

**RIVERMOORE PARK**

**COVENANT RULES & REGULATIONS,  
DESIGN GUIDELINES,  
COMMUNITY APPEARANCE AND  
DESIGN STANDARDS**

**November 15, 2003**

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## **Introduction**

### **Covenant Rules and Regulations**

In addition to the rules and regulations stated in the Declaration of Covenants, Conditions, and Restrictions for Rivermoore Park, the Board of Directors of Rivermoore Park Community Association, Inc. (hereinafter referred to as "Board") may, from time to time, without consent of the homeowners, promulgate, modify, or delete rules and regulations applicable to Rivermoore Park. The Rules and Regulations herein are adopted and created in accordance with Article 10, Section 10.4 of the Declaration and Article 9, Section 9.3 of the Declaration. This document, including the adopted rules and regulations, is hereby distributed to owners as notification of the rules and regulations. These Rules and Regulations shall be binding on all Owners and occupants, and shall become effective on December 1, 2003.

This document is provided to amplify and supplement our community's covenants. The Board has adopted the rules and regulations as stated in this document. Homeowners are encouraged to study these rules and regulations and design guidelines as well as the covenants. Note that in the event of a conflict, the Declaration of Covenants, Conditions, and Restrictions for Rivermoore Park (hereinafter referred to as "Covenants") will prevail.

### **Rivermoore Park Homeowners Association – Use Restrictions**

The Board may from time to time promulgate use restrictions applicable to Rivermoore Park. Applicant should review any such use restrictions to ensure that lot improvements are in compliance with such use restrictions. Restrictions shall not be retroactive so as to require removal of any approved improvements; the use restrictions in place at the time of the application shall govern.

### **The Architectural Review Board's Role**

The Covenants provide for a design review process through which property improvements must be approved by an Architectural Review Board (hereinafter referred to as "ARB"). This provision applies to modifications, additions, or alterations made on or to existing structures in Rivermoore Park. Additionally, all new structures to be erected, installed or constructed on properties with existing structures must be approved by the ARB.

As an administrative arm of the Board of Directors, the ARB's role is to preserve, protect and enhance the value of the properties in Rivermoore Park by enforcing the existent and recorded declaration of covenants, conditions, restrictions, by-laws, rules and regulations as adopted by the Board and design guidelines as adopted by the ARB. The covenants specify that the ARB can adopt, promulgate, amend, revoke and enforce Design Guidelines. These revisions, additions and/or clarifications of the existent Design Guidelines are made to meet a need in the community and supplement all covenants, conditions, restrictions, and by-laws. The Design Guidelines are not the exclusive basis for decisions of the ARB and compliance with the Design Guidelines does not guarantee approval of any Application.

### **Non-Liability of the ARB**

The content of these Design Guidelines, and any actions of the ARB or its designees, are not intended to be and should not be construed to be, an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction nor ensuring compliance with building codes, zoning regulations or other governmental requirements. Neither the Rivermoore Park Community Association, Inc., the Board of Directors, the Architectural Review Board, nor their respective members or representatives shall be liable for damages or otherwise to anyone submitting plans to it for approval, or to any Applicant by reason of mistake in judgment, negligence or non-feasance, arising out of any action of the ARB with respect to any submission, or for failure to follow the Guidelines. The role of the ARB is directed toward review and approval of site planning, appearance, architectural vocabulary and aesthetics. The ARB assumes no responsibility with regard to design or construction, including, without limitation, the civil, structural, mechanical, plumbing or electrical design, methods of construction, technical suitability of materials, or resulting erosion or damage from alteration of grading or drainage. Notwithstanding any approval by the ARB hereunder, owners may be required to correct erosion or other drainage conditions created by improvements approved by the ARB.

As a final introductory comment, please remember – **REQUEST APPROVAL BEFORE BEGINNING ANY IMPROVEMENTS OR MODIFICATIONS! The vast majority of problems occur when a homeowner begins a project without written approval from the ARB.**

Each request for project approval is unique to the lot to which it pertains. Each request will be evaluated on the individual and unique elements of the project. Unauthorized actions by a homeowner and/or prior ARB action on requests of a similar nature will not serve as a precedent for any subsequent request for project approval.

### **Published/Enforcement Date:**

These amended Rules and Regulations and Design Guidelines are hereby revised and published on November 15, 2003 with a December 1, 2003 enforcement date by the order of the Board. They supersede and replace any other Rules and Regulations and Design Guidelines previously published, or amended.

## **APPLICATION INFORMATION**

*An Application for Architectural Review Board (“ARB”) Approval for Change/Modification, hereinafter called “Application” is provided for use in requesting review/approval of an exterior modification. This form should be submitted to the ARB at least 30 days prior to the anticipated time that you intend to begin work. Modification requests must be approved, in writing, before any work begins.*

**The verbal approval of any sales agent, developer, builder, or association representative is not sufficient.** All modification approvals must be in writing.

## **APPLICATION FOR MODIFICATION PROCESS**

### **General Information**

All changes, modifications, alteration, revisions or additions must be submitted to the Architectural Review Board and approved by the ARB in writing before any work may commence. Failure to obtain written approval for a modification or addition can result in stoppage of any construction or structure in violation of this restriction and a monetary fine for not filing the required Application for approval. An Application for Modification or "Application" is included herein as Exhibit A of these Design Guidelines. Each proposed project is unique to the lot and no precedent shall be set by ARB action, past or present, or unauthorized action taken by other Owners. The ARB may withhold approval for any reason including purely aesthetic considerations.

