

HOPE VALLEY FARMS  
NORTH



HOMEOWNERS  
HANDBOOK



## INTRODUCTION

Hope Valley Farms North is a diverse community, composed of homeowners and tenants; professionals, retirees, and students; and singles, friends and families. This variety of lifestyles makes Hope Valley Farms North a unique community. In a close-knit neighborhood, cooperation, regulation of behavior, and consideration for the community as a whole are very important. To assist residents in living together peacefully, and as directed in Article VII, Section 1 of the Declaration of Covenants, Easements and Restrictions for Hope Valley Farms North Development (Declarations), the Hope Valley Farms North Homeowners Association (The Association) has compiled this handbook.

This handbook contains Rules and Regulations that govern living in our community along with procedures residents need to follow in the event of a problem. Rules and Regulations contained in this handbook are based on local city ordinances and the Declaration of Protective Covenants, Articles of Incorporation, and Bylaws for Hope Valley Farms North and have been adopted by the Hope Valley Farms North Board of Directors. These Rules and Regulations do not replace the above-mentioned documents but serve only to enhance them. These Rules and Regulations were adopted to further assist with the mandate of the Declaration for "enhancing and protecting the value, desirability, and attractiveness" of the property in Hope Valley Farms North. Compliance with these Rules and Regulations is mandatory.

- 1.1 Authority. Article VII, Section 1, of the Declarations states: "The Board of Directors shall have the power to formulate, amend, publish and enforce reasonable rules and regulations concerning the use and enjoyment of the Common Properties". Article VII also allows the Association to enforce reasonable rules and regulations to restrict "noxious or offensive activity... or any [activity] which may be, or may become a nuisance or annoyance to the neighborhood..." as well as any "...immoral, improper, offensive or unlawful use..." of any lot or Common Property.
- 1.2 Adoption. To be effective June 13, 2006. The Board of Directors hereby adopts this handbook as the Rules and Regulations of the Hope Valley Farms North Homeowners Association. Revisions to this document will be made in the future as needed.
- 1.3 Compliance. As specified in the Declaration and enumerated above, compliance with these Rules and Regulations is not voluntary. Unless specified otherwise, the

penalty for violation of these Rules and Regulations shall be decided by the Hope Valley Farms North Board of Directors and may include the suspension of voting rights, the suspension of right to use the common facilities, or a fine to be determined in accordance with the North Carolina Planned Community Act. If it is decided that a fine should be imposed by the Board of Directors, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation, for each day after the decision that the violation occurs. Such fines shall be assessments secured by liens under Article VII, Section 1. If it is decided that a suspension of community privileges or services should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured. In addition, the Association may pursue an action in equity or at law for compliance with these Rules and Regulations.

- 1.4 Procedure for Fines and Suspension of Planned Community Privileges or Services. A hearing shall be held before the Hope Valley Farms North Board of Directors to determine if any lot owner should be fined or have other remedy imposed. The lot owner charged with the violation shall be given notice of the charge, opportunity to be heard and to present evidence, and notice of the decision.

## 2 GENERAL INFORMATION

### MANAGEMENT COMPANY:

Towne Properties  
PO Box 99149  
Raleigh, NC 27624  
Phone 919-878-8787 Fax 919-367-8800

### BOARD OF DIRECTORS:

Directors are elected each fall at the Annual Meeting to serve a three-year term. Please refer to the Hope Valley Farms North website or contact the management company for a current list of Directors. There are seven members of the Board of Directors.

### EMERGENCY NUMBERS:

POLICE, FIRE, AMBULANCE 911

### HOPE VALLEY FARMS NORTH WEBSITE:

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#### HOPE VALLEY FARMS NORTH COMMUNITY EMAIL LIST:

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#### HOPE VALLEY FARMS NORTH COMMITTEE STRUCTURE:

Various volunteer committees support the Hope Valley Farms North Homeowners Association. These committees are responsible for making recommendations to the Board of Directors concerning a variety of maintenance and activities within the community. A listing of committees is found in Section 3 of this document.

### 3 GENERAL HOMEOWNER ASSOCIATION INFORMATION

The Hope Valley Farms North Homeowners Association, Inc. is a legal entity composed of the property owners within the Hope Valley Farms North Planned Unit Development. The Association has been in existence since March 3, 1994, for the purpose of enhancing and protecting the value, desirability, and attractiveness of the properties.

Policies and procedures of the Association are set forth in the Protective Covenants, Articles of Incorporation, and Bylaws. The Board of Directors, relying upon these documents, makes rules and regulations and provides for the operation of the Association. Committees of homeowners and residents are appointed by the Board of Directors to work with specific areas of concern. A management company is retained to provide the day-to-day administrative duties for the Association. The management company reports directly to the Board of Directors.

3.1 Legal Documents. Several legal documents provide for the existence of the Hope Valley Farms North Homeowners Association. In addition to existing statutory provisions regulating administrative requirements of not-for-profit corporations, the following documents provide the legal standing of the Association. Amendments to these documents are voted on by the Membership.

3.1.1 Protective Covenant. This document, and its amendments, are on file in the Durham County Register of Deeds Office and are a binding covenant against each individual Lot.

- 3.1.2 Articles of Incorporation. This document creates the legal entity known as the Hope Valley Farms North Homeowners Association. It is on file in the Office of the North Carolina Secretary of State.
- 3.1.3 Bylaws. This document provides for the operation of the Homeowners Association.
- 3.1.4 Copies of Documents. Copies of these documents may be obtained from the Management Company for a fee of \$10.00 or downloaded at no charge from the Association website: .com.
- 3.2 Membership. Membership in the Association is afforded to any person who is an Owner of a Lot subject to an assessment by the Association. Membership is mandatory.
  - 3.2.1 Meetings of Members. The membership of the Association meets each October. Each Member receives advanced written notification of this meeting.
- 3.3 Board of Directors. The Association is governed by a Board of Directors. The Board Members are volunteers who contribute their personal talents and expertise and illustrate commitment to a quality standard of living in our community.
  - 3.3.1 Election. New Directors are elected by the Association Membership each year at the Annual Meeting of Members. Directors serve three-year terms and also serve on a standing committee.
  - 3.3.2 Meetings of Directors. Meetings of the Directors are held on a regular basis and are open to the Membership. Please contact the Agent at the Management company (The Managing Agent) for a schedule of meetings. Members wishing to address the Board of Directors may do so prior to each meeting.
- 3.4 Committees. Committees are established by the Board of Directors to manage ongoing procedures and address specific issues. Please contact the Management Agent to express interest in serving on a committee. The current standing committees of the Association are:
  - 3.4.1 Architectural Review. The Architectural Review Committee (ARC) reviews construction and modification to the exterior of homes and lots as described in Article VIII of the Protective Covenants. The purpose of this

Committee is to assure architectural uniformity within each section of the development. Specifically, this Committee:

- 3.4.1.1 Develops and implements architectural review guidelines.
- 3.4.1.2 Reviews architectural change requests.
- 3.4.1.3 Maintains records of architectural changes.
- 3.4.1.4 Monitors Lots for compliance with ARC standards.

