



Legacy Lakes Master POA

Est. 2010

Design Guidelines and Community Standards

Established on January 2, 2014

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Note from Declarant:

- The term “Design Guidelines and Community Standards” shall also mean the same thing as Design Guidelines, and Design Standards.
- For purposes of these revised Design Guidelines and Community Standards, it is understood that the Architectural Review Committee shall handle all matters relating to new home construction plans and approval and that the Homeowners Review Committee shall handle all matters relating to existing home improvements and modifications. The Architectural Review Committee along with the Homeowners Review Committee shall be responsible for enforcing these Design Guidelines and Community Standards on all construction (post ARC approval) and improvements in Legacy Lakes.
- The original Design Guidelines were prepared and implemented on January 2, 2014, by the Koontz Jones Land Planning Firm who currently acts as the Architectural Review Committee for the Declarant. These revised Design Guidelines and Community Standards have been drafted using the original document created by Koontz Jones. If any inconsistencies arise between these new guidelines and the original guidelines that have a negative impact on the Declarant’s ability to develop, sell, or build in Legacy Lakes (in Declarant’s sole determination), Declarant may revert back to the original guidelines as needed as opposed to amending or changing these revised guidelines.

A Legacy Lakes Community Overview

A1 Master Plan

Legacy Lakes is a 404-acre master planned community located in Aberdeen, North Carolina, a growing Sandhills area located approximately fifteen minutes from the premier golfing village of Pinehurst. The development's design emphasizes diversity in single-family housing types and densities, exceptional attention to detail, a variety of open space elements, and pedestrian connectivity.

The intent of the design, and the design standards outlined in this booklet, is to create a community which allows for maximum enjoyment of the natural and manmade features of the landscape including a golf course, lake views, and walkable distances to green spaces and other destination points a long tree-lined streets. Home designs are attentive to the structure's relationship to the street and accompanying sidewalks and feature front porches, discreetly located garage fronts, and architectural elements and details which characterize a high-quality traditional style.

These elements contribute greatly to the neighborhood's distinctive character and help to define the overall design scheme, ensuring that the qualities that bring value to the property are protected. These initial Design Standards have been prepared for Legacy Lakes and adopted by the Declarant pursuant to the Declaration. The Design Standards maybe changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in the Declaration.

Legacy Lakes has a variety of small, nestled neighborhoods within the beauty of the community based on six different homesites, each with its own unique style and a mixture of home sizes. In addition, there are 3 lot types scattered through Legacy Lakes: Non-Golf Course, Golf Course, and Lake Lots.

- 100' Wide Homesites
 - Estates at Legacy Lakes

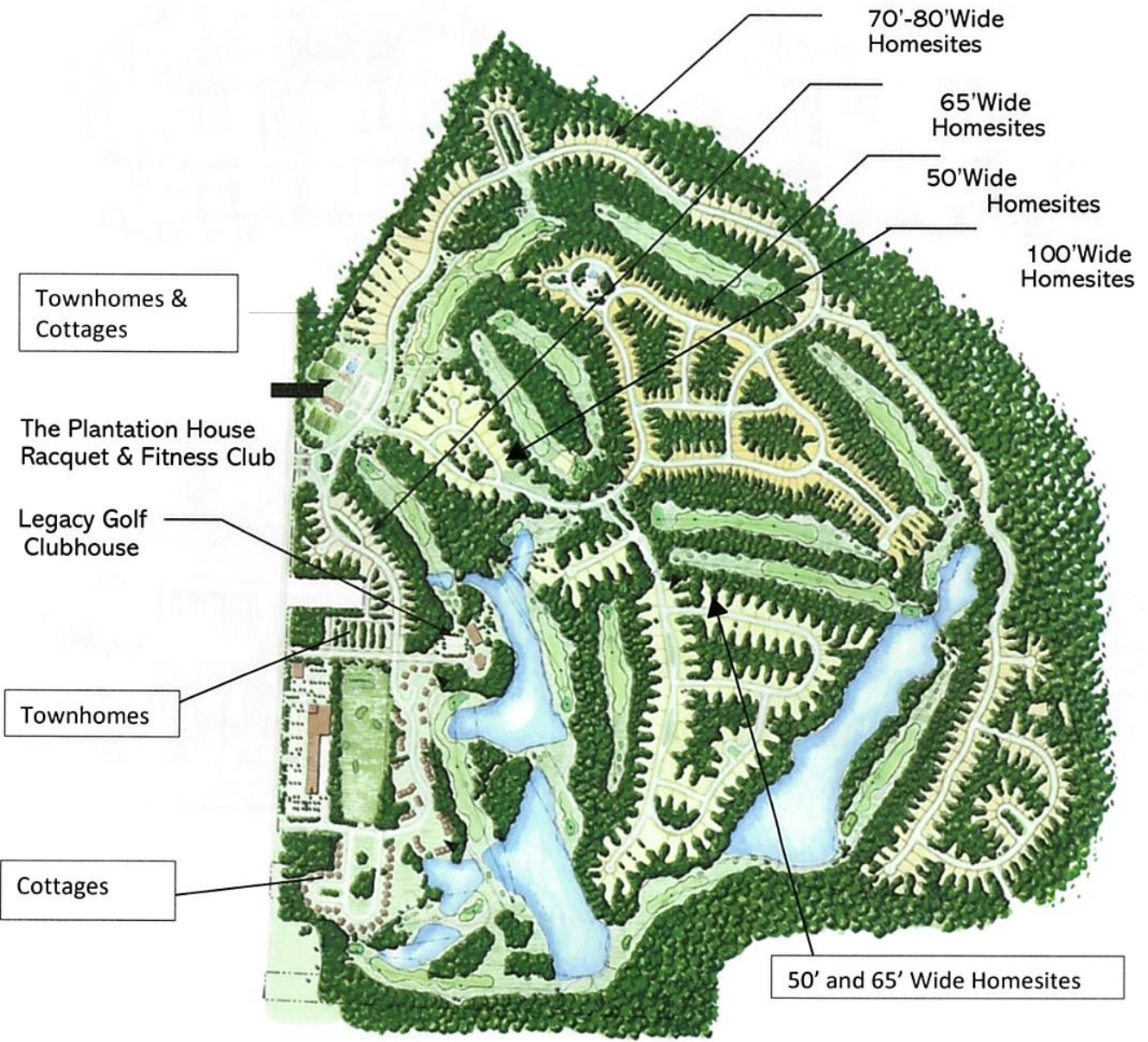
- 75' Wide Homesites
 - Custom and Family Homes

- 65' Wide Homesites
 - The Enclave at Legacy Lakes
 - Fontana Lake Road

- 50' Wide Homesites
 - Patio Homes
 - The Preserves at Legacy Lake

- Town Homes
- The Cottages at Legacy Lake

A2 Map of Master Plan



A3 Architectural Style Examples



B Purpose of Design Guidelines and Community Standards (DGCS)

The purpose of this document is to assist builders and homeowners with the regulatory structure as pursuant to the Declaration of Covenants, Conditions, and Restrictions (DCCR) for Legacy Lakes Community. This document will serve to inform the property owner of the regulations and processes they can expect to encounter as a part of homeownership. In case of any conflict between these Design Guidelines and Community Standards and the Declaration of Covenants, Conditions, and Restrictions, the Declaration of Covenants, Conditions, and Restrictions shall be controlling.