### **Application Submission and ARB Review Process**

1. An Application must be filled out in its entirety and signed by the Owner who has submitted an Application to the Property Management Company (hereinafter referred to as "Applicant"). Attach the Application to any plans required by the appropriate section of these Design Guidelines. Submit two copies of the Application and two copies of any required plans. One copy should be submitted directly to the Property Management Company. The other copy should be placed in the box at the Clubhouse. Once a completed Application and plans are submitted to the Property Management Company, the application will be stamped with the date of its receipt. This date will become the "Submission Date" of the Application.
2. The ARB will review the Application and any required plans in order to render a decision. A decision by the ARB is defined as:
  - a. Approved – allowing the commencement of the proposed project,
  - b. Contingent Approval with Conditions – allowing the commencement of the proposed project with conditions, as long as the homeowner accepts the condition(s), or
  - c. Denied – which means the applicant cannot construct or install the proposed project. A denial may also indicate the Application is incomplete, which is grounds for an automatic denial.
3. The ARB will render a decision in writing within 30 days of the submission date stamped on the form by the management company. The homeowner should confirm that the management company received the application. If the ARB does not issue a decision within 30 days of the submission, the Application shall be deemed approved. However, no approval, whether expressly granted or deemed granted pursuant to the foregoing, shall be inconsistent with the Design Guidelines unless a variance has been granted in writing by the ARB.
4. The ARB's decision will be mailed to the applicant within 30 days of the receipt of the Application. Any member of the ARB or its designee has the right, upon reasonable notice, to use the signed modification form for permission to enter property to inspect

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an installation to ascertain whether or not these restrictive covenants have been or are being complied with. Such person/s shall not be deemed guilty of trespass by reason of such entry.

5. Within 30 days of completion of an Approved project, please notify the ARB or its designee of the completion and request an inspection to confirm compliance with the approved request. If the project was not built in compliance with the approved plans, the Owner may be required to take appropriate and immediate action to bring the project into compliance or risk receiving a Notice of Violation from the Board.
6. The Applicant, within 15 days of receipt of the ARB Decision which the Applicant deems as unsatisfactory, may file a written Appeal of Denied Application for Modification Form to have the matter reviewed by the Board.

## **DESIGN GUIDELINE #1: Exterior Building Maintenance & Alterations**

### **General Guidelines**

An Application must be submitted for all exterior building alterations. Building alterations include, but are not limited to, storm doors and windows, awnings, construction of driveways, garages, carports, porches and room additions to the home.

The original architectural character or theme of any home must be consistent for all exterior components of the home. Once the character is established, whether it is traditional, contemporary, etc., no change may alter that character without ARB approval.

If County authorities make changes to the plans as approved by the ARB, the owner must submit such changes for approval prior to commencing construction.

All exterior building maintenance and repairs must follow the specific guidelines below. If the homeowner foregoes the application approval process because the replacement/repair materials are an exact match to previously approved materials, the homeowner must maintain proof of the previously approved materials on file and provide proof to the ARB if requested. Before and after color photographs are recommended.

### **Painting**

Repainting requires prior written approval only if the color is changed. A paint color change requires the following information:

1. Paint sample; and
2. Description of area of home to be repainted;
3. Photograph of your home plus homes on either side (in most cases adjacent homes cannot be painted the same colors).

### **Awnings**

An Application must be submitted for all awnings. Awnings or coverings must be either canvas or a structural extension of the home's existing roof. Colors or finish must be

compatible with the home's primary and trim colors. Addition of awnings or coverings requires the following information:

1. Picture or drawing of all windows/doors on which awnings will be installed and their location (back or side – generally, awnings are not allowed on the front of the home);
2. Picture depicting style of awning to be installed; and
3. Color samples and materials list.

### **Detached Buildings**

An Application must be submitted for all detached buildings. In general, detached buildings are discouraged but will be considered subject to the following guidelines:

1. Size shall be limited to 150 square feet;
2. The building should be located in the rear of the primary home with primary emphasis being that placement on the lot minimizes visual impact on adjacent properties or from the street;
3. Building may not be used for any purpose that may be deemed by the ARB to cause disorderly, unsightly, or unkempt conditions; and
4. Detached building exterior materials must match the exterior materials and colors used on the original home.
5. No buildings shall be placed within the building setback lines established by the County and/or the Declaration.

Detached buildings being used as a primary garage are an exception to the above general guidelines. In either case, approval from the ARB is required.

### **Building Additions**

An Application must be submitted, along with floor plans, elevations, site plan, landscape plans, foundation plan and details. Plans and specifications are not approved for engineering or structural design or quality. The ARB assumes no liability or responsibility for defect in any structure constructed from such plan specifications.

The following items must be addressed when proposing a room addition:

1. The room addition design and construction should closely match the theme and character of the existing home design and the exterior materials should match the existing materials used;
2. A clear start date and completion date must be on the Application;
3. During construction, the owner is responsible for an orderly construction site at all time;
4. The owner is responsible for obtaining a building permit for construction. A copy of the building permit must be submitted to the ARB prior to beginning construction; and
5. The room addition must be built in conformance with the submitted approved plans. Changes to the design documents required by any jurisdictional agency must be approved by the ARB before the installation, if these revisions affect the exterior of the addition.

### **Energy Conservation Equipment**

An Application must be submitted for solar energy collector panels or attendant hardware or other energy conservation equipment. They must be an integral and harmonious part of the architectural design of a structure, as determined in the sole discretion of the ARB.