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- 3.4.2.2 Oversees the installation of appropriate holiday decorations,
- 3.4.2.3 Oversees the maintenance of community grounds, including the sidewalks, open spaces, and entranceways
- 3.4.2.4 Maintains recreational equipment.

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  - 3.4.5.2 Develops and monitors the general operating budget.
  - 3.4.5.3 Reviews disbursement of Association funds.
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  - 3.4.7.3 Maintains the Association listserv.

3.5 MANAGEMENT COMPANY. The Board of Directors may select a community association management company to provide the day-to-day administrative operation of the Association. The management company carries out the decisions of the Board of Directors. In addition to other duties, the management company collects the monthly assessments, pays bills, oversees contractors used by the Association, monitors ARC compliance and facilitates correspondence. Suggestions, comments, complaints, or other business of the Association should be communicated directly to the Management Agent. As necessary and appropriate, communication is made to individual homeowners, the Board of Directors, the Membership at large, contractors, etc.

If for some reason a homeowner is dissatisfied with any action of the management agent, the homeowner should express his or her concerns, in writing, to the Board of Directors. Please address your comments to the Board of Directors, in care of the management agent or to [board@hvfnorth.com](mailto:board@hvfnorth.com), via email. You will receive immediate response indicating receipt of the correspondence.



#### 4 ASSESSMENTS

As provided by the legal documents, assessments are collected for each lot.

- 4.1 Due Date. Assessments are due monthly, on the first day of the month.
- 4.2 Form of Payment. No bill is sent for these payments. Bank draft is the preferred method of payment. Please contact the management company to make arrangements for bank draft. Personal checks are accepted at the discretion of the management company. Coupons are provided to each homeowner for mailing of checks. Please contact the management company for additional information or to request additional coupons. Checks should be made payable directly to the Hope Valley Farms North Homeowners Association. Payment in advance is always acceptable. Cash is not accepted.
- 4.3 Delinquency. Assessment payments are delinquent if not received by the first of the month. To encourage payment, the following delinquency policy has been adopted:
  - 4.3.1 Assessment payments are due by the first of the month.
  - 4.3.2 Homeowners delinquent in their payments will be assessed a \$10.00 late fee per month. Significantly overdue accounts may be assessed collections charges.
  - 4.3.3 All accounts that are overdue are subject to litigation. A judgment may be sought against the owner. In addition, a negative credit report may be issued. The past due amount being a lien against the homeowner's property, foreclosure action is also possible.

#### 5 MAINTENANCE

- 5.1 Common Areas. The Association maintains property owned by the Association. This includes entrance areas, sign areas and open space. Homeowners should not provide maintenance to these areas or make improvements or changes without prior approval of the Association, except that homeowners may maintain a pathway adjacent to their home.

- 5.2 Procedure. In the event of any necessary repair or maintenance concern, please notify the management company during normal business hours. If you need emergency assistance, a 24-hour answering service is provided.

## 6 INSURANCE

- 6.1 Association Provided. The Association provides the following insurance:
- 6.1.1 General Liability. This coverage is for injury caused upon the Common Property or in some other way as a direct result of the negligence of the Association or its agents.
  - 6.1.2 Property. This coverage is for damage caused to improvements to real property owned by the Association.
  - 6.1.3 Directors and Officers. D&O coverage protects the Board of Directors and Committee Members in the case of an error or omission on their part while performing in their capacity as a Director or Committee Member.
  - 6.1.4 Fidelity Bond. Fidelity Bond Insurance protects the Association from theft of the Association's funds while in the control of the Board of Directors, Committees, or Management.
- 6.2 Homeowner Provided. Each homeowner must maintain proper "homeowner coverage." The Association does not provide insurance to protect the homeowner or his possessions.

## 7 LEASING

Leasing, as used under this section, includes the use of homes by relatives or tenants of the owner when the owner is not a permanent resident within the home.

- 7.1 Leases. In all cases, landlords are encouraged to have a properly drawn lease. Owners must include a provision that each tenant abides by all conditions of the Declaration and other Rules and Regulations.
- 7.2 Enforcement. Lot owners are responsible to assure that their tenants and their guests must abide by all regulations of the Association. A violation of the Association's regulations by a tenant or a guest will be deemed a violation by the

lot owner and appropriate fine or other action may be taken against the lot owner. Damage to Association properties caused by tenants and their guests will be charged by assessment to be paid by the owner of the property.

7.3 Vacancy. Any time a home used for leasing is vacant, the owner of the property is responsible for ensuring that the maintenance of the home and yard is consistent with the regulations of the Association. Any cost incurred by the Association to ensure maintenance of a vacant property will be charged by assessment to be paid by the owner of the property.

7.4 Identity. Any time a home is leased, the name of the renter and the length of the lease shall be transmitted to the management company. Up to date contact information for all homes shall be maintained by the management company.

## 8 MAINTENANCE OF HOMES/LOTS

For the protection of all homeowners and to maintain property values, all homes must be maintained in a manner that is similar to other homes in the Community and in compliance with the Association Rules and Regulations. The Association regularly inspects the Community for violations. In the event of a violation or need for maintenance, the homeowner will be notified in writing and asked to comply with the Association's request.

In the event a homeowner does not comply with the Association's request, the Association will take action against the homeowner.

8.1 Possible Violations: The Board of Directors shall interpret "Similar to other homes in the Community." Examples of items which constitute a violation shall include, but not be limited to:

8.1.1 Storage of tires, brick, lumber, bags, construction equipment or other items on the property outside dwellings.

8.1.2 Parking of operative or inoperative vehicles on blocks, on public or private streets, on association property, or on private yards.

8.1.3 Placement of garbage or yard waste containers where they are visible from the street.

8.1.4 Failure to paint, clean gutters, mow grass, maintain natural areas, remove damaged or diseased trees, maintain other items requiring regular

maintenance, or remove exterior holiday decorations within an appropriate timeframe.

8.1.5 Failure to repair damaged items such as gutters, shingles, driveways, or any other items on the property that have fallen into disrepair.

8.1.6 Using deck railings to hang laundry.

## 9 PARKING & TOWING

9.1 Abandoned Vehicles. Any vehicle parked within the Community must be operational, properly licensed, inspected, and insured. Cars left on the street for more than seven days need to be reported to the city.

9.2 Damage to Property Caused by Vehicles. Homeowners will be held responsible for all damage to the Association's property including lawns, trees, shrubbery, underground pipes, curbs, etc. caused by illegally parked cars owned by the property owner, their tenants, guests, or employees.

9.3 Trailers, Boats, Motor Homes, Campers, and Commercial Vehicles and Equipment. Trailers, boats, motor homes, campers, and commercial vehicles and equipment shall not be parked within the Community (common areas or public/private streets) or on the property (yard or driveway) of the owner, unless prior approval is obtained from the Management Company. Temporary parking of delivery vehicles and maintenance vehicles actively performing work is permitted. POD, RatPack or similar storage containers may be placed in homeowner's driveways for a period not to exceed one week.

9.4 Association Community Property. Parking on any Association community property is strictly prohibited. This includes open spaces.