These DGCS govern all property in Legacy Lakes Community and any additional property, which is subject to the DCCR.

Architectural elements that complement and reinforce the standards as well as the natural characteristics of the home sites will include but not limited to:

- Steeply pitched roofs of varying heights, window openings, porches, and patios.
- An abundant use of glass is encouraged: however, the fenestration should follow historical design concepts, rather than large expanses of plate glass or sliding glass doors.
- Dormers, clerestory windows, bay and bow windows are also encouraged to capitalize on views and light.
- Careful and sensitive detailing on entrances, fascia's, soffits, gable ends, above doors and windows is preferred.
- Other items design elements including blending natural terrain with homesite views and views of adjacent lots, driveway access with side entry garage when possible, and variety of varying aesthetics with relationship to overall site amenities.
- In conjunction with the Architectural Review Committee (ARC), the Homeowners Review Committee (HRC), Builders, Land Developer, and Homeowners these standards ensure a quality community, home sites, and that the natural and manmade features are maintained. This means the preservation of the natural character of the Legacy Lakes community, particularly the indigenous Longleaf Pine Habitat.

C Architectural Review Committee (ARC) and Homeowners Review Committee Review Process

This section will outline and describe the relationship between the governance, the Declarant, the ARC Architectural Review Committee (ARC) and the Homeowners Review Committee (HRC), and the HOA Board of Directors in relationship to the architectural review process, enforcement, and violations. When used jointly, the ARC and HRC will be known as the "Committees".

These DGCS apply to all new construction, exterior modifications, or improvements on all home sites or parcels.

C1 Prior Approvals

All plans and materials for new construction on a parcel must receive prior written approval of the ARC before beginning construction unless otherwise specifically states in the Covenants (DCCR) or these DGCS. All plans and materials for exterior modifications or improvements of an existing home or unit must receive prior written approval of the HRC before beginning property modifications unless otherwise specifically stated in the Covenants (DCCR) or these DGCS.

No structure may be erected upon any unit or parcel, and no improvements (including staking,

clearing, excavation, grading or other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials) shall take place without receiving the prior written approval of the appropriate Committee.

C2 Governmental Permits

Regarding the building and modification of current home sites, any Moore County or other local government ordinance, building code or regulation requires a more restrictive standard than the standards set forth in these DGCS or the covenants (DCCR) for Legacy Lakes, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and Design Standard (in that order) shall prevail. Approval will be in writing and shall no way relieve the owner of their responsibility and liability for adherence to any application ordinances and codes. Neither Committee assumes responsibility for the following:

- The structural adequacy, capacity or safety features of the proposed improvement or structure.
- Soil erosion uncompacted or unstable soil conditions, or site/drainage elevations.
- Compliance with any or all building codes, safety requirements, governmental laws, regulations, or ordinances.
- Performance or quality of work of any contractor.
- Sanitary sewer.

C3 Architectural Review Committee and the Homeowners Review Committee Involved Parties

D3.1 Architectural Review Committee

The Architectural Review Process for new construction at Legacy Lakes shall be the responsibility of the ARC. Below is a definition of all those who may be involved with the ARC review process for new construction.

- **Declarant:** The Declarant has exclusive authority to review and act upon all applications for review of proposed improvements, as set forth in the Declaration. The Declarant may from time to time, delegate in writing all or a portion of its rights under this Section to an Architectural Review Committee appointed by the Master's Association's Board of Directors. In the event of such delegation, the designee's jurisdiction shall be limited to such matters as are specifically delegated by the Declarant. In addition, any such delegation shall be subject to the right of Declarant to revoke such delegation at any time and reassume jurisdiction over the matters previously delegated.
- **Architectural Review Committee (ARC)**
 - **ARC:** The Architectural Review Committee (ARC) can be comprised of an Architectural firm or certified land planning firm, and Declarant/Land Developer. The primary goal of the ARC is to enforce the DCCR and standards during the planning approval and building process. With regards to new construction plans and approval, the ARC shall be conclusive interpreter of these DGCS, shall monitor the effectiveness of these DGCS, and may promulgate additional DGCS and review procedures consistent with these DGCS. Members of the ARC will be appointed in accordance with the Declaration.
- **Builder:** A Construction company who has privileges to build homes in the Legacy Lakes Community.
- **Golf Course Owner:** Currently (DBA) Legacy Golf Links, the golf course is the property enmeshed with the Legacy Lakes Community Property. Legacy Lakes, the Declarant and the Golf Course Owner will maintain a relationship to keep the overall agreed upon aesthetics of the community. Legacy Lakes and the Golf Course will have an agreement to ensure good partnership. Reference the Golf Course/Legacy Lakes Community Arrangement.

D3.2 Homeowners Review Committee (HRC)

The Architectural Review Process for existing home modifications and improvements at Legacy Lakes shall be the responsibility of the HRC. Below is a definition of all those who may be involved with the HRC review process for modifications and improvements of existing homes.

- **Homeowners Review Committee (HRC):** The Homeowners Review Committee is comprised of Homeowners and/or Master Association board members within Legacy Lakes. The HRC shall have discretionary powers over existing homes regarding modifications of the aesthetic impact of design, construction and development including Architectural styles, colors, textures, materials, landscaping, and overall impact on surrounding properties. One of the primary purposes of the Declaration of Covenants, Conditions and Restrictions (DCCR) for Legacy Lakes is to provide the homeowners with a framework of rules and regulations that would assure each Homeowner that the property within Legacy Lakes Community would be developed and maintained in a fashion that will protect the investment of every homeowner.
- **Member/Homeowner:** A member is a homeowner or entity who owns property in the Legacy Lakes Community. *For this document Member will be referred to as Homeowner.
- **Builder:** A Construction company who has privileges to build homes in the Legacy Lakes Community.
- **Renter:** A renter has no authority to submit either the ARC or HRC. All improvements or changes to the property must go through the member.