### **Window Treatments**

No foil or other reflective materials shall be used on any windows for sun screens, blinds, shades or for any other purposes. Further, appropriate window treatments require the following:

1. Windows must be in good repair. No broken out, cracked or broken window panes are acceptable. Screens must be in good repair, free of stains or discoloration and free of holes or tears.
2. Garage and door windows must adhere to the same above guidelines including side entrance garages with windows visible to the street.
3. Window treatments that are visible to the street should be made to blend with the exterior by using a white or off-white liner so that the vibrant colors or patterns you select for the interior do not clash with your exterior colors.

### **Roofs**

Roof shingles must be kept in good repair. Any torn or missing shingles must be replaced. Stained shingles should be cleaned, if cleaning does not eliminate the stains you may be required to replace your shingles. When repairing or replacing roofing shingles, a repair must match the existing shingles and must blend with the existing shingles. If the same shingle is not available you may be required to replace all shingles. Depending on the location, partial roof replacements may be approved by the ARB. Any change to the existing shingle must be approved. A sample piece of the materials used for repair or installation must be submitted for approval.

### **Windows, Doors, Etc.**

Repairing and painting doors and windows and other appropriate external care of all structures are required year round on all structures on your lot. This includes but is not limited to:

1. The paint and/or stain on all window frames and sashes, shutters, exterior doors, garage door trim, and any structure on the property must be kept in good condition. Peeling, faded or discolored paint or wood will not be acceptable. An ARB Application is not needed if you are using the same paint/stain color to maintain door and window trim previously approved. All other color changes must be approved by the ARB.
2. If a replacement door, window, window screen or shutter is an exact match to that previously approved, ARB approval is not required. ARB approval is required for any exterior door, window, window screen or shutter replacement if it is different than the door, window or shutter previously approved. Operable hinged exterior shutters with decorative shutter dogs should be maintained on all homes.
3. The installation of any door, storm door or window with, including but not limited to stained glass, leaded glass, block replacement window glass must have ARB approval. All doors, storm doors and windows, must be kept in good condition. Doors with

broken glass, torn screens, dented/blemished doors or windows must be repaired or replaced.

**Siding, Brick, Cement, Etc.**

Siding, stucco, brick and cement including driveways and approaches are to be kept free of mold, dirt, grease, stains and any discoloration.

**Dog Houses**

An Application must be submitted for all doghouses. All doghouses must be located where they will have minimum visual impact on adjacent properties, the street and Common Areas. Construction type, size, and exterior colors/materials will be the specific criteria governing approval.

Dog runs and wire pens are prohibited.

**DESIGN GUIDELINE #2: Decks and Retaining Walls**

An Application must be submitted for all decks, deck extensions and retaining walls. The following, without limitation will be reviewed: location, size, conformity with design of the house, relationship to neighboring dwellings, and proposed use. The following information is required:

1. A survey and site plan denoting location, dimensions, materials and color;
2. Picture or drawing of deck.

The following guidelines have been adopted for decks in the community:

1. Unless it is a replacement deck and duplicates the original deck built with the home, the deck may not extend past the sides of the home;
2. A deck extension may not extend past the sides of the home;
3. Materials must be cedar, redwood or pressured treated wood;
4. Color must be natural or complimentary stain finished to coordinate with the exterior color of home;
5. Vertical support for wood decks must meet minimum county standards for wood post or painted (black) metal poles, preferably boxed in as to appear to be wood posts – brick or stucco columns matching the home are also acceptable.

The following guidelines have been adopted for retaining walls in the community:

1. All exposed concrete block or poured concrete foundations and/or retaining walls must be veneered with natural stone, brick or stucco to compliment the existing structure; and
2. Retaining walls constructed of landscape timbers or crossties, if visible from the street, must be shielded or softened by an approved vegetative landscape method.

### **Storage on Decks and Patios**

Any outdoor equipment (i.e. gas grills) located on a rear deck must be located within the extended sidelines of the house.

## **DESIGN GUIDELINE #3: Patios/Walkways**

### **Patios/Walkways**

An Application must be submitted for patio covers, trellises, permanent seating, railing and other items.

The Application must include the following:

1. Lot survey denoting location;
2. List of materials to be used.

## **DESIGN GUIDELINE #4: Exterior Decorative Objects**

### **General Guidelines**

If any decorative objects are placed in the front or side yards, an Application must be submitted for all exterior decorative objects, both natural and manmade. Exterior decorative objects include, but are not limited to, items such as bird baths, bird feeders, bridges, wagon wheels, sculptures, statues, foundations, pools, antennas, benches and porch swings, free standing poles of all types, flag poles, rocks and items attached to approved structures. Objects will be evaluated on criteria such as setting, proportion, color and appropriateness to surrounding environment.

The following guidelines apply:

1. Bird feeders, natural and constructed, including but not limited to, hummingbird feeders, butterfly houses, and bird houses are to be in the rear yard screened from view of the front of the lot. They are to be maintained and kept free of debris to discourage rodent activity.
2. Plastic or silk flowers are not permitted on the exterior of any property, including, but not limited to planters, beds or window boxes.
3. Plastic flower pots (nursery commercial grade) are not allowed.
4. Holiday decorations should be removed within 14 days of the holiday.
5. Plastic animal decorations such as pink flamingos are prohibited.

### **Exterior Landscape and Security Lighting**

An Application must be submitted for all exterior lighting not included as a part of the original structure. The following guidelines apply:

1. All outside landscape light bulbs shall not be any color other than white or yellow.
2. Lighting should be located to cause minimum visual impact to adjacent properties and streets.
3. Exterior spotlights or floodlights must be hooded to eliminate glare onto adjacent properties.
4. In general, exterior lighting should be limited to 10 lights or less on the average lot. Corner lots may accommodate up to 20 lights.

### **Flags and Flag Poles**

An Application is not required to be submitted for a single flag pole staff attached to the front portion of a house.