9.5 Street Parking. Except in Sullivan Trace, Gaithers Pointe and Linden Oaks, vehicles owned by the property owner, their tenants, guests, or employees are prohibited from consistently utilizing the public or private streets for parking. Upon notification by the Association, homeowners must discontinue parking on the street. All vehicles parked on the street shall be parked in the direction of the traffic flow.

9.7 Emergency Vehicles. Any street parking must provide a clear passage for emergency vehicles.

## 10 OPEN SPACE

Use of the open spaces is regulated to provide a safe and pleasant area.

10.1 Private Use. These areas are for the private use and enjoyment of residents, and their invited guests. They are not intended for large parties or other similar gatherings. Adult residents must be present at all times when invited guests are using the open space

10.2 Hours of Use. The open space may be used from sunup to sunset.

10.3 Noise. Noise from the open areas must be limited so as not to be heard over ambient noise within the adjoining homes.

10.4 Restricted Uses. The following shall be prohibited on the open spaces

10.4.1 Except for powered wheel chairs, vehicles, motorcycles, go carts or other non-human powered devices and bicycles.

10.4.2 Hunting or possession of firearms, traps, bows, paint ball guns or other similar devices.

10.4.3 Fires, except in grills.

10.4.4 Fireworks of any type.

## 11 PETS

In order to provide a harmonious neighborhood, residents should recognize the need to properly restrict pets. All laws, ordinances, rules and regulations pertaining to dogs, cats, and other domestic animals adopted by local officials are hereby adopted as rules and regulations of the Hope Valley Farms North Homeowners Association.

11.1 Leashes. All animals must be on leashes or similarly restrained at all times when outside the dwelling. This applies to animals on your property and on Common Property. Animals are not to be left unattended on the common areas. This includes the chaining of animals to posts, doors, electrical boxes, etc.



## INTRODUCTION

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- 6.1.1 General Liability. This coverage is for injury caused upon the Common Property or in some other way as a direct result of the negligence of the Association or its agents.
  - 6.1.2 Property. This coverage is for damage caused to improvements to real property owned by the Association.
  - 6.1.3 Directors and Officers. D&O coverage protects the Board of Directors and Committee Members in the case of an error or omission on their part while performing in their capacity as a Director or Committee Member.
  - 6.1.4 Fidelity Bond. Fidelity Bond Insurance protects the Association from theft of the Association's funds while in the control of the Board of Directors, Committees, or Management.
- 6.2 Homeowner Provided. Each homeowner must maintain proper "homeowner coverage." The Association does not provide insurance to protect the homeowner or his possessions.

## 7 LEASING

Leasing, as used under this section, includes the use of homes by relatives or tenants of the owner when the owner is not a permanent resident within the home.

- 7.1 Leases. In all cases, landlords are encouraged to have a properly drawn lease. Owners must include a provision that each tenant abides by all conditions of the Declaration and other Rules and Regulations.
- 7.2 Enforcement. Lot owners are responsible to assure that their tenants and their guests must abide by all regulations of the Association. A violation of the Association's regulations by a tenant or a guest will be deemed a violation by the

lot owner and appropriate fine or other action may be taken against the lot owner. Damage to Association properties caused by tenants and their guests will be charged by assessment to be paid by the owner of the property.

7.3 Vacancy. Any time a home used for leasing is vacant, the owner of the property is responsible for ensuring that the maintenance of the home and yard is consistent with the regulations of the Association. Any cost incurred by the Association to ensure maintenance of a vacant property will be charged by assessment to be paid by the owner of the property.

7.4 Identity. Any time a home is leased, the name of the renter and the length of the lease shall be transmitted to the management company. Up to date contact information for all homes shall be maintained by the management company.

## 8 MAINTENANCE OF HOMES/LOTS

For the protection of all homeowners and to maintain property values, all homes must be maintained in a manner that is similar to other homes in the Community and in compliance with the Association Rules and Regulations. The Association regularly inspects the Community for violations. In the event of a violation or need for maintenance, the homeowner will be notified in writing and asked to comply with the Association's request.

In the event a homeowner does not comply with the Association's request, the Association will take action against the homeowner.

8.1 Possible Violations: The Board of Directors shall interpret "Similar to other homes in the Community." Examples of items which constitute a violation shall include, but not be limited to:

8.1.1 Storage of tires, brick, lumber, bags, construction equipment or other items on the property outside dwellings.

8.1.2 Parking of operative or inoperative vehicles on blocks, on public or private streets, on association property, or on private yards.

8.1.3 Placement of garbage or yard waste containers where they are visible from the street.

8.1.4 Failure to paint, clean gutters, mow grass, maintain natural areas, remove damaged or diseased trees, maintain other items requiring regular

maintenance, or remove exterior holiday decorations within an appropriate timeframe.

8.1.5 Failure to repair damaged items such as gutters, shingles, driveways, or any other items on the property that have fallen into disrepair.

8.1.6 Using deck railings to hang laundry.

## 9 PARKING & TOWING

9.1 Abandoned Vehicles. Any vehicle parked within the Community must be operational, properly licensed, inspected, and insured. Cars left on the street for more than seven days need to be reported to the city.

9.2 Damage to Property Caused by Vehicles. Homeowners will be held responsible for all damage to the Association's property including lawns, trees, shrubbery, underground pipes, curbs, etc. caused by illegally parked cars owned by the property owner, their tenants, guests, or employees.

9.3 Trailers, Boats, Motor Homes, Campers, and Commercial Vehicles and Equipment. Trailers, boats, motor homes, campers, and commercial vehicles and equipment shall not be parked within the Community (common areas or public/private streets) or on the property (yard or driveway) of the owner, unless prior approval is obtained from the Management Company. Temporary parking of delivery vehicles and maintenance vehicles actively performing work is permitted. POD, RatPack or similar storage containers may be placed in homeowner's driveways for a period not to exceed one week.

9.4 Association Community Property. Parking on any Association community property is strictly prohibited. This includes open spaces.

9.5 Street Parking. Except in Sullivan Trace, Gaithers Pointe and Linden Oaks, vehicles owned by the property owner, their tenants, guests, or employees are prohibited from consistently utilizing the public or private streets for parking. Upon notification by the Association, homeowners must discontinue parking on the street. All vehicles parked on the street shall be parked in the direction of the traffic flow.



9.7 Emergency Vehicles. Any street parking must provide a clear passage for emergency vehicles.

## 10 OPEN SPACE

Use of the open spaces is regulated to provide a safe and pleasant area.

10.1 Private Use. These areas are for the private use and enjoyment of residents, and their invited guests. They are not intended for large parties or other similar gatherings. Adult residents must be present at all times when invited guests are using the open space

10.2 Hours of Use. The open space may be used from sunup to sunset.

10.3 Noise. Noise from the open areas must be limited so as not to be heard over ambient noise within the adjoining homes.

10.4 Restricted Uses. The following shall be prohibited on the open spaces

10.4.1 Except for powered wheel chairs, vehicles, motorcycles, go carts or other non-human powered devices and bicycles.

10.4.2 Hunting or possession of firearms, traps, bows, paint ball guns or other similar devices.

10.4.3 Fires, except in grills.

10.4.4 Fireworks of any type.

## 11 PETS

In order to provide a harmonious neighborhood, residents should recognize the need to properly restrict pets. All laws, ordinances, rules and regulations pertaining to dogs, cats, and other domestic animals adopted by local officials are hereby adopted as rules and regulations of the Hope Valley Farms North Homeowners Association.