C4 Architectural Review Committee and the Homeowners Review Committee:

- Legacy Lakes Community will have two processes for Architectural Review. The ARC shall review and approve all of the new construction plans of new homes. The HRC shall review and approve all modifications and improvements of existing homes.
- The ARC will evaluate and interpret all requests submitted by a builder to determine its adherence to the design criteria and performance and quality standards set forth in the Design Standards and compatibility of the design with the adjoining sites and common spaces. The HRC will evaluate and interpret all requests submitted by an owner of an existing home to determine its adherence to the design criteria and performance and quality standards set forth in the DGCS and compatibility of the design with the adjoining sites and common spaces.
- The ARC will make recommendations to approve or disapprove any proposal presented by a builder for new construction based on the project's appropriateness to the community and set forth in CRRC and these design standards. The HRC will make recommendations to approve or disapprove any proposal presented by an existing home for modifications or improvements based on the project's appropriateness to the community and set forth in CRRC and these design standards.
- The ARC will monitor and overview the design and construction process of new construction to ensure conformance with the approved documents and the standards set forth in these Design Standards. The HRC will monitor and overview the design and construction process of modifications or improvements to existing homes to ensure conformance with the approved documents and the standards set forth in these DGCS. Both Committees shall enforce these DGCS regarding all constructions, improvements, and modifications.
- The ARC has the right to determine compliance with the DGCS during the review and approval process of new homes. Both Committees have the right to determine compliance with these DGCS during the construction of new homes. If, in the opinion of the HRC or ARC, a builder is not abiding by the DGCS as set forth herein, the ARC or the HRC shall have the right to make corrective

measures using the deposit monies or fines set forth in accordance with the DCCR. The HRC has the right to determine compliance with the DGCS during the review and construction process of any modifications or improvements of an existing home. If, in the opinion of the HRC, an owner of an existing home is not abiding by the DGCS as set forth herein, the HRC shall have the right to make corrective measures using the deposit monies or fines set forth in accordance with the DCCR.

- All homeowners will submit a request to the HRC, if the request is structural or it's an addition to the current home is being requested-the HRC will submit the application to the ARC for approval. The homeowner will be responsible for the ARC fee.

C5 ARC Process for New Construction

The following defines the process and steps required for all builders. The ARC has the right to disapprove any builders.

C5.1 Site Standards:

Purpose of these site Standards is to set the aesthetic criteria for the development of the Legacy Lakes community. The Standards are intended to allow and encourage variety and individuality of design while maintaining a compatible character within the development. Specifically, the desire of the designers is to ensure that lots and the siting of structures upon them encourage the following principles:

- Construction can only occur on homesites Monday-Friday from 7am-6pm, Saturday 8am-4pm with permission from the HOA Board and no construction on Sundays and National Holidays.
- The protection and conservation of significant natural and manmade site features.
- The preservation of significant existing vegetation (esp. Long Leaf Pine)
- An overall respect for the sites existing topography.
- Ensure that storm drainage does not run-off directly onto adjacent properties or sensitive areas.
- A continuity of aesthetics and design principles throughout the community.
- A pattern of establishing a strong relationship of the residence to the street in order to promote a safe and social community environment.
- The establishment of a pedestrian scale in site elements.
- Circulation systems which encourage pedestrian usage and deemphasize the automobile.
- A gentle transition between the public and private spaces within the community.
- The recognition of the individual site's contribution to the overall community identity.
- Sodding is required on all areas of lawn with the exception of non-golf course lots which may be seeded in the side and rear yards.
- Underground Irrigation is required in all front yards and back flow device is screened as noted in this document. In addition, estate home (100 ft lots) and all golf course lots must have the underground irrigation system in the backyards.
- Pinestraw, mulch and pine bark nuggets are allowed.

C5.2 Review of New Construction:

Plans for new construction upon any Unit or Parcel must be reviewed and approved by the Declarant until such time as the Declarant relinquishes or assigns this right. The procedures for review of new construction are listed below and described in further detail on the pages that follow.

- A Preliminary Design Review is required and serves to determine compliance and appropriateness of the design. At this stage, the Owner can evaluate if the architectural and site selections being made are suitable prior to significant financial commitments.

- A Final Design Review is required prior to the commencement of sitework (i.e., clearing or grading). Upon Final Design Review approval construction may begin.
- Post-Construction Requirements are required and serve to provide the ARC with necessary documentation upon completion of construction.

C5.3 Review of Modifications:

The review of modifications shall require the submission of an Architectural Request Form to the Reviewer along with any applicable review fee. A copy of the Architectural Request Form is included in the appendices section of this document.

C5.3a Review Criteria, Recommendations, Variances:

While the Design Standards are intended to provide a detailed framework for construction and modifications, the Design Standards are not all-inclusive. In its review process, the Reviewer may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. Reviewer decisions may be based on purely aesthetic considerations. However, no Reviewer shall grant approval for proposed construction that is inconsistent with the Design Standards, unless such Reviewer grants a variance.

C5.3b Review Period:

Each Architectural Request Form and plan submittal shall be approved or disapproved within thirty (30) business days of receipt of all materials and fees required by the Reviewer. Within thirty (30) business days of receipt of a complete review request, the Reviewer shall respond to Applicant.

C5.3c ARC Decision:

A copy of the Architectural Request Form shall be returned to the Applicant, accompanied by the Reviewer's decision. The Reviewer's decision shall be rendered in one of the following forms:

- "Approved"-The entire application as submitted is approved.
- "Approved With Limiting Conditions" -The application is not approved as submitted, but the Reviewer's suggestions for curing objectionable features or segments are noted. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
- "Denied" -The entire application as submitted is rejected in total. The Reviewer may provide comments but is not required to do so.
- "No Response from ARC"- If the Reviewer fails to respond within thirty (30) business days, approval shall be deemed granted. However, no construction or modification that is inconsistent with the Declaration or the Design Standards shall be deemed approved, unless the Reviewer has granted a variance.

C5.4 Appeal:

Any Applicant shall have the right to appeal a decision of the Reviewer by submitting to the ARC, no later than fifteen (15) calendar days after the delivery of the notification of disapproval, a copy of the original application, the notification of disapproval, and a letter requesting review of the decision. The appeal request shall also contain a response to any specific concerns or reasons for disapproval listed in the notification of disapproval.

- The ARC may (i) affirm the original decision, (ii) affirm a portion and overturn a portion of the original decision, or (iii) overturn the original decision in its entirety.
- The ARC shall notify the applicant in writing of its decision no later than thirty (30) calendar days after its receipt of the request for appeal with all required information.
- During the appeal process the Owner shall not commence any work requiring approval hereunder.
- The filing of an appeal does not extend any maximum time period for the completion of any new construction or modification.

C5.5 Moore County and Town of Aberdeen Approval:

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of Moore County, the Town of Aberdeen, or other governmental authorities. It is the responsibility of the Applicant to obtain all necessary permits and approvals.

C5.6 Implementation of Approved Plans:

All work must conform to approved plans. If it is determined that work completed or in progress on any Unit or Parcel is not in compliance with these Design Standards or any approval issued by the Reviewer, the Reviewer shall, directly or through the ARC, notify the Owner in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same. If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Design Guidelines.

C5.7 Timing:

If construction is not completed on project within the period set forth in the approval or within any extension approved by the Reviewer, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed to be in violation of the Declaration and these Design Standards.

C5.8 Changes after Approval:

All proposed changes to plans made after the approval of plans must be submitted to and approved in writing by the Reviewer prior to implementation. Close cooperation and coordination between the Applicant and the Reviewer will ensure that changes are approved in a timely manner. If Moore County or the Town of Aberdeen or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the Reviewer, the Applicant must notify the Reviewer of such changes and receive approval from the Reviewer prior to implementing such changes.

C5.9 Enforcement:

In the event of any violation of these Design Standards, the Declarant or the ARC may take any action set forth in the By-Laws of the Declaration.