Decorative flags must not be visible from the front of any home, street or common area. The exception is the American Flag. American flags (4'x6" or smaller) may be hung in the front or rear of a house. Other flags in good taste are allowed only in the rear of the house and must be kept in good condition.

### **Front Porch and Entry Areas**

Front doors and entry area decorations must be tasteful and in keeping with the style and colors of the house. Plants and flowerpots must always be neat and healthy. Neatly maintained front porch flower pots (no more than five) that coordinate with exterior home colors and containing evergreens/flowers do not require submission of an Application. More than five (5) flower pots require submission of an Application. Furniture on front porches and in entry areas should be wooden rockers or benches, wrought iron furniture, or wicker or wicker-like furniture. Plastic lawn furniture is prohibited. Outdoor lawn furniture with canopies/awnings are prohibited on front porches. Appliances, including but not limited to refrigerators and televisions, on front porches are prohibited. Exterior furniture should be confined to the front porch. Any other requested placement of furniture outdoors in the front or side yards must be submitted on an Application for approval.

## **DESIGN GUIDELINE #5: Exterior Landscaping and Maintenance**

### **General Guidelines**

Landscaping should relate to the existing terrain and natural features of the lot. ARB approval of a landscaping project is required when the activity will result in changes to existing landscaping or when grading or contour modifications are required.

The general appearance of each lot and the residence thereon, including landscaping, must conform to the level of upkeep that is accepted as community standard. Failure to maintain property to this standard will subject the owner to the imposition of fines and/or liens on the property. This standard includes, but is not limited to:

1. Over seeding and restoring lawn grasses;
2. Watering, fertilizing, mowing and edging lawn grasses;
3. Pruning and trimming trees and shrubbery, hedges and other vegetation so that the yard presents a manicured appearance and the visibility of motorists and pedestrians is not obstructed;
4. Removal of all "volunteer" or "wild" growth of weeds or non-landscape quality vegetation;
5. Prompt repair of any barren lawn areas to reduce erosion potential; and
6. Renewal of pine straw or bark mulch used in islands or naturalized areas at least annually.
7. Bermuda sod is the selected turf grass for the front yard;

8. Over seeding with Rye grass in the front yard during the winter is not permitted.

### **Trees and Shrubbery**

An Application is not required for the replacement of ornamental shrubbery or planting of flowers in existing beds. An Application and landscape plan must be submitted for all other landscape changes. The Application and Plan must include a description of the size and type of trees or shrubs to be planted and the Plan must show the relationship of plantings to the house and adjacent dwellings.

### **Drainage Easements**

All drainage easements, whether fenced or not, must be maintained by the owner. Weeds, non-landscape quality vegetation must be removed on a regular basis. Renewal of pine straw or bark mulch is required as needed.

Fencing in/along the drainage easement must not interrupt the natural flow of water.

### **Tree Removal**

Removal of trees and other natural resources without the prior written consent of the ARB is prohibited.

### **Borders**

Landscape borders should be kept manicured. Any natural or manmade borders (i.e. bricks, rock edging) must match existing materials on the home and be approved by the ARB.

### **Street Trees**

Street trees are the responsibility of the homeowner and should be properly pruned for pedestrian and street traffic on an annual basis. In the event a street tree dies, the homeowner is responsible for replacing with the same species during the next planting season. The size of the replacement tree should have a minimum trunk diameter of 3 inches. Pin Oak is the predominant street tree throughout the neighborhood. Moore's Walk is the exception with Sugar Maples.

### **Vegetable Garden Plots**

No vegetable garden shall be constructed, erected or maintained upon any lot unless the type and location thereof has been previously approved by the ARB. The following guidelines apply:

1. All gardens must be located within the extended sidelines of the house and in the rear yard.
2. The garden should be screened so as to be concealed from view of neighboring lots, streets and adjacent property. Screen must be living plant material or appropriate fencing conforming to the community fencing guidelines.
3. All garden plots must be cleared at the completion of the growing season.

### **Hoses and Hose Reels**

All hoses should be stored when not in use. All hose storage containers should be stored where they are not visible from the street. Landscape screening may be used to minimize visibility.

### **Firewood**

The following guidelines apply to the storage of firewood:

1. Firewood piles are to be maintained in good order and must generally be located within the extended sidelines of the house and in the rear yard.
2. Stored wood should be screened from view of neighboring properties and streets. Screening should be done with an approved fence or by using live plant materials.
3. Woodpile coverings are allowed only if the cover is an earth-tone color and the woodpile is screened from the view of the street. For example, a tarp-covered woodpile may be located under a deck with shrubs planted around it.

### **Clotheslines**

Clotheslines are not allowed in the subdivision.

## **DESIGN GUIDELINE #6: Play Equipment**

### **General Guidelines**

An Application must be submitted for all play equipment (i.e. swing sets and trampolines).

The following guidelines apply:

1. The play equipment shall be located in the rear yard and within the extended sidelines of the house.
2. If a yard is fenced; the play equipment shall be located within the fenced area of the rear of the house.
3. The play equipment shall be sized and located such that it will have minimal visual impact on adjacent properties.
4. Landscape screening may be required.
5. All canopies on structures must be clean. If weathered, faded or torn, etc. the canopy must be replaced.
6. All details including accessories (awning, canopy, slides, etc) and their color must be approved by the ARB.

Play equipment (except basketball goals) are strongly suggested to be of wood construction; environmentally and aesthetically compatible. Plastic play equipment will generally require more fencing and landscaping to shield from view and will generally be required to be painted to blend into the surrounding environment (earth tones).