11.1 Leashes. All animals must be on leashes or similarly restrained at all times when outside the dwelling. This applies to animals on your property and on Common Property. Animals are not to be left unattended on the common areas. This includes the chaining of animals to posts, doors, electrical boxes, etc.

- 11.2 Defecation. Pet waste shall be removed immediately by pet owners/walkers from common areas and the lawn areas of others. Pet waste removal stations are located throughout the community to assist pet owner/walkers in meeting this requirement.
- 11.3 Enforcement. The leash law and other local ordinances will be enforced by the Durham animal control office. Other complaints regarding animals should be directed to the management company.

## 12 GARBAGE, YARD WASTE, AND RECYCLING

- 12.1 Garbage. Garbage (food containers and other household items) is collected from the curb according to a schedule established by the City of Durham.
  - 12.1.1 Containers. Garbage and yard waste containers are issued by the City of Durham and must be kept in good repair. Broken carts are replaced by the city. For a replacement cart, call Durham One Call at: (919)560-1200.
  - 12.1.2 Lids. In addition to being properly maintained, all garbage containers must be tightly closed.
  - 12.1.3 Location. Garbage cans must be kept so that they are not visible from the street in the front of the house. If cans are left on the side of a house and visible, the homeowner should plant shrubbery or submit an application to the Architectural Review Committee for construction for an appropriate barrier which would block it from being seen from the street. Homeowners who consistently leave cans where they are visible from the street will be subject to fines in accordance with the Rules and Regulations.
  - 12.1.4 Trash. Trash items that cannot be placed in the garbage containers issued by the City of Durham are collected from the curb during regular garbage pick-up. These items must be placed at the curb for pickup.
- 12.2 Extra Large Items. Extra-large items (such as furniture) are collected by special arrangement only. Please call the City of Durham.
- 12.3 Yard Waste. Yard waste such as lawn clippings, branches, and other similar items are collected from the curb according to a schedule established by the City of Durham. You can contact the City of Durham automated pick-up line to request pick-up of yard waste. Requirements for storage of yard waste containers are identical to garbage containers (see Section 12.1.3).

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12.4 Recycling. The City of Durham provides curbside pick-up of glass, plastic, aluminum, newspapers, etc. Recycle pick-up schedule is done according to the City of Durham schedule.

12.4.1 Location. Recyclables are collected from the curb at the front of the home according to a schedule established by the City of Durham.

12.4.2 Storage. Recycle bins are to be stored so that they are not visible from the street. Items should be clean before placing in recycling bins to reduce the potential for attraction of wild animals, bugs, rodents, etc.

12.5 Trash, boxes, yard waste, recycling bins, and large items for pick-up may not be placed at curbside prior to the evening before pick-up. Garbage, yard waste, and recycling containers must be removed from the curb on the same day as pick-up.

12.6 Homeowners are responsible for any garbage spread by animals, weather, tenants, or guests of tenants. Failure to clean-up all debris immediately can result in the homeowner being billed for the pick-up of items.

### 13 OBJECTIONABLE ACTIVITY

As stated in the Declaration, “No immoral improper, offensive or unlawful use shall be made of the Property or Common Properties, or any part thereof...” Further the Declaration states that, “...no obnoxious or offensive activity shall be conducted on the Property nor shall anything be done which may be or may become, a nuisance or annoyance to the neighborhood.”

13.1 A local noise ordinance exists (Durham Code of Ordinances – Chapter 11, Section 11.1) and any resident disturbed by excessive or persistent noise at any time should report violations immediately to the police. Disturbances include but are not limited to loud music, voices, cars, animals, etc., that may interrupt sleep or in any way disturb the well being of community residents.

13.2 Homeowners are responsible for any disturbances created by themselves, their guests, tenants, or guests of tenants. Offenders are subject to fines, arrest, and criminal charges brought by the Association, neighbors, or the police.

13.3 All residents have the right to a quiet neighborhood. Swift and firm action against offenders is the only means to preserve such rights. It is strongly recommended

that you request the police to come to your home prior to visiting the noise problem.

- 13.4 If you contact the police about a noise problem, please also notify the management agent. The Association will keep a record of noise complaints and will take action against an owner if noise is a repeated problem.

## 14 SIGNS

14.1 All signs in and around Hope Valley Farms North Homeowners Association shall be in compliance with the City of Durham Sign Ordinance. Any signs not in accordance with the ordinance or the following rules will be removed.

14.2 Sale or Rent Signs. One standard and reasonable sign indicating a home is for sale or rent may be posted at a location reasonably near the front of the home. The sign may not be greater than five square feet in size.

14.3 Other Signs. As provided in the individual subdivision Protective Covenants, no other signs may be posted on the Lots, or Common Property except that for sale or rent directional signs may be posted on Fridays through Sundays.

14.4 Temporary Signs. Temporary signs are defined as signs utilized for 24 hours or less (e.g. yard sale signs). These signs are limited to no more than five square feet in size. Signs are restricted from placement in the right-of-way and no inflatable devices may be attached to the signs. ONLY TWO (2) TEMPORARY DIRECTIONAL SIGNS ARE ALLOWED PER INTERSECTION. Any sign remaining over 24 hours will be removed.

14.5 Enforcement. Signs in violation of this section will be removed and any cost associated with the removal will be billed to the property owner.

## SOLICITING

Soliciting is not allowed. Please advise solicitors that the homeowners in Hope Valley Farms North have requested that they not solicit in the Community.

## 15 ARCHITECTURAL REVIEW

15.1 Purpose. The purpose of architectural review is, as stated in Article 5 of the Protective Covenants, to ensure the "harmony of external design and location and relation to surrounding structures and topography. . . ." Further, the Association, through architectural control and other restrictions, shall be for the purpose of

enhancing and protecting the value, desirability, and attractiveness of the real property.

- 15.2 Mandatory Approval Required. As provided in Article 5 of the Protective Covenants, mandatory review and written approval is required before any changes can be made to any home or lot. No construction, erection, or installation of any improvements shall be undertaken upon the Properties. No subsequent alteration or modification of any existing improvements nor construction, erection, or installation of additional improvements may be undertaken on any of the Properties without prior review and express written approval of the Architectural Review Committee.
- 15.3 Architectural Review Committee. As provided in the Covenants, the Board of Directors appoints an Architectural Review Committee (ARC). At least three, and preferably more, volunteers from the Association, comprise the committee and review proposed architectural changes. General guidelines for proposed changes and the application procedures are described in the following sections.
- 15.4 Application Process. Homeowners desiring to make changes to the exterior of their home or lot are required to adhere to the following procedure.
  - 15.4.1 Complete a Request for Architectural Review and submit the request, along with the following information, to the ARC by delivering the application to the Management Company. Blank request forms are available from the Management Company or on the website.
  - 15.4.2 Required Information.
    - 15.4.2.1 Foundation survey or similar site plan, including dimensions, and showing the location of the proposed alteration or addition, existing buildings and improvements and property lines with the required minimum set back lines.
    - 15.4.2.2 Detailed construction drawings to scale, including a full view of the addition, with elevations, as it will look attached to the existing structure. A view of the entire structure may be necessary to help determine balance.
    - 15.4.2.3 Profile view, pictures, or other similar information to indicate the final appearance of the improvement.