C5.10 Preliminary Design Review:

At the Preliminary Design Review the owner must submit to the Legacy Lakes ARC the following:

- Preliminary Design Review Application.
- Preliminary site plans. Indicate location of structure(s), driveways, walks, walls, enclosures, decks, all lot utilities, etc. Scale is to be a minimum of 1" =20'.
- Show all setbacks and proposed pad elevations in relationship to street elevations.

- Preliminary floorplan
- Preliminary elevations and sections of all sides of the proposed structure, together with roof pitches, heights of structures, chimneys, etc.
- Square footage must be indicated on the plans in the following manner:
 - First Floor
 - Second Floor (if Applicable)
 - Garage
 - Patio, decks, courtyard, etc.

C5.11 Application Review

The Committee will review the application and design documents and on-site staking at its next regularly scheduled meeting and return one set of plans to the owner with the appropriate comments within thirty (30) business days of receipt of the complete review request. Fees may be required should it become necessary to utilize professional consultants during the review process. Such fees will be incurred at an hourly rate.

C5.12 Final Design Review:

At the Final Design Review the owner must submit the final construction plans, one set of the material samples, and color chips as follows that will be held by the ARC until completion of the home:

C5.12a Final Design Review Application

- NO INCOMPLETE PACKAGES WILL BE ACCEPTED
- The owner shall submit two complete sets of working drawings by a professional designer, landscaper or engineer and specifications for final review to ensure adherence to the approved preliminary design before making any submissions to any governmental authority.
- Note: Each lot is responsible for drainage of all surface water within the confines of its own lot and shall not impose increased drainage to adjoining properties.

C5.12b Final Site Plan to include but not be limited to:

- Name of Owner and property address
- Scale of 1" = 20 (minimum)
- North Arrow and Legend
- Property lines with dimensions
- Topography
- Easements, right of way, setbacks and building envelope
- Floodplain (if applicable)
- Utility or other easements on the property
- Legacy Lakes boundary if perimeter lot
- Dimensioned building location, driveways, walks, patios, etc.
- Roadways and culverts with street names
- Proposed grading and drainage plan
- Proposed decks, patios, structures
- Existing grade/finished floor elevations
- Existing tree locations and sizes 5" caliper and greater
- Fences and/or walls
- Mechanical equipment locations

- Tree and natural area protection areas, significant natural elements or features

C5.12c Final Floor Plans to include but not be limited to:

- Scale 1/4" = 1'-0"
- Finished Floor Elevation
- Location of exterior meters and other utility related equipment
- All electrical including any exterior lighting
- Trash receptacle locations

C5.12d Final Exterior Elevations to include but not be limited to:

- Scale 1/4" = 1'-0"
- Plans must show all four elevations of the residence, doors, windows, fences, mechanical equipment, and any surface-mounted exterior lighting fixtures.
- Building height and dimensions

C5.12e Final Building Details to include but not be limited to:

- Minimum scale of 1/2" = 1'-0" Detail roof sections, pitch, type Detail wall sections
- Detail fascia and trim
- Exterior Colors/Finishes/Materials including Specifications
- Manufacturers/models (if possible)
- Product samples/photos/Color chips

C5.12f Landscape Plan (must be approved prior to installation) including:

- Scale 1" = 20'
- Topography
- Existing and Proposed Drainage patterns
- Easements and right of way
- Existing trees 5" caliper or greater
- Plant list with quantities, size and drawn to scale (approximate)
- Plant material locations
- Street Trees
- Boundaries of all landscape treatments including sod and planting areas
- Complete irrigation plan (if applicable)
- Site and accent lighting details
- Surface material

C5.12g ARC Decision

- The ARC will review all design documents and return one set of plans to the owner with the appropriate comments within thirty (30) business days of receipt of the complete review request.
- Any subsequent changes required to comply with applicable codes must be submitted for approval. Any changes in material samples shall be submitted. The Committee may request a meeting to discuss modifications of the drawings or of the specifications.

C5.12h On-Site Final Design Review

A final on-site review of the Final Design will be conducted by the ARC. The following items are to be staked and flagged onsite for the purpose of this review:

- All building corners.
- All property lines and setbacks-at the corners.
- All ornamental trees and any tree of 6" caliper or greater to be removed.
- Lot clearing or grading may not begin until final on-site review and approval by the ARC.

C5.12i Post-construction Requirements

- Upon completion of construction, the following will be confirmed by the ARC. Any items not in conformance with the ARC approval or items not meeting these guidelines must be modified prior to final sign-off by the ARC.
- Final "as-built "conditions to be reviewed by the ARC will include the following: Mailboxes, Foundation Treatment, Garbage can screening, Mechanical equipment screening, Street Trees installation, and Sidewalk installation (if required).
- Certificate of Occupancy from Town of Aberdeen Planning Department

C6 Architectural Review Process for Homeowners (HRC)

The HRC is established by the BOD who appoint homeowners as committee members with one BOD member as the board representative of the committee. The BOD member cannot be the chair, a committee member will be appointed as the chairperson of the committee.

The Declarant shall grant the HRC, by the way of these DGCS, discretionary powers regarding the aesthetic impact of design, construction and development including Architectural styles, colors, textures, materials, landscaping, and overall impact on surrounding properties. One of the primary purposes of the Declaration of Covenants, Conditions and Restrictions (DCCR) for Legacy Lakes is to provide the homeowners with a framework of rules and regulations that would assure each Homeowner that the property within Legacy Lakes Community would be developed and maintained in a fashion that will protect the investment of every homeowner.

C6.1 Submitting Plans to the HRC:

All Homeowners are required to submit a Homeowners Review Board (HRC) Request, with plans and documentation via email or to Clubhouse mailing address. HRC Request forms are available from the Clubhouse or Legacy Lakes website.

C6.2 Normal Application Fee for HRC:

- The \$50 review fee will be waived.
- The Application once approved will expire TWO years from date of approval.

C6.3 Review of Modifications:

- The HRC will have thirty (30) days to review homeowner requests.
- The HRC will schedule a visit to your property to review the request on-site. The HRC conducts on-site reviews twice a month—once mid-month and once at the end of the month.
- Homeowners will be notified in advance of on-site visit and may accompany the HRC members on the review.

- HRC recommendation will be given to the Homeowner's Association (HOA) Board for final approval/disapproval.
- The Homeowner will receive a signed copy of their Request form for official notification. One copy will also be kept in the Legacy Lakes Clubhouse for reference.

C6.4 Expedited Review Process (Reference DCCR for ARC Committee process Article IX, Section 24).

HRC Committee has up to 30 days to review and approve the application, and additional time for any corrections, modifications, and clarifications on re-submittals. If the application needs to be approved outside of these requirements, the HRC committee members if they are available can conduct an expedited review and the review fee will not be waived for the Expedited Review. The Review Fee is \$50.

C6.5 Inadequate Plans

If plans and specifications or other submittals are not sufficiently complete or are otherwise inadequate, the HRC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject the balance.

C6.6 Plan(s) Approved as Presented:

Once plans are formally approved by the HRC, work can begin on the improvement, alteration, or construction. All work must be done in accordance with the plan as approved by the HRC and completed in a timely manner in accordance with the timelines outlined in DCCR. All changes or modifications to plans must be reviewed and approved by the HRC.