### **Basketball Goals**

An Application must be submitted for all basketball goals. The following guidelines apply:

1. Goal must be mounted on a black metal pole that is permanently installed in the ground.
2. Goal must be located as far from the street as possible with the least possible view from the street and neighbors.

3. Backboard must be clear acrylic (glass-like).
4. Backboard should be perpendicular to the street.
5. Basketball goals are prohibited from being attached to the house or garage.

Free standing or portable basketball goals must be stored when not in use. At no time are portable basketball goals to be left on or utilized on the street.

*Note: Negative impact related to time of use, lighting and noise on adjacent properties should be avoided. As with all improvements; once installed; basketball goals must be maintained to the condition as originally installed.*

#### **Trampolines:**

An Application must be submitted for all trampolines. The following guidelines apply:

1. Trampolines must be screened by adequate landscaping or approved fencing so as to be reasonably concealed from view by neighboring residences and from the street.
2. Trampolines must be kept in good repair without rips, must not sag or hold water and must be kept in an upright position. Trampoline safety netting must be kept in good repair.

#### **Play Houses**

An Application must be submitted for all playhouses. The following guidelines apply:

1. Play houses must be located where they will have minimal visual impact on adjacent properties;
2. In most cases, materials used must match existing materials of the home; and
3. Playhouses may not be larger than 150 square feet or 10 feet in total height.

*Note: Playhouses and tree houses, once approved must be maintained to preserve the approved décor.*

### **DESIGN GUIDELINE #7: Private Pools**

#### **Children's Portable Wading Pools**

An Application is not required for children's portable wading pools (those than can be emptied at night) as long as they do not exceed 18 inches in depth and whose surface area does not exceed 36 square feet. Portable wading pools shall not be used in the front yard. Portable wading pools must be stored where they are not visible from the street and neighboring residences when not in use.

#### **Above-ground Pools**

Above-ground pools are prohibited.

### **In-Ground Pools**

An Application must be submitted for all in-ground pools. The following information is required:

1. A survey of the property that accurately depicts the location of the house, property lines, building setbacks; decks, easements and any other elements that may restrict the location of the proposed pool.
2. The drawing shall dimensionally depict the proposed location of the pool and pool deck, pool equipment and any other related improvements.
3. All proposed materials and colors should be included with the Application.
4. A proposed landscaping plan must be included.
5. The proposed drainage plan shall be clearly indicated including all existing drainage conditions.
6. Existing trees and other landscaping that are to be removed to accommodate the proposed pool improvements shall be marked with ribbon for review by the ARB prior to removal.

The following guidelines apply:

1. Appearance, height, and detailing of all retaining walls must be consistent with the architectural character of the house – some terracing may be acceptable.
2. Fencing must meet fence guidelines.
3. Maximum pool area is 1,000 square feet.
4. Glaring light sources which impact neighboring lots may not be used.
5. Landscaping enhancement of the pool area and screening with landscaping may be required.

### **Hot Tubs**

An Application must be submitted for exterior hot tubs. Hot tubs must be screened from adjacent properties and streets. All pumps, filters, and equipment must be located where it will not cause a nuisance to neighbors and must be screened from view.

### **Landscape Pools/Fountains/Waterfalls**

An Application must be submitted for approval for all landscape pools, fountains and waterfalls. The following guidelines apply:

1. In no event shall pools/fountains/waterfalls/ponds be located so as to be visible from the front of any lot or any adjoining street.
2. Ponds shall not be located in the front or side yards.
3. All ponds shall include the oxygenation of water and water movement to prevent the growth of mosquitoes. Ponds shall be maintained and shall not consist of any areas of stagnant water.

## **DESIGN GUIDELINE #8: Fences**

The original design concept of Rivermoore Park promotes a feeling of open space; therefore, fencing is not generally encouraged. However, should an owner desire to erect a fence; an Application must be submitted to the ARB for approval. A request for fencing must include the following information:

1. Type of fence requested;
2. Dimensions including height;
3. A site plan denoting the location of the fence together with information as to existing fences erected on adjacent properties. (Please use survey from your closing package).
4. On corner lot, fence may not be closer to side street than building line of the house.

The following guidelines have been adopted for fences in Rivermoore Park:

1. All fences on lake lots in Allen Place North and South must use the black aluminum fence per the specifications below.
2. All homes directly on the Meadow must use the black aluminum fence per the specifications below.
3. All homes in Meadowview, The Enclave, Moores Walk and River Park must use the black aluminum fence per the specifications below.
4. All other lots may use black aluminum fence or picket fence per the specifications below.
5. Dog pens and dog runs are not allowed.
6. Invisible fencing (in-ground electric fence) for pets is allowed. The invisible fence must be located between the residence and the sidewalk.
7. Gates must be constructed with material that matches fencing material. Appropriate hardware for gates must be used and maintained in like-new condition.
8. Decorative gates; arbors and garden fences must be submitted with a landscape plan or drawing for approval by the ARB and alternative materials may be approved for these items. All arbors, trellises, etc. must be properly installed and anchored.
9. All lattice used for screening must be approved by the ARB, and no lattice materials can be used without framing and anchoring.
10. All arbors, pagodas, gazebos and platform decks must be approved by the ARB.
11. Fences in front yards are prohibited.

#### **Black Aluminum Fence Specifications**

The following standards for the black aluminum fencing design to resemble wrought iron have been adopted:

1. The standard approved style is the Avalon model aluminum fence by Delgard.
2. An approved equal is the Style #203 by Ideal.
3. Finials are optional, but if requested, they must be the "Royal" finial.