- 15.4.2.4 Description of color (include color samples), construction material, or other relevant information. A change in exterior color requires the signatures of all adjoining neighbors.
- 15.4.2.5 A landscape plan and plant schedule, if applicable or required.
- 15.4.2.6 Perspective drawings for complex projects.
- 15.4.2.7 Notification of surrounding owners if a building color change which is not in the existing palate of colors of the Community. In some cases, improvement projects greatly affect the surrounding neighbors. Although final approval rests with the ARC, the Committee reserves the right to notify your immediate neighbors of your proposed plans. Homeowners are required to list the adjoining property owners' names and addresses on the submitted Change Request Form.
- 15.4.2.8
- 15.4.2.9
- 15.4.3 Schedule. The ARC will meet to review the request and will respond within a maximum of 30 days, indicating that the request is approved, approved with modifications, additional information is required, or denied.
- 15.4.4 Appeals. In the event a homeowner is not satisfied with the decision reached by the ARC, the homeowner may appeal the decision to the Board of Directors by requesting an appeal in writing to the Chair of the ARC.
- 15.5 Guidelines and General Considerations. The following guidelines and general considerations cover many of the common types of improvements made by homeowners. They are general guidelines and should not be considered pre-approval of the application. Also, variations to the guidelines are allowed when extenuating circumstances exist.
  - 15.5.1 Major Additions. Major additions include improvements such as rooms, garages, greenhouses, screened porches, sunrooms, storage buildings, swimming pools, deck extensions, patios, awnings, driveway extensions, etc. that are permanent installations to the property.
    - 15.5.1.1 The design of major additions must be similar in style to the existing and surrounding structures. These include but are not limited to color, siding, roof pitch, etc.
    - 15.5.1.2 The location of the addition must not unnecessarily restrict the view or enclose the property of adjoining owners.

- 15.5.1.3 The Association may require the addition of shrubbery, trees, and other landscape changes to maintain the natural harmony of the property with the adjoining property.
- 15.5.1.4 Due to the complexity and cost of detailed plans, preliminary approval of proposed major additions can be obtained. If preliminary approval is granted, submittal of complete plans and final review and approval is still required.
- 15.5.2 Awnings. Awnings may be appropriate for rear or side yard patios and decks or over an exposed entrance. Awnings must be consistent with the architectural style and scale of the house. Metal, fiberglass or other plastic material is specifically prohibited. Frames must be removed if the awning is permanently removed. Six months or longer is considered permanently removed.
- 15.5.3 Basketball Backboards and Goals. Basketball backboards and goals must be installed in such a way so as to remain as unobtrusive as possible. Their use is restricted to normal waking hours.
  - 15.5.3.1 Backboards may be attached directly to the house or installed freestanding adjacent to the driveway. Free standing basketball goals must be located a minimum of ten feet back from the curb.
  - 15.5.3.2 Portable basketball backboards and goals must be located so as to not hinder the flow of traffic and must not be left at the curb except during play. Due to the danger to children, street play is strongly discouraged.
- 15.5.4 Chicken Coops. Please see Addendum.
- 15.5.5 Dog/Cat Houses, Kennels, Runs. Areas for animals must be installed in such a way that they are screened from surrounding property and streets. Dog runs must generally follow the guidelines for fencing. Prefab chain-link dog runs will not be approved unless screened by wood fencing or located in a heavily planted area and coated black. Appropriate ground preparation must be done in order for a dog house to sit level with the horizon.
- 15.5.6 Fencing. Fencing can detract from the open character of Hope Valley Farms North property and may have both a visual and a physical impact on adjoining property. Homeowners are encouraged not to fence their entire



rear yards. Whenever possible, alternatives to hard fencing such as shrubbery, trees and landscaping should be used.

15.5.6.1 All fencing requires written architectural approval.

15.5.6.2 The typical height for fences is 48 inches from the natural grade to the top rail. No fence over 60 inches will be approved by the Architectural Committee. Allowable fencing heights vary by Lot due to line of sight and other issues.

15.5.6.3 The fence should be located no closer to the front of the house than a point on the property line setback from the front of the house. Fence setbacks must be consistent with setbacks of existing subdivision fences.

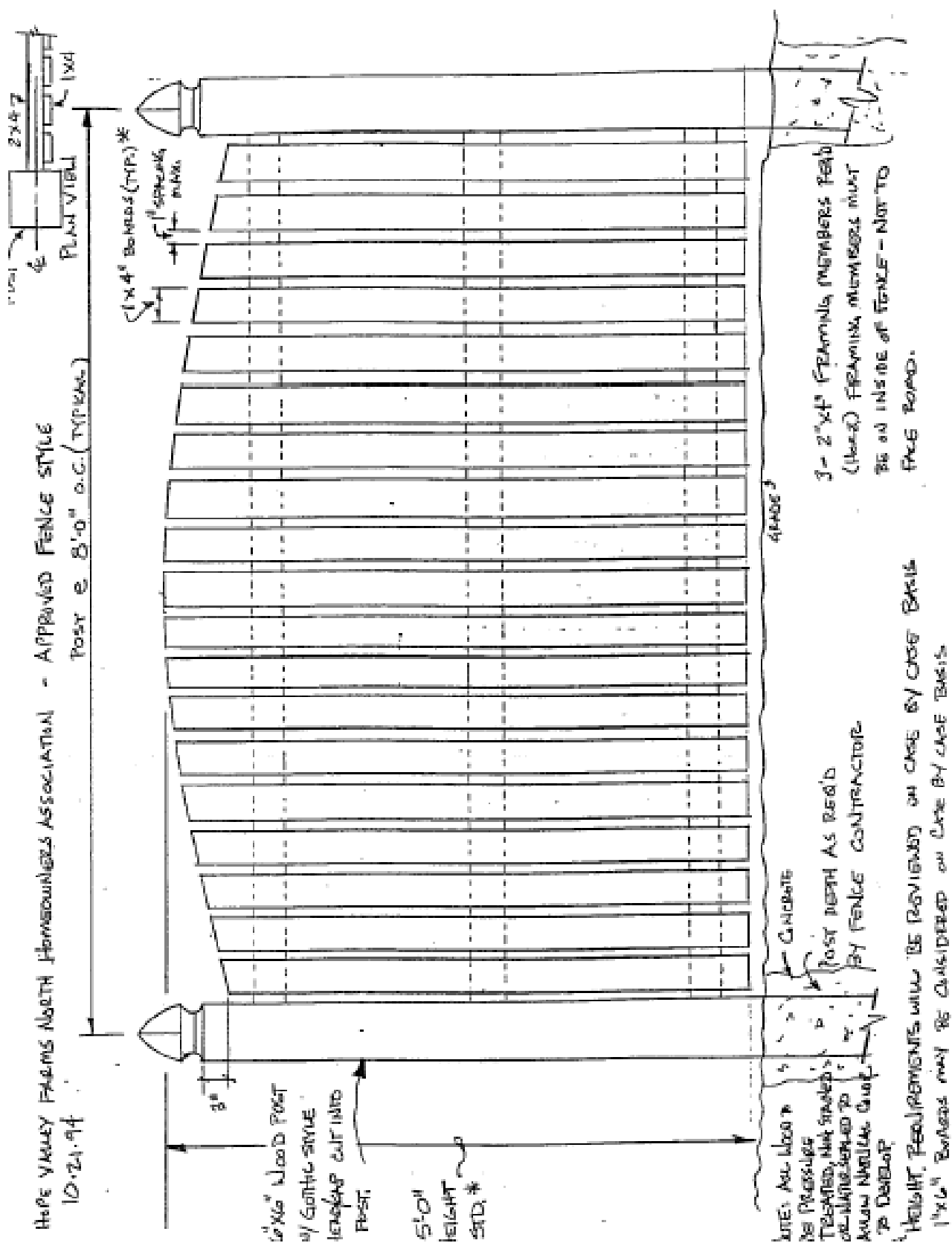
15.5.6.4 Natural treated wood is the preferred material for fences. Picket, saddle back, and arch are most appropriate for the architectural style of the community. Whenever possible, the size and type of fences should match adjoining fences. All fences must be maintained. Fences may be stained, or painted white or in coordination with the existing color scheme of the house.