C6.7 Approved as Noted:

Plans are approved but have been modified from the original submission in order to meet the DCCR standards. All work must be done in accordance with the plan as approved by the HRC and completed in a timely manner in accordance with the timelines outlined in DCCR. Any other changes or modifications to plans must be reviewed and approved by the HRC.

C6.8 Plan(s) Disapproved as Presented:

If the plan(s) were denied, an explanation will be provided. In certain cases, the HRC will recommend one or more alternative solutions. If the Homeowner is receptive to one of the solutions, they simply need to submit a letter detailing what will be done to resolve the problem. The HRC must approve the plan before work can proceed.

C6.9 Project Completion:

Homeowners must notify the HRC Facilitator once the project is done so that its completeness and compliance may be verified with a follow-up visit by the HRC.

C6.10 Extreme Emergency Situation:

An extreme emergency can be defined as an unanticipated event that caused visible damage to your property:

- The Homeowner may begin the process immediately to rectify the unanticipated damage to prevent further damage or safety concerns. The repair process must follow these Design Standards, DCCR, and previous condition. No application fees will be charged, and no violation process will be enforced.

- NOTE: If the HOA BOD deems your event as a non-emergency, The **No Application Submitted** process rules listed above rules will apply.

C6.11 Moore County and Town of Aberdeen Approval:

It is the Homeowner’s responsibility to obtain any permits that might be required by local county ordinance and such improvements, modifications, and additions shall be constructed in strict compliance with same.

C6.12 Failure of the Homeowners Review Board (HRC) to Act.

If the HRC fails to approve or disapprove any plans and specifications on the appropriately completed HRC request Form (that conform to the Design Standards and/or DCCR) within thirty (30) days after receipt, the HRC committee shall have an additional 20 days to review the submittal. If the HRC Committee fails to act upon the above time frame, it is presumed that the HRC committee has approved conforming plans.

D Infractions

Homeowners and Builders are responsible for ensuring compliance with all standards and procedures within these ARC Design Standards. HOA Board of Directors and Homeowners are governed by the requirements and restrictions set forth in the Master Declaration of DCCR (Conditions and Restrictions for Legacy Lakes), ARC Design Standards, Bylaws, and any applicable Supplement. Homeowners and Builders should review and become familiar with these documents which address restricted and prohibited activities and conditions within the community.

For the purpose of the ARC Design Standards (this document) for builders and homeowners any action that they take that is in contrary to the current DCCR, it will be deemed as an individual violation and the HOA board will be authorized to issue monetary liens or fines.

D1 Infractions / Violation Types:

Infractions and Violations are defined by various categories. These categories include Homeowner Violations, Non-payment of dues, Rule Infractions, Damage to HOA property, BOD Infractions and Builder Violations.

D1.1 Builder Infractions:

It is the builder’s responsibility to enforce these standards set forth through this document (Design Guidelines and Community Standards-DGCS) with ALL sub-contractors and utility companies throughout the entire construction process.

If any disturbance occurs within areas designated to be preserved, these areas must be re-vegetated with large shade trees (minimum 5” caliper at a rate of one tree per every 300 sq ft. disturbed) or native pines (minimum two 8’-10’ trees.)

- For any builder infractions, the builder **MUST** rectify the standard not in compliance.
- After 15 days, if not corrected, the daily fine of \$500 per day will begin.
- NOTE: Fines apply to each individual property and individual infraction.

D1.2 HRC non-approval infraction:

An infraction is the breaking of a rule or agreement (DCCR) for the Legacy Lakes Community. The homeowner or builder violates these guidelines in anyway, the ARC or HRC will impose the following fines or corrective action. (*Reference DCCR document Article IX, Section 1 & 21, construction of improvements and architectural control section*).

D1.3 Application Submitted but not approved, or application was rejected by the HRC.

The immediate commencement of the violation process will begin which may include \$100 fine per day until the issue is remedied.

D1.4 No Application Submitted to the HRC.

Failure to get approval from the HRC may result in the Violation Process procedure to begin until issue is remedied.

D1.5 Homeowner Violations/Infractions

Homeowner violations examples include but not limited to:

- Unallowed or too many Decorative Objects, Miscellaneous Structures, Flags, Artificial Flowers, Yard Ornaments, Bird Feeders, Play Equipment.
- Improperly stored Toys, Bikes, Sports Equipment, Garbage Cans.
- Neglected Yard and Landscaping.
- Violations in this category will follow the Immediate Rectification Process for the correction action. (Refer to Section D8.2)

D1.6 Rules Infractions

Violations in this category will follow the Rule Violation Fine for the corrective action. (Refer to Section D8.3). Rule Infractions examples include but not limited to:

- Violation of common area and amenity rules such as Pool rules, Gym rules, Lake rules, and tennis courts and clubhouse misuse.
- Recreational Vehicles (examples: RVs, Motorboats, Houseboats, Water Vehicles, Trailers, and any vehicle in non-operational condition) are not allowed on the property for more than one consecutive 24 hours period, and no more than two non-consecutive 24-hour periods in a seven-day time span.
 - Recreational Vehicles are allowed on property if completely stored in closed garage.
- Street Parking: Parking of motor vehicles not otherwise prohibited, shall be permitted in the following areas only: closed garages, driveways on homesites and/or designated on-street parking areas within the community. (Per Article VI, Section 9 of the DCCR). Code of Ordinances for the Town of Aberdeen also can be referenced at Section 71.01 (No vehicle can stop in any street except for the purpose of parking in a designated parking area), Section 71.02 (A Parked car cannot force another vehicle to cross the center line, if there is not enough space for a car to stay in the travel lane while passing the parked car-it is obstructing the passage of another vehicle). Section 71.03 (Clearly prohibits parking on grass, sidewalks or over curbs).

- Prior Approval by the HOA or On-site Manager is required for permission for overnight parking at the Clubhouse.
- Short Term overnight visitors may park in your driveway, or the homeowner can request permission for Clubhouse parking.
- Pet infractions include:
 - Waste removal - Each owner shall be responsible for picking up and properly disposing of its Pet's waste in any master association common areas and any property within Legacy Lakes Community not owned by the Pet Owner.
 - Noncompliance with Leash laws, improper containment on property, and excessive barking.
- Golf Course Access Violation: At no time should any homeowner use the golf greens or any other part of the golf course other than the cart path unless you are a paying golf course patron/member.
 - Private Golf carts are allowed to be used on holes #1 and #9 to access the Legacy Links clubhouse and grill.
- Lake Access for fishing: Owners are allowed to use the lake trail to access the lake for fishing. Owners can bike, walk, or use golf carts access the lake along the well-marked trail.
 - Owners are not allowed to access the golf course via the lake access trail.
 - All trash must be picked up and lake access area must remain litter free.

D1.7 Damage to HOA Property:

Any homeowner or guest of homeowner will be responsible for complying with all community rules. Any damage that results in neglect, destructive behavior and/or rule violation will result in a corrective action. Violations in this category will follow the Rule Violation Fine for the correction action. (Refer to Section D8.3) For example: graffiti, glass in pool, setting off gym alarm, damage to common areas (buildings, streetlights, roads, and landscaping), tennis courts etc.