#### **Wooden Picket Fence Specifications**

The following standards for the picket fence have been adopted:

1. The wood fence must be the "French Gothic" picket design.
2. The fence must have a negative scallop.
3. The crossbeam structure must not be visible from any street or adjacent properties. (Must face inside toward yard making the outside face the finished side.)
4. The materials must be cedar, redwood or pressure treated pine.
5. The fence must be painted Sherwin Williams 2123 – White – Solid Body Stain within six (6) months of installation.
6. The height cannot exceed 5 feet at the posts. Therefore the negative scallop will be less than 5 feet high.

### **Drainage Easements and Fence Guidelines**

Fences may not impede the natural water flow. A fence may not obstruct a drainage ditch, catch basin, drainage swale, storm sewer or storm drain. To fence a drainage easement, written approval from Gwinnett County is required. The letter from the County granting permission must be attached to the Application when submitted.

## **DESIGN GUIDELINE #9: Antennas, Satellite Dishes**

This guideline applies to installation, attachment and maintenance of direct broadcast satellite (“DBS”) dishes or antennas and multi-channel multipoint distribution services (“MMDS”) dishes or antennas (herein collectively called “Satellite Dishes”, which definition shall include the supporting mast, cabling and all other components or accessories thereof) at Rivermoore Park.

**SATELLITE DISHES MAY BE INSTALLED AT RIVERMOORE PARK FOR RECEPTION, BUT NOT TRANSMISSION (other than Internet Service), IN ACCORDANCE WITH THESE GUIDELINES. NO OTHER ANTENNAS OR SIMILAR DEVICES MAY BE INSTALLED AT THE SUBDIVISION WITHOUT APPROVAL OF THE ARB.**

### **General Guidelines**

1. **Satellite Dish Size Limits.** Satellite dishes shall be no larger than one meter in total size. Satellite Dishes or antennas mounted on masts are prohibited except where necessary for reception of an acceptable quality signal and within the total size limit provided. Concealed cabling shall not count toward this total size guideline.
2. **Location.** **Satellite Dishes may be installed, in order of priority, in the following locations:**
  - a) In or on the rear of the home within the extended sidelines of the home so as not be visible from the street, or
  - b) Rooftop mounting of satellite dishes is preferred only on the rear of the home; or
  - c) The satellite dish should be located in the least conspicuous location where the signal can be received.

**The Satellite Dish must be placed in the location that is least visible to public view.**

3. **Installation.** The Satellite Dish should blend into the background to which it is mounted or placed. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. No cabling shall be allowed on the roof surface, or on the surface of the exterior siding or brick of any home.

The owner or occupant shall be responsible for the maintenance and repair of the Satellite Dish including, but not limited to, (i) reattachment of Satellite Dish, and any components thereof, within forty-eight (48) hours of dislodging, for any reason, from its original point of installation; (ii) repainting or replacement, if for any reason the exterior surface of the Satellite Dish becomes worn, disfigured or deteriorated.

## **DESIGN GUIDELINE #10: Miscellaneous Exterior Installations**

**Mailboxes** – All mailboxes must be the approved Rivermoore Park mailbox and be maintained to the standards of the community (may require periodic painting and repair). All wood mailboxes must be painted - Sherwin Williams – Stucco Greige – Woodscapes Solid Body Stain. For replacement information, please contact the property management company.

**Driveways, Walkways and Parking Areas** – must be paved with materials that are in harmony with the community and as approved by the ARB. Homeowners are responsible for repair/replacement of broken or badly cracked sidewalks on their property.

**Air Conditioner Units** visible from the street and common areas must be screened by an approved method. Window air conditioners are not approved for use.

## **DESIGN GUIDELINE #11: Signs**

No sign of any kind shall be erected by a homeowner or occupant without the prior written consent of the ARB. No signs shall be posted or erected by any homeowner or occupant within any portion of the properties, including the Common Area, any residence, or any structure or dwelling located on the Common Area or any residence (if such sign would be visible from the exterior of such structure or dwelling as determined by the ARB).

The following guidelines have been adopted:

1. No advertising signs are allowed on any lot.
2. For sale or rent signs no larger than six (6) square feet in area are allowed at the property for sale. No directional or other signs shall be posted within any portion of Rivermoore Park.
3. All signs must be professionally prepared.
4. Alarm and security company signs not larger than 1 square foot in area are allowed to be placed near the front entrance of the home and the top of the sign must not be higher than 18” from the ground. Only one sign is permitted per residence. Alarm company window stickers may be used within reason.
5. Contractors, subcontractors or any vendor working on a residence in Rivermoore Park are prohibited from placing any type of sign on the property. The workers, or the homeowners in their absence, will be asked to remove the sign immediately. A sign will be permitted only if legally required to display a license number.
6. Garage sale signs are permitted per Covenant Rules and Regulation #4.

All signs not approved by the ARB and placed in the Common Area may be removed and disposed of immediately by the Homeowners Association, ARB or their designee.