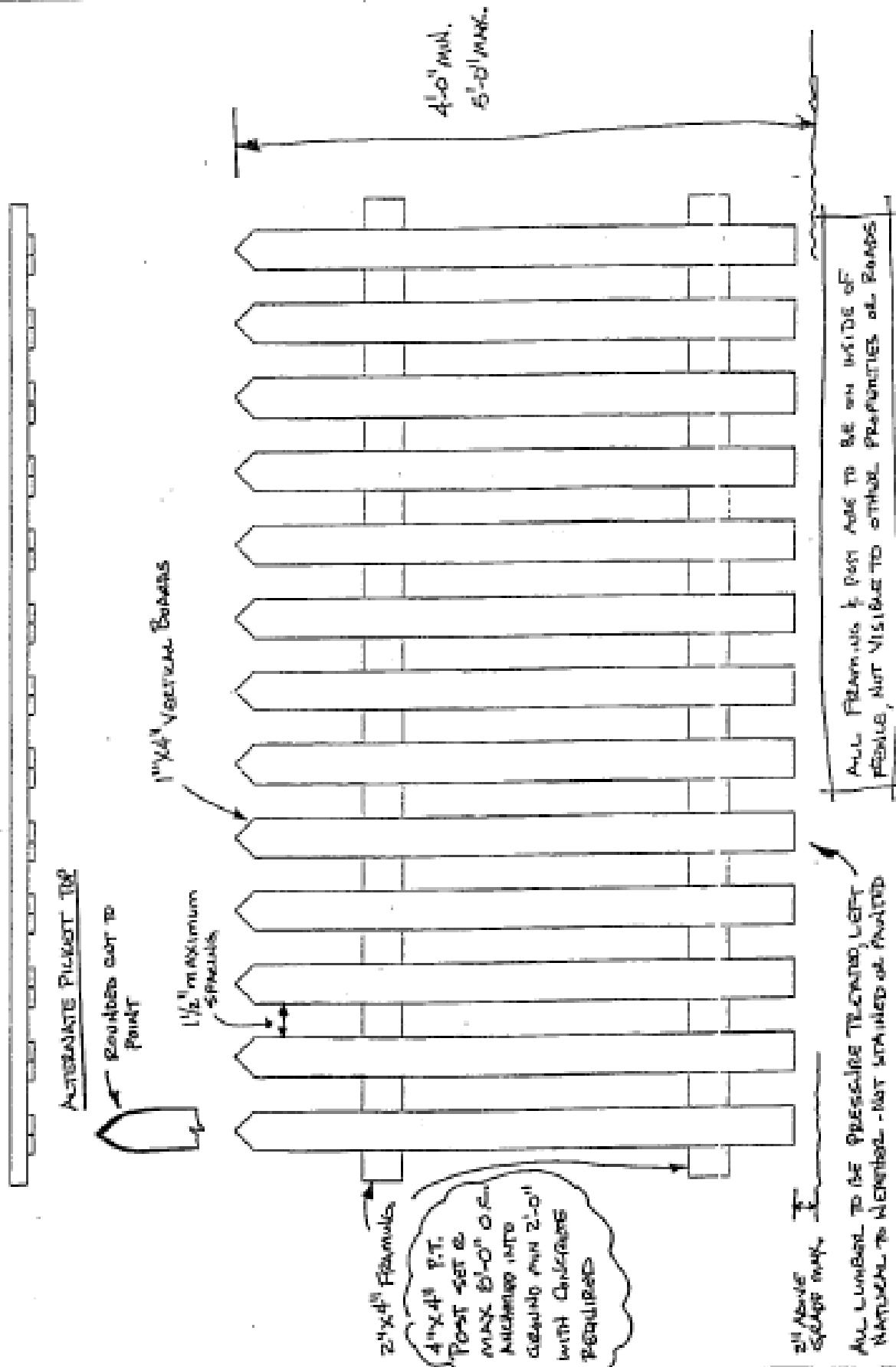
15.5.6.5 The use of chain-link fences is restricted to vinyl coated fencing that is used for additional security in conjunction with wood construction and must be placed on the inside of the wood fence. Black, brown and green are acceptable vinyl colors.