D1.8 Non-payment of dues

Dues are billed monthly. If dues are more than 10 days late or unpaid by the homeowner, the following will occur:

- If dues are more than 10 days late, a \$20.00 late fee charge will be added to the following monthly bill.
- If dues are unpaid for 2 months (or more), the homeowners Key Fob(s) will be deactivated until the dues are paid in full. Once the dues are paid in full, the Key Fob(s) for amenities will be activated.
- If dues are still unpaid after two (2) months, the legal process will start with a 15-day demand and the account goes into collections.

D2 Enforcement of Violations/Infractions:

Set forth in this section are three types of enforcements for corrective actions to any infractions or violations.

D2.1 General Violation Process

1st Violation Notice Letter will be sent to a homeowner when violation was discovered with a specified time frame for correction. (Reinspection will occur and if correction was made, no further action).

- 2nd Violation Notice Letter will be sent to a homeowner if violation was not corrected in the specified time frame as noted in the 1st Violation Notice Letter, and a final time frame to rectify the violation is given. (Reinspection will occur and if correction was made, no further action)
- Hearing: When after two attempts a homeowner did not correct the violation as per the 1st and 2nd violation notice letters a Due Process Hearing will be scheduled and the homeowner will be notified. The Homeowner is encouraged to attend the due process hearing, but the hearing will occur as scheduled whether or not the homeowner attends.
- Hearing Decision: Following the hearing you will be notified of the decision regarding this matter in writing, if still not in compliance, then a \$100 per day fine will be assessed per violation and can result in a lien against your property and foreclosed.
- Ongoing offenses will be subjected to compliance period.

D2.2 Immediate Rectification Process

- Homeowner will receive a certified violation letter and an email with the violation letter.
- Homeowner will have 10 days to rectified violation, from the date of violation letter.
- On day 11, the daily fine of \$100 will be imposed until infraction has been corrected.
- Homeowner will be place in compliance period.

D2.3 Rule Violation Fine Process

- Homeowners who break amenity or HOA rules will receive an email with the violation letter notifying them of the infraction which will include:
 - An invoice if there was any cost associated with the rule infraction.
(For example: Dogs on tennis courts and cost to re-groom the tennis court, setting alarm off at the gym, or glass in the pool and cost of draining/cleaning and refilling the pool).
 - A \$50.00 fine will be imposed.
- Homeowners will lose amenity privileges, with all FOBs being deactivated for a period of 30 days.
- Homeowner will be placed in compliance period.

D2.4 Compliance Period:

Compliance period for all three types of violations listed above, is defined as 365 days from the first violation date. During compliance period, any additional infraction or violation of any kind will result in immediate \$100 daily fines.

E Homesite Preparation

E1 Minimum Heated Square Footage Requirements

A minimum and maximum area of heated floor space has been established for each phase and lot type in neighborhoods within the development. See setbacks/restrictions/building envelopes section for minimum heated floor space requirements for each lot type. In all lot types, the maximum heated floor space allowed is 10,000 square feet.

E2 Lot Types and Terminology

Each lot has setback requirements that define a minimum yard between houses, streets, and community amenities that frequently occur beyond the rear property lines of the residences. These setback lines constitute the Building Envelope, or area within which the house is to be located. Setback requirements are subject to public utility easements, drainage easements, landscape easements depicted on the Master Plan, and rights-of-way. All lots at Legacy Lakes that share a boundary with the golf course exhibit an undisturbed Conservation Buffer beginning at the rear property line and extending thirty feet (30') into the property.

The exterior walls of the residence and/or garage shall be placed within the Building Envelope and not exceed the boundaries designated by the setback lines of the particular lot type. Front porches, stoops, patios, terraces, and decks must also be contained within the Building Envelope.

The Legacy Lakes community offers four lot types in addition to townhomes and cottages, providing for a variety of home sizes. These lot types and their identifying characteristics are detailed on the pages that follow. The diagrams are presented as a general guide and are not meant to represent the form and arrangement of actual lots which vary greatly according to the natural features of the landscape and locations of roadways and neighborhood amenities.

E3 Sections/Restrictions/Building

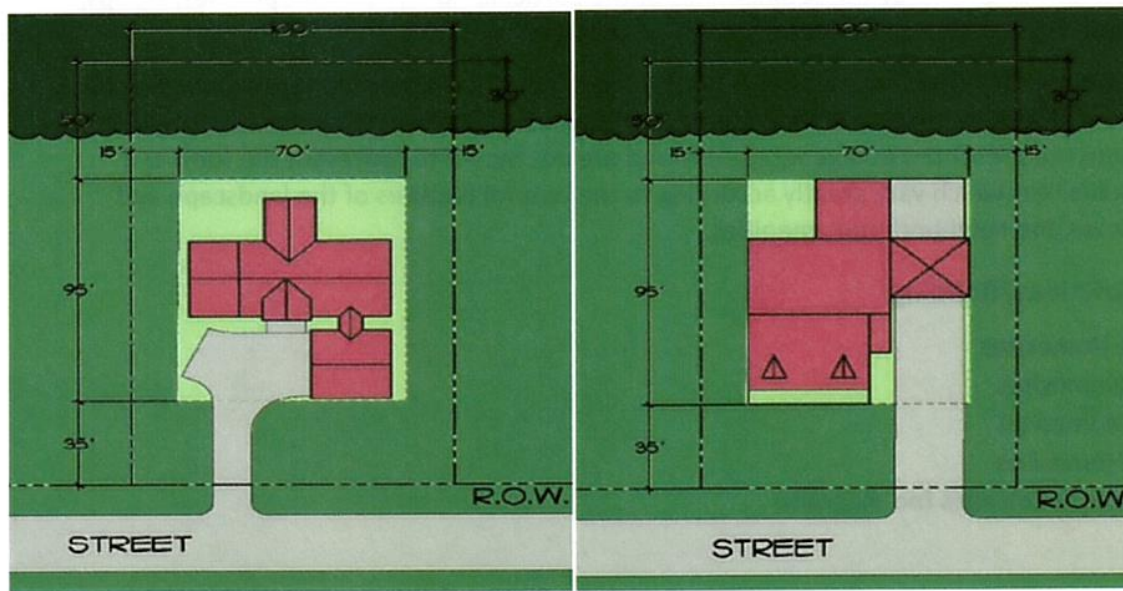
- **100 Wide Homesites**
- **75 Wide Homesites**
- **65 Wide Homesites**
- **50 Wide Homesites**
- **Townhomes & Cottages (no diagram)**

E4 100' Wide Homesites

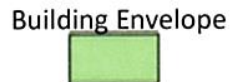
- Average Building Envelope = 6,650 sq. ft.
- Minimum allowed heated square footage of residence = 2,350 sq. ft.
- Setbacks/Restrictions/Building Envelopes

All building lots at Legacy Lakes honor a 50' setback along their rear property lines to limit encroachments upon the golf fairways and other community amenities. The first thirty feet of this setback as measured from the rear property line on all lots that share a boundary with the golf course is designated as an undisturbed Conservation Buffer. Lots in the 100' category also are required to maintain a 35' set back from the front property line and 15' setbacks alongside property lines. The lot diagrams on this and following pages are provided as graphic representations of the lot sizes and setback arrangements.