## **COVENANT RULES & REGULATION # 1: Vehicles & Parking**

The following rules and regulations have been adopted by the Board:

1. Automobiles and non-commercial trucks and vans shall be parked only in the garages or in the driveways serving the residence unless otherwise approved by the Board; provided however, the Association may designate certain on-street parking areas for visitors or guests subject to reasonable rules.
2. Any vehicle advertising a commercial enterprise must be stored in the garage.
3. No automobile or non-commercial truck or van may be left upon any portion of the Rivermoore Park, except in a garage, if it is unlicensed or if it is in a condition such that it is incapable of being operated upon the public highways. Such vehicle shall be considered a nuisance and may be removed from the Properties.
4. Recreational vehicles shall be parked completely inside the garages serving the residence. Any garage door must close completely with the vehicle inside. The term "recreational vehicles," as used herein, shall include, without limitation, motor homes, mobile homes, boats, trailers, other towed vehicles, motorcycles, mini-bikes, scooters, go-carts, campers, buses, commercial trucks and vans. Any recreational vehicle parked or stored in violation of this provision in excess of two (2) days shall be considered a nuisance and may be removed from Rivermoore Park.
5. Trucks with mounted campers which are an Owner's or occupant's primary means of transportation shall not be considered recreational vehicles, provided they are used on a regular basis for transportation and the camper is stored out of public view.
6. No motorized vehicles shall be permitted on unpaved Common Area or on pathways or trails within the Common Areas except for public safety vehicles authorized by the Board and vehicles used by the Association in the maintenance of all or any portion of the Common Areas.
7. No unlicensed driver shall operate a golf cart within any portion of Rivermoore Park.
8. Vehicles belonging to workers delivering services to a homeowner shall park in the driveway of or directly in front of that residence.

## **COVENANT RULES & REGULATION #2: Storage of Materials, Trash, Garbage, Dumping, Etc.**

The following rules and regulations have been adopted by the Board:

1. No lumber, metals, bulk materials, refuse, trash or other similar materials shall be kept, stored, or allowed to accumulate outside the exterior of any residence.
2. All garbage cans shall be located or screened so as to be concealed from view of neighboring streets and property.
3. All rubbish, trash, and garbage shall be regularly removed and shall not be allowed to accumulate.

4. Roads and sidewalks shall be kept free of obstruction at all times. No Owner shall place or stack garbage cans, recycling bins, landscape debris or yard clippings, or other materials or debris on or within any roadways, sidewalks or other pedestrian pathways or trails.
5. Containerized household trash and/or garbage cans and any landscape trash are to be placed at the curb **no earlier than 6 PM** on the day prior to collection. Garbage cans are to be removed from the curb **no later than 9 PM** on collection day.
6. In the event of major remodeling, owner must request approval from ARB for dumpster to be placed on lot. Some restrictions may apply.

### **COVENANT RULES & REGULATION #3: Animals and Pets**

No animals, livestock, or poultry of any kind may be raised, bred, kept, or permitted on any lot, with the exception of dogs, cats, or other usual and common household pets in reasonable number, as determined by the Board. No animals shall be kept, bred or maintained for any commercial purpose. All pets shall be reasonably controlled by the Owner whenever outside a residence and shall be kept in such a manner as to not become a nuisance by barking or other acts. The owners of the pet shall be responsible for all of the pet's actions. If, in the sole opinion of the Board, any animal becomes dangerous or an annoyance or nuisance in Rivermoore Park or to nearby property or destructive of wildlife, they shall be removed from Rivermoore Park.

Further rules and regulations include:

1. No structure for the care, housing or confinement of any animal shall be constructed, placed or altered on any lot unless plans and specifications for such structure have been approved by the ARB.
2. Owners are responsible for their pets. Any damage or intrusion on another's lot will not be tolerated. Pet owners are responsible for any and all damage to any lot or community property.
3. Pets must be kept on a leash while being exercised.
4. Pet owners must clean up fecal matter left by their pets on neighborhood lots and community common property.
5. Pet owners shall not allow their pets to harass, frighten or threaten humans and/or domestic animals.
6. Pet owners must confine their pets to the owner's yard and not allow complete access to the community.
7. Confinement of pets must comply with fencing guidelines.

### **COVENANT RULES & REGULATION #4: Use Restrictions**

#### **Business Use**

##### **General Guidelines**

All residences shall be used exclusively for residential purposes and shall not be used to conduct business or trade. An Owner or occupant residing in a home may conduct business activities within the residence so long as:

1. The existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside the residence;
2. The business activity conforms to all zoning requirements for Rivermoore Park;
3. The business activity does not involve regular visitation of the residence by clients, customers, suppliers, or other business invitees or door-to-door solicitation of residents of Rivermoore Park; provided, however, this provision shall not preclude delivery of materials or items by United States Postal delivery or by other customary parcel delivery services (UPS, Fedex, etc);
4. The business activity does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; and
5. The business activity is consistent with the residential character of Rivermoore Park and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of Rivermoore Park, as may be determined in the sole discretion of the Board.

A business activity that involves regular visitation by clients (i.e. piano teacher or tutor) must be approved by the Board.

The terms “business” and “trade,” as used in this provision, shall be construed to have their ordinary, generally accepted meanings and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provisions of goods or services to persons other than the provider’s family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (i) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required. The leasing of a residence shall not be considered a business or trade within the meaning of this section. This Section shall not apply to any activity conducted by the Declarant or a Builder approved by the Declarant with respect to its development and sale of the Properties or its use of any residence which it owns within the Properties.

### **Garage Sales**

The Board has adopted the following rules and regulations:

1. Homeowners are allowed to have a garage sale on the first Friday of the specified months below and the Saturday following the first Friday of the specified months below – February, April, June, August, October and December.
2. All signs put up throughout the Rivermoore Park may not be put out until the day of the yard sale and must be removed immediately following the yard sale.
3. Signs must not be posted on trees, street signs, fences, etc. The signs must be placed in the ground and be self-supporting.

Except as noted above, no garage sale, rummage sale, moving sale, yard sale or similar activity shall be conducted at a residence without the prior consent of the Board.

### **Leasing**

Residences may be leased for residential purposes only. All leases shall be in writing and shall require, without limitation, that the tenant acknowledge receipt of a copy of the Declaration, By-Laws, use restrictions, and rules and regulations of the Association. The lease shall also obligate the tenant to comply with the foregoing.