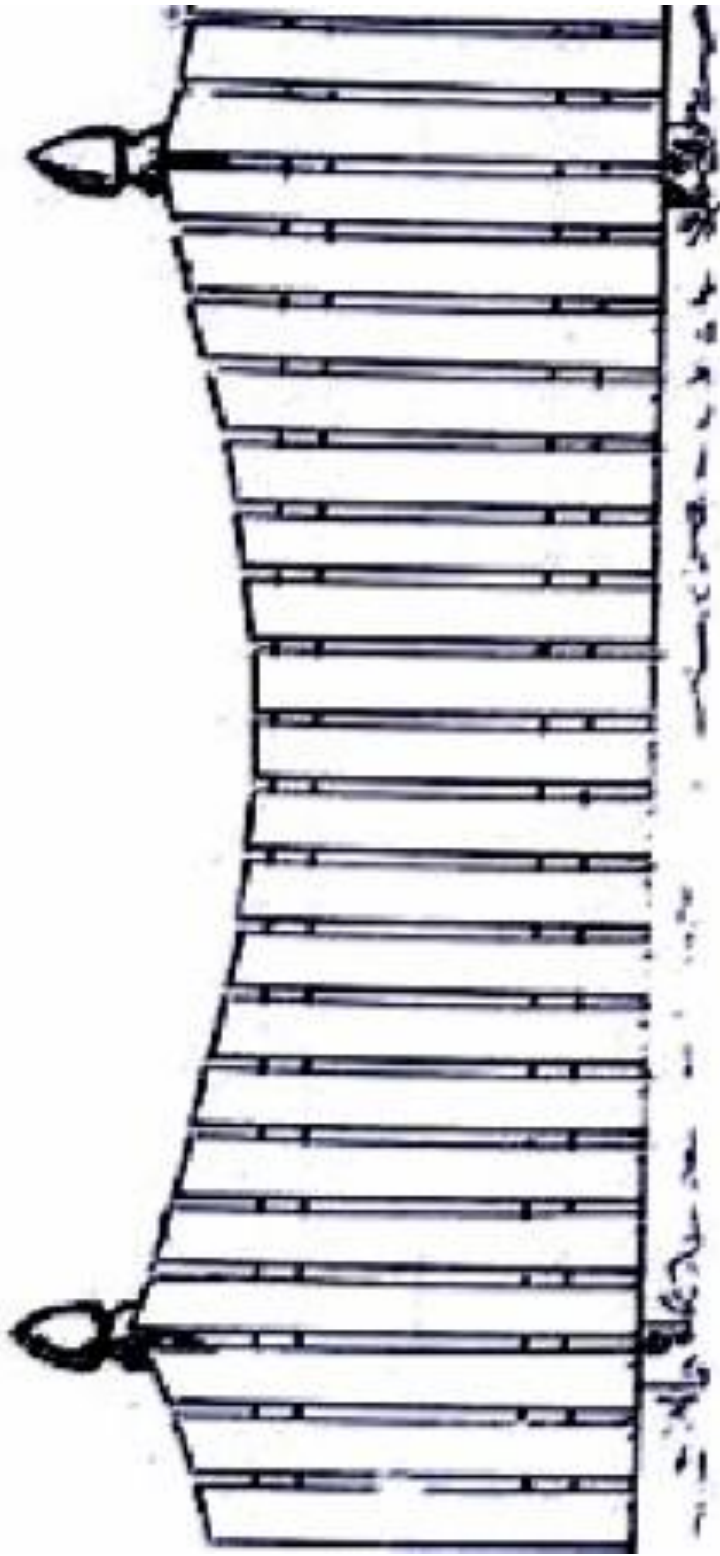
15.5.6.6 If a single side of a fence is to be finished, the finished or smooth side of the fence must be exposed to all adjoining property and to the street.

15.5.6.7 No front yard fencing of any type is allowed.

15.5.6.8 In some cases, plantings will be required along the outside of the fence to break-up the fence line. In some cases, the Association may allow the homeowner to install a plant screen on Association property to allow the fence to be placed on the property line. All of the other guidelines concerning fences still apply.







15.5.7 Landscaping. The Hope Valley Farms North Homeowners Association encourages the planting of shrubbery, plants and trees. Landscape plans need only be submitted when required by the Architectural Review Committee as part of a submission for structural additions or alterations. Changes in grade or drainage must not adversely affect adjacent property. Trees or plants of any kind that obstruct sight lines of vehicular traffic or that are detrimental to neighboring property are specifically prohibited.

15.5.7.1 Lines of shrubbery along property boundaries will be considered fences and will be reviewed as such.

15.5.7.2 All landscaping elements must not be intrusive and must be appropriate to their surroundings. Size, scale, color, and materials are important criteria for acceptability. Whenever possible, the use of natural materials is preferred and encouraged. Homeowners are encouraged to seek professional landscape architectural assistance when planning extensive landscape planting.

15.5.7.3 No more than three pieces of yard art or decorative items such as yard benches, bird baths, figurines or the like are permitted in front yards. Figurines, decorative items and other yard art are to be relegated to rear yards or areas not visible from the street. With the exception of seasonal decorations, no plastic or painted yard art is allowed. Seasonal decorations are to be removed within a reasonable time after the season.

15.5.8 Painting/Staining, Exterior Color Changes. Changes in paint or stain colors from the original approved color require architectural approval prior to any work being done. Colors must be harmonious with the other colors in the subdivision of the property to be painted. Color samples must be included with the application. A description of the colors of houses within 100 feet and directly across is to be submitted with the application. Except for white, house colors repeated within 100 feet and directly across the street are specifically prohibited. Colors that do not already appear within HVFN require the signature of abutting neighbors on application.

15.5.9 Play Equipment. Equipment constructed from natural materials is encouraged. Tree houses are generally discouraged because of their visibility from neighboring property. Play houses and play equipment must

be placed in the rear yards and must be in scale with the size of the yard and existing buildings. Generally, the play house must be painted to blend with the natural open space or with the colors of the house if the house is located nearby. Play houses, as well as play equipment, should be screened by natural vegetation or additional landscaping so as to not impose on neighboring properties. Storage of play equipment should be in the home, garage, storage building or backyard and not at the side of the house. Permanent recreational ramps or jumps are specifically prohibited.

15.5.10 Retaining Walls. Retaining walls should be as unobtrusive as possible and built to the minimum height needed to serve their function. Materials may be brick, natural stone, square cornered timbers, or concrete. Rounded landscape timbers may not be approved in heights greater than one foot above grade due to their lack of stability to retain earth. Plain concrete or plain concrete block walls are specifically prohibited.

15.5.11 Satellite Dishes. Satellite dishes will be allowed in accordance with the Protective Covenants.

15.5.11.1 Satellite dishes may be no more than one meter in diameter. Eighteen inches is the preferred maximum.

15.5.11.2 Satellite dishes located on the ground should be screened so as not to be visually obtrusive from adjoining property or from the street.

15.5.11.3 Satellite dishes may not be placed in the front or side yards of any property.

15.5.12 Sheds/Play Houses. Sheds and play houses should have a simple design and should be located in rear yards. Architectural style for the shed should be compatible with the architectural details of the house. The Architectural Review Committee may require additional landscaping to screen or visually soften the shed. Prefabricated metal storage buildings are prohibited.

15.5.13 Solar Panels. Please see addendum.

15.5.14 Spas/Hot Tubs. Spas and hot tubs should be located in the rear yard so that the noise from use and operational equipment does not adversely affect the use of adjoining property. They should be an integral part of a deck, patio

or landscaping. All pipes, wiring, and mechanical equipment should be concealed. Spas and hot tubs should be screened from the adjacent property. The understructures of spas and hot tubs set into above ground decks must be hidden from exterior view.

15.5.15 Swimming Pools. Outdoor swimming pools, decking and associated security fencing must be planned and designated to conform to the character of the area in which they are located. Concept or preliminary plans may be submitted for review and comment before more detailed plans are made. Pools should be located in rear yards and away from adjacent property. Swimming pools and swimming pool fencing must comply with Durham City ordinances.

15.5.16 Tree Removal on Homeowner Property. Please protect, preserve and feel free to plant trees. No live ornamental trees (e.g., holly, dogwood, redbud, etc.) may be removed without specific permission. No live deciduous or evergreen trees, the trunks of which are six or more inches in diameter as measured two feet above grade, may be removed without specific approval. Removal of live trees will be approved if their continued existence would be dangerous to life or property. In most cases replacement trees must be planted. The Association has the authority to remove at owner's expense or instruct the owners to remove trees that are diseased at their expense that have been determined to be a hazard or danger to the neighborhood. Trees damaged or uprooted as the result of storm or other event may be pruned or removed without approval. Significant landscaping changes require Architectural Review Committee approval.