In reality, however, the 100-foot-wide lot type at Legacy Lakes, not unlike other types, exhibits wide variations in form and arrangement according to the natural features and existing vegetation of the lot and locations of roadways and neighborhood amenities. Garage doors which face the street must be even or recessed from the main house front façade or porch projection.



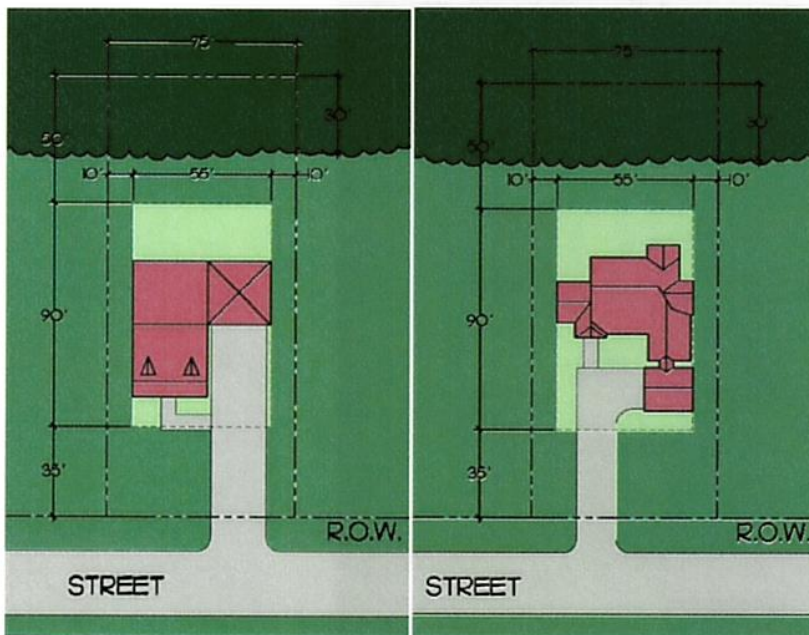
LEGEND:



E5 75' Wide Homesites

- Average Building Envelope = 4,950 sq. ft.
- Minimum allowed heated square footage of residence = 2000 sq. ft.
- Setbacks/Restrictions/Building Envelopes:

All building lots at Legacy Lakes honor a 50' setback along their rear property lines to limit encroachments upon the golf fairways and other community amenities. The first thirty feet of this setback as measured from the rear property line on lots that share a boundary with the golf course is designated as an undisturbed Conservation Buffer. Lots in the 75' category also are required to maintain a 35' setback from the front property line and 10' setbacks alongside property lines. The lot diagrams on this and following pages are provided as graphic representations of the lot sizes and setback arrangements. In reality, however, the 75-foot-wide lot type at Legacy Lakes, not unlike other types, exhibits wide variations in form and arrangement according to the natural features and existing vegetation of the lot and locations of roadways and neighborhood amenities. Garage doors which face the street must be even or recessed from the main house front façade or porch projection.



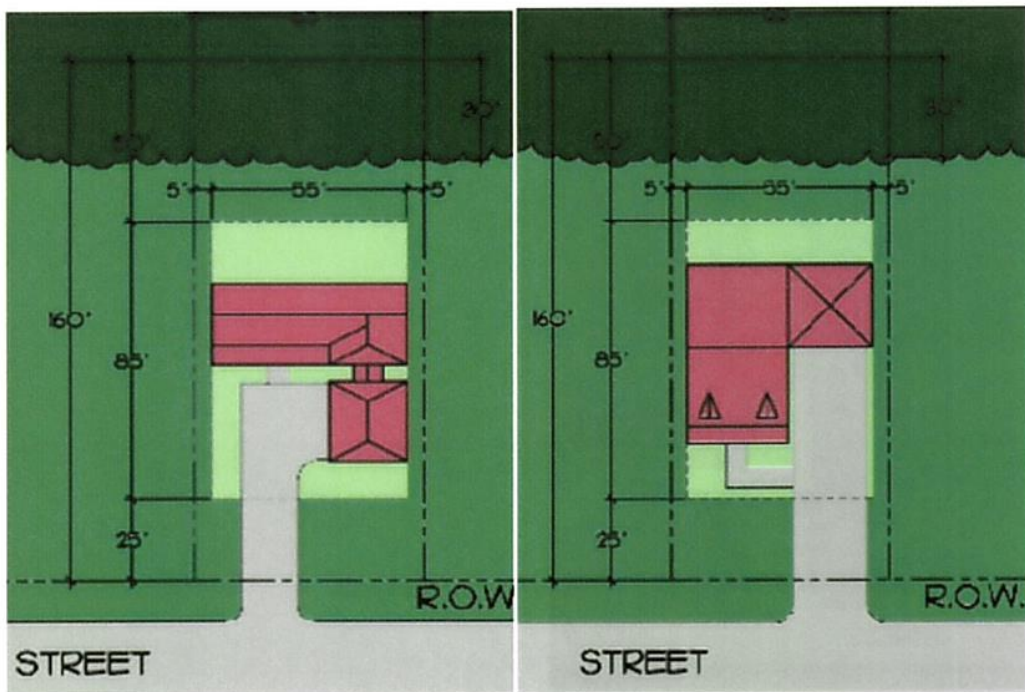
Possible 75' Wide Lot Arrangements



E6 65' Wide Homesites

- Average Building Envelope = 4,675 sq. ft.
- Minimum allowed heated square footage of residence = 1,700 sq. ft.
- Setbacks/Restrictions/Building Envelopes:

All building lots at Legacy Lakes honor a 50' setback along their rear property lines to limit encroachments upon the golf fairways and other community amenities. The first thirty feet of this setback as measured from the rear property line on lots that share a boundary with the golf course is designated as an undisturbed Conservation Buffer. Lots in the 65' category also are required to maintain a 25' setback from the front property line and 5' setbacks alongside property lines. The lot diagrams on this and following pages are provided as graphic representations of the lot sizes and setback arrangements. In reality, however, the 65 foot wide lot type at Legacy Lakes, not unlike other types, exhibits wide variations in form and arrangement according to the natural features and existing vegetation of the lot and locations of roadways and neighborhood amenities. Garage doors which face the street must be even or recessed from the main house front façade or porch projection.



