn wood, natural gas or propane gas as a fuel.

9. Household trash, plastics, paper, yard debris, tree branches or other debris may not be used in a Fire pit or otherwise burned in the Property. Artificial scents should not be used in a Fire pit.
10. Fire pits should not be used when wind conditions will carry low-level smoke across adjacent properties, thereby creating an unreasonable source of annoyance.

XXVI. Concrete Coatings and Driveway Extension Guidelines

1. Committee approval is required for any modifications, extensions, and coatings to the original driveway.
2. Any alteration must be aesthetically pleasing and in conformance with the overall look of the Property.
3. Modifications, extensions or additions to the driveway must be of matching concrete material may not exceed three feet (3') in width on either side or six-feet (6') maximum on one side if permitted.

XXVII. Concrete Coatings and Patio Extension Guidelines

1. Committee approval is required for any modifications, extensions, and coatings to the original patio.
2. Any alteration must be aesthetically pleasing and in conformance with the overall look of the Property.
3. Modifications, extensions or additions to the patio 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, size of patio, patio materials, and impervious surface.

XXVIII. Animal and Pet Guidelines

1. No animals, livestock, or poultry of any kind shall be raised, bred, kept, or merited on any Lot, with the exception of dogs, cats, or other usual common household pets.
2. No pets shall be allowed to remain outside unsupervised, including but not limited to overnight or in kennels.
3. Pets shall be kept on a leash at all times when outside and not enclosed in an approved fenced yard.
4. All Owners shall remove their pets waste from any Lot, Property, and Common Property.
5. In the event the Board or the Committee determine that any Owner has failed to follow the animal and pet guidelines, the Board shall have the power to levy specific fines against a particular Lot as described in Enforcement below.

XXIX. Fishing Guidelines

1. Fishing on any Property or Common Property is for Owners and their authorized guests only.

2. When fishing on Common Property, Owners and their guests must carry identification to show Lot residency or authorized guest status.
3. Owners must be aware that fishing on Lots as well as easements around Lots and private property is trespassing. Fishing in these areas is prohibited unless you are the Owner of the Lot or a guest of any Property.
4. All fishing shall be “catch and release.” Fish are not to be kept or consumed.
5. Children sixteen (16) years of age and younger shall be accompanied by an adult at all times when fishing.
6. In the event the Board or the Committee determine that any Owner has failed to follow the fishing guidelines, the Board shall have the power to levy specific fines against a particular Lot as described in Enforcement below.

XXX. Wildlife Guidelines

1. Wildlife relying on humans for food may struggle to survive in the absence of that food source, and when food is readily available, wildlife will increase, which could lead to the rapid spread of disease. People and pets can also be at risk. Additionally, feeding wildlife can create unintended conflicts with humans as wild animals should be wary of people for their own survival. Feeding wildlife can lead to the attraction of unwanted animal species as well.
2. The feeding of wildlife, in any form except bird feeders, is strictly prohibited.
3. The harassing of wildlife is strictly prohibited.
4. Children sixteen (16) years of age and younger shall be accompanied by an adult at all times when utilizing Common Property.
5. In the event the Board or the Committee determine that any Owner has fed or harassed wildlife, the Board shall have the power to levy specific fines against a particular Lot as described in Enforcement below.

XXXI. Unsightliness Guidelines

1. 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.
2. In the event the Board or the Committee determine that any Owner has failed or refused to properly maintain or repair an unsightly Lot, the Board shall have the power to levy specific fines against a particular Lot as described in Enforcement below.

XXXII. Nuisance Guidelines

1. It shall be the responsibility of each Owner to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on the Owners Lot.
2. No substance, thing, or material shall be kept that will emit foul or obnoxious odors or that will cause any noise or other condition that will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property.

3. No noxious, offensive, or illegal activity shall be carried on within the Property, nor shall anything be done tending to cause embarrassment, discomfort, annoyance, or nuisance to any person or Owner.
4. Excessive and unnecessary noise endangers the physical and emotional health and welfare of people, interferes with legitimate business and recreational activity, increases construction costs, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of life. To prevent, prohibit, and provide for the regulation and abatement of excessive and unnecessary noise that may injure the physical and emotional health or welfare of its citizens or degrade the quality of life, Brunswick County has declared quiet times, starting at 11:00 P.M. nightly and extending to 7:00 A.M. in the morning.
5. In the event the Board or the Committee determine that any Owner has failed to follow the nuisance guidelines, the Board shall have the power to levy specific fines against a particular Lot as described in Enforcement below.

XXXIII. Miscellaneous

1. Notwithstanding anything contained in the CC&R's or these Architectural Guidelines to the contrary, no building, improvement, fence, structure, addition, landscaping, attachment, condition, excavation, alteration, or change (including any color change) may be made, installed, maintained, restored, or permitted to remain on the exterior of any Lot, unless made, installed, maintained, or restored, as the case may be, in compliance with plans and specifications reviewed and approved by the Committee in advance.
2. The failure of listing of any specific guidelines contained in these Architectural Guidelines or the CC&R's shall not be deemed a waiver of the right for Owner to proceed to make any addition, alteration or improvement to or on any Lot without the prior written consent of the Committee. Any Proposed exterior improvements must be submitted to the Committee for review and consideration using an Architectural Request Form.

XXXIV. Conflict

1. The Committee does not have the lawful authority to consent to any alteration that violates the CC&R's or these Architectural Guidelines. Owners are cautioned to review all legal requirements carefully before submitting their applications. Any owner whose modification violates any provision of the CC&R's or these Architectural Guidelines, whether or not it is inadvertently approved by the Committee, shall be required to remove the unlawful modification.

XXXV. Enforcement

1. The Association, Board, and Committee shall enforce the guidelines contained herein to the greatest reasonable and legal extent possible. Violations of these guidelines may be dealt with by fines and or legal proceedings.

2. The Board shall have the power to levy specific fines against a particular Lot if the Owner fails to follow and adhere to these Architectural Guidelines or the CC&R's.
3. The failure to enforce any rights, reservations, restrictions, or conditions contained in these Architectural Guidelines or the CC&R's, however long continued, shall not be deemed a waiver of the right to do so hereafter as to the same breach, or as to a breach occurring prior to or subsequent thereto and shall not bar or affect its enforcement.
4. The process for assessing Owner fines for violations is as follows:
 - a. The Board and/or Committee will provide up to two (2) warnings to the Owner about a violation.
 - b. The Owner will be given 72 hours to correct violations.
 - c. After the second warning, Owner will be assessed a fine of \$100.00 per violation.
 - d. If the Owner has been assessed a fine of \$100.00 and the violation continues more than five days after, a weekly fine of \$50.00 will be assessed to the Owner until the Owner is back in compliance.