15.5.17 Mail Boxes. General Considerations: U.S. Postal Service approved mail boxes of size one or one and a half in black, plain or lockable, is considered "standard". Design of mailbox posts is to be consistent with each neighbor's design as specified. The standard mail box post is of treated wood construction. Design is consistent with each neighborhood's specific design.

#### Post Style

Style "A" - Hunters Forest, Sullivan Trace, Stonebridge, Arborfield  
Style "B" - Gaither's Pointe, Linden Oaks, Greyfield, Sullivan Trace  
Style "C" - Carlton Crossing, Regency, Regency North  
Style "D" - Gable Ridge, Wiltshire

### Post Color

White: Stonebridge, Gaither's Pointe, Linden Oaks, Greyfield, Carlton Crossing, Regency, Regency North, Hunters Forest, Arborfield, Spring Meadow

Natural Wood: Sullivan Trace, Greyfield

Black: Gable Ridge, Wiltshire

Brick posts are specifically prohibited in all subdivisions.

### Numbers

Gold Metal – Positioned vertically on post  
Carlton Crossing, Regency, Regency north, Hunters Forest, Arborfield

Gold Metal – Position on cross post below mailbox  
Gaither's Pointe, Linden Oaks, Greyfield, Spring Meadow, Sullivan Trace

Black Metal – Positioned vertically on post  
Stonebridge

Gold Mylar – Centered on side of mailbox behind flag  
Gable Ridge

Silver Mylar – Centered on side of mailbox behind flag  
Wiltshire

Some example photos follow. Please note your final mailbox after replacement must match the above specifications. Any variance must receive prior written approval through the architectural committee.



### Mailbox Styles / Ordering Information

Style A – Stock wood construction alternative available at Home Depot. Newspaper slot is optional. Fancy Western Design is acceptable although is not the original design. Original design requires custom manufacturing.

Manufacturer (Fancy Western Design)

Chipmunk Creations, Inc.  
145 Tennessee St.  
Fairmount, GA 30139  
Office: (706) 337-8426



Style B – Custom wood construction.

Custom Manufacturer  
Post & Pickets Ltd  
215 Tryon Rd  
Raleigh, NC 27603  
(919) 772-7170



Style C – Stock wood construction

Manufacturer (Carlton Design)  
Post & Pickets Ltd  
215 Tryon Rd  
Raleigh, NC 27603  
(919) 772-7170



Style D – Stock metal (iron) construction

Distributor (French scroll with ball top)  
5709 High Rock Court  
Raleigh, NC 27604  
(919) 790-0302  
TZARUBA@NC.RR.COM



- 15.6 Removal of Existing Structures. Removal of any building, addition, fence, retaining wall, etc. must be reviewed as to the impact of removal from the property. A detail of the restoration of the area disturbed is required.
- 15.7 Restrictions in Protective Covenants. In addition to these guidelines, the individual subdivision Protective Covenants restrict certain types of uses for the Properties. Homeowners are referred to the following sections of Article 2 regarding the following items:
- 15.7.1 Temporary Structures. Section 8 prohibits the use of a temporary structure as a residence.
- 15.7.2 Animals. Section 3 restricts animals to household pets that are not kept for commercial purpose.
- 15.7.3 Utility Yard. Garbage cans shall be screened from view.
- 15.7.4 Signs. Section 6 restricts signs to one professional sale or rent sign not greater than five square feet unless approved by the ARC. Signs shall not be nailed to trees.
- 15.7.5 Television/Radio Antennae and Satellite Discs. Section 10 restricts these items unless approved by the ARC.

## 16 NEWSLETTER

- 16.1 A newsletter is published on a regular basis by the management company.
- 16.2 Advertising. Advertising in the website newsletter is limited to the posting of notices concerning community related activities of an informative and civic nature. No fee is charged for such notices. Advertising is accepted on the website for local businesses for a fee. No pop-up advertising will be accepted.

## Addendum to Homeowner's Handbook

### **Chicken Coops and Runs**

The ability to keep backyard hens in Hope Valley Farms North is a privilege; therefore, so as you build your coop and keep hens, please be sympathetic to your neighbors' attitudes. Not everyone who looks out his or her backyard wants to see a coop; every effort should be made to keep coops discreetly screened and located.

1. Hens, coops and runs are to be in compliance with all City of Durham rules and ordinances.
2. Coops and runs are to be in backyards only.
3. Coops should look like your home, a playhouse or similar structure and should blend with the architecture of your property. Construction must comply with ARC Guidelines specified for dog houses and other exterior structures.
4. No selling eggs.
5. No raising meat birds.
6. No culling/slaughtering of the hens upon the property after their egg-laying prime.
7. Maximum of four hens are allowed; no roosters.
8. Coop should be a minimum of 4sqft per chicken.
9. Chicken wire is acceptable screening.
10. Plant screenings and vegetation is required to block view of the coop and run from streets and neighbors.
11. HVFN ARC reserves the right to not allow coops or hens on smaller lots that would make them obtrusive to neighbors.
12. Complaints from neighbors can be grounds for removal of the birds and coop.
13. An ARC application is required for all coops.
14. The homeowner's yard must be fenced in.
15. Acceptable *examples* of coops and runs include (but are not limited to):



\*\*\*\*\*END of BOARD APPROVAL\*\*\*\*\*

## Solar Guidelines for Hope Valley Farms North HOA

### Definition:

A solar energy system is defined as any solar collector or any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for heating, cooling, electric generation, or water heating. This includes the following technologies:

- Solar Photovoltaics (electric generation)
- Solar Water Heating
- Solar Pool Heating

It is vital for the system to be oriented as close to due south as possible. This allows for optimum year-round sun exposure, maximizing the efficiency of the system.

### Guidelines:

**To keep the aesthetic integrity of the neighborhood, all panels used must have a black frame and black back sheet.**

#### A: Roof Mounted Systems

1. Solar panels shall be mounted parallel to roof edges and have an overall height of less than six (6) inches above the roof surface, including the air gap between the panel and the roof surface.
2. Solar panels shall use mounting hardware, framing and trim pieces which closely match the panel and roof color.
3. There are no limitations on the coverage area on the roof as long as the solar panels do not extend past roof boundaries.
4. Exposed wiring is not permitted.
5. All chasing, pipes, and plumbing exposed on the exterior must be painted to match the color of the exterior building.
6. Installer must be NABCEP certified.

**B: Ground mounted solar panels are permitted if located within the building setback requirements, must be in the rear yard and shall not exceed four (4) feet in height including the structural components.**

Submission Requirements:

- ARC request form complete with neighbor signatures.
- Plot Plan (GROUND MOUNT ONLY) or rendering showing panel placement on the roof or the ground.
- Catalogue, photographs, or manufacturer's "cut sheet" of the proposed solar panels and complete specifications on all components on panels.

The ARC Committee has up to 30 days to review the request. Please do not start project work until notified. If no decision has been made 30 days after submitted request, homeowner may proceed with project.