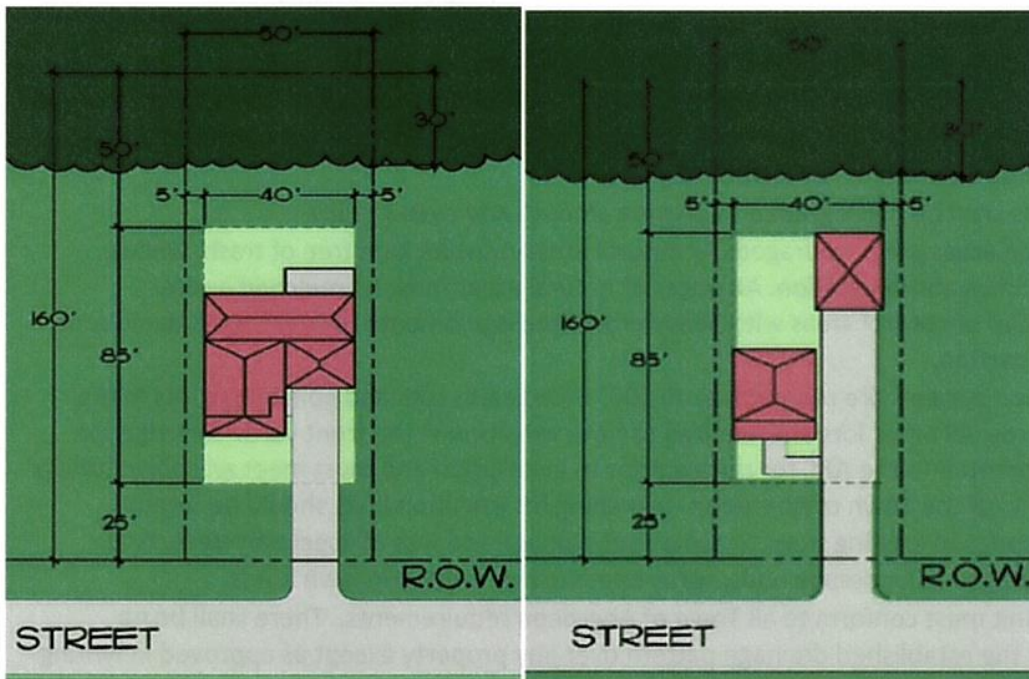
Possible 65' Wide Lot Arrangements



E7 50' Wide Homesites

- Average Building Envelope = 3,400 sq. ft.
- Minimum allowed heated square footage of residence = 1,400 sq. ft.
- Setbacks/Restrictions/Building Envelopes:

All building lots at Legacy Lakes honor a 50' setback along their rear property lines to limit encroachments upon the golf fairways and other community amenities. The first thirty feet of this setback as measured from the rear property line on lots that share a boundary with the golf course is designated as an undisturbed Conservation Buffer. Legacy Lakes' 50' wide homesites allow for a wide range of home plans in a traditional neighborhood arrangement. The setbacks for the 50 foot lots are 25' along the front, 5' at each side, and 50' at the rear property line, allowing for front facades and porches to have a more intimate relationship with the streets and community sidewalks.



Possible 50' Wide Lot Arrangements



E8 Landscape Standards

- Landscaping is an essential element of design at Legacy Lakes. Preservation of existing vegetation in addition to the introduction of plants native to the North Carolina Piedmont and Sandhills areas must be considered in establishing the landscape design. Owners shall comply with all Town of Aberdeen ordinances which establish landscape buffers and landscape easements. No native pine trees may be removed without the review and approval of the ARC for new construction, and HRC for existing homes. It is understood that Declarant may remove pine trees as part of development with approval from the Town of Aberdeen. Declarant may also remove pine trees as permitted in compliance with keeping property in the forestry program (timber management).
- To ensure that the overall beauty of the community is preserved and enhanced, the ARC has the authority to approve or disapprove Landscape Plans for new construction and the HRC has authority to approve or disapprove Landscape Plans for existing homes and individual residences. All Landscape Plans are required to show adjacent site conditions including cart paths, golf fairways/greens, residential drives, homes, etc., and indicate proposed landscape treatment related to these elements. Views from the roadways and walkways toward a landscaped area should complement the appearance of the existing natural vegetation.
- All areas disturbed by grading or construction activity shall be landscaped with turf, ground cover or shrub beds. Mulched beds without landscape material or existing trees are not considered to be acceptable follow up treatments for disturbed areas.
- All disturbed areas shall be finish graded to provide smooth and even grades.
- Natural landscaped areas are encouraged. All natural areas must be kept free of trash, weeds, debris, and dead limbs and vegetation. All edges of natural areas must be mulched and/or landscaped. Cleanup of natural areas with heavy motorized equipment is prohibited to avoid root damage and compaction.
- Automatic irrigation systems are required on all 100' wide Estate Lots and golf course lots in the front and back yards. All other lots are required to have irrigation in the front yard. All Irrigation Plans must be submitted to the ARC for review prior to installation and must meet any permitting or other requirements of the Town of Aberdeen. Trenching for irrigation lines should be located beyond the root zones of existing trees to avoid root damage and loss of specimen trees. Drip irrigation is encouraged in landscape beds, spray heads are permitted in lawn areas.
- Drainage of the Unit must conform to all Town of Aberdeen requirements. There shall be no interference with the established drainage pattern over any property except as approved in writing by the Reviewer. Owners may make minor drainage modifications to their Units provided that they do not alter the established drainage pattern. The routing of all underground piping as it relates to gutter and downspout locations on the primary residence and any accessory building must be identified on the Site Plan submitted for review.
- All construction debris and material shall be removed from the site immediately following the end of the construction phase.
- Reference Section 4 of this document for more details on recommended plants, street trees, mulch types, etc.

E9 Buffer Requirement

F9.1 Conservation Buffer Area- All lots at Legacy Lakes that share a boundary with the golf course respect a 30' Conservation Buffer zone along the rear property line. The reasoning for this requirement is two-fold: to place a high priority on the privacy of the residents and to limit any negative impacts on the public recreation amenities offered in the development. Many of the residential lots at Legacy Lakes share their rear property lines with the golf course, and in some cases, with the lakes. Maintaining a natural "edge" to these areas is integral to the community's ability to integrate the neighborhood with the extraordinary features offered by the landscape: gently rolling terrain frequently interrupted by pockets of indigenous tree cover and small lakes or ponds, and the golf course. The required buffer will protect both the property owners and the users of the community's recreation spaces from potential visual and noise disturbances.

The following specific requirements with respect to the 30' rear conservation buffer are, but not limited to:

- No trees greater than five (5) inch caliper may be removed from the Conservation Buffer area. Ornamental trees such as dogwoods and redbuds must remain. Underbrush may be removed (by hand clearing only) to facilitate views.
- No fences (above or underground) are permitted.
- No Firepits, pergolas, patios, outdoor kitchens, or any other permanent structures are permitted.

For a full list of restrictions please refer to Section XI of the DCCR and any subsequent Amendments.

F9.2 Rear Yard Area- All lots at Legacy Lakes that share a boundary with the golf course shall also respect, in addition to the Conservation Buffer Area, a twenty foot (20') "Rear Yard Area". The Rear Yard Area shall mean a strip of land that extends into the lot from a beginning point that is thirty feet (30') into the lot from the boundary line between the Golf Course Property and the rear property line of the lot ("Conservation Buffer Line") and ending at the rear of the house constructed on such portion of the lot, provided that in no circumstance shall the width of the Rear Yard Area be less than twenty feet (20'). For a full list of restrictions please refer to Section XI of the DCCR and any subsequent Amendments.