In addition, the Board requires the following information be delivered to the property management company:

1. Copy of lease.
2. Name of tenant/lessee.
3. Off-site address of homeowner/lessor.

### **Lake Use Restrictions**

The Board has adopted the following lake use restrictions:

1. No swimming or ice skating shall be permitted in or on the Lakes.
2. Boating is permitted; provided however, only non-motorized boats are allowed on the Lakes. When not in use, all boats (motorized and non-motorized) shall be stored in accordance with Covenant Rules and Regulation #1.
3. Fishing is permitted with such licenses as may be required by any governmental entity.
4. No Person may use the Lakes in any fashion for irrigation of a residence within the Rivermoore Park.
5. No docks, piers, or gazebos shall be constructed, attached or floated upon or adjacent to any Lake without approval from the ARB.
6. No planting shall be permitted on any dam area.
7. Access to the lake is through common area property only for those homeowners who do not live on lakefront lots. Homeowner lots extend to the edge of the lake. Homeowners wishing to access the lake must access through common area or have permission from the lakefront lot homeowner.
8. No visitors are allowed unless accompanied by a member of the homeowner household.

### **Common Areas Use Restrictions**

Homeowners, as well as their families, tenants, guests, invitees and pets shall refrain from any actions, which deter from the enjoyment by other homeowners of Common Areas. Prohibited activities shall include without limitation, maintenance of dogs or other pets under conditions which interfere with the use of Common Areas by other homeowners, playing of loud radios or musical instruments, holding of large gatherings without advance approval of the Board, and use of outdoor grills, cooking facilities, tents or other temporary structures, stages, vending machines or facilities, except for events approved in advance by the Board.

## **COVENANTS, RULES & REGULATIONS, AND DESIGN GUIDELINE ENFORCEMENT PROCEDURES**

Apparent covenant, rules and regulations and design guideline violations (hereinafter referred to as violation(s), as reported by any source, may be submitted to the ARB or the Board to be referred for appropriate action. Should a management company be hired, they too would be a point of contact. From hereon, the ARB and/or management company shall be referred to as "Agent." The first action will be confirmation that a violation exists. If substantiated, the homeowner in violation will be contacted, the violation explained, and is requested to provide corrective action in a reasonable time period according to the following policy:

1. Upon recognition of a violation, a letter will be forwarded from the Agent advising the homeowner of the violation, stating the steps necessary to remedy the violation and a time period in which to either respond (in writing) and/or remedy the violation.
2. If after step one above, the violation cannot be resolved by the Agent, or if there is no response to the first letter from the alleged violator, or if the violation has not been remedied within the prescribed time period, then a second letter ("Notice") will be forwarded to homeowner advising a new time frame in which to provide corrective action and/or response. The alleged violator may present a written request for a hearing with the Association Board (a minimum of a quorum will be present) within fifteen (15) days of the Notice. The Notice will state the proposed sanction that shall be imposed as contained within, should a request for a hearing not be received. The Board or ARB may, but shall not be obligated to, suspend any proposed sanctions if the violation is cured within the fifteen (15) day period. Such suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions and rules.
3. In the event a violation is not corrected after the actions specified in paragraphs 1 and 2 of this section, a third letter (Notice) will be sent to the homeowner stating the sanction has been imposed. For each day the violation continues, fines may be imposed on a per diem basis without further notice to the violator.
4. In the event the violation recurs within one (1) year from the date of the Third Notice hereunder, the Board may impose a sanction (fine) without further notice to the violator.
5. As a follow on course of action should there be no corrective action, failure to comply could result in any or all of the following sanctions:
  - Suspension of the right to vote in Association matters;
  - Suspension of the right to use the recreational facilities and/or common areas;
  - Recordation of notice of covenant violation with the superior court;
  - Imposition of a fine on a per violation and/or per day basis; see schedule;

- Correction of the violation by the Association with all costs charged to the homeowner; and/or,
- Filing of a lien for all fines and costs, including but not limited to legal fees, to correct the violation.
- Filing of a lawsuit in order to enforce the covenants

**6. When a determination has been established that a property is in violation of the Guidelines, and the property owner has been properly advised, that violation will remain active until it is resolved. Transfer of ownership of a property WILL NOT erase an outstanding violation since a violation follows the property, not the property owner.**

### **Penalties**

Any resident who is found to be in violation of the Declaration of Covenants, Conditions and Restrictions and these Architectural Guidelines, Appearance and Design Standards is subject to penalties according to the following schedule:

**Failure to apply for ARB approval of a project**                      \$500

### **Violations**

- |   |                        |
|---|------------------------|
| a) First Notice<br>Mailed when violation first occurs   | Letter (not a penalty) |
| b) Second Notice of the same violation<br>Mailed when violation not corrected within<br>specified amount of time  | Letter (not a penalty) |
| c) Third Notice<br>Fine imposed if not corrected as required  | \$25/per day           |
| d) If violation not corrected and fine not paid   | Lien on property       |
| e) Lawsuit to force correction including above fees and attorney and other reasonable and<br>necessary fees and expenses incurred by the Board or its authorized representatives. |                        |

**These Design Guidelines, Appearance and Design Standards supersede any previous standards.**

## **SUMMARY**

It is hoped that these guidelines serve their intended purpose of providing help in understanding our community standards. If you are unsure of the need to submit a form for a project not specifically referenced by these guidelines, please call any member of the ARB for assistance.

Also, please remember that these are *GUIDELINES*. If you feel you have a unique situation that bears consideration, submit a request. The ARB will make every attempt to approve the request given there is neither direct violation of the covenants nor any negative impact on the community as a whole.