

# **The Orchards of Flat Rock Property Owners Association**

## **COMMUNITY RULES AND REGULATIONS**

Approved by HOA BOD 7-1-2020; Effective 8-1-2020

### **Pets**

1. The Orchards of Flat Rock is in Henderson County and thus is subject to the County Animal Articles (General Legislation, Article 16). Only domestic pet animals are permitted. When outside, a dog shall be under the control of a competent person and restrained by a leash, harness or other similar means of physical control. A maximum of three dogs are permitted per property.
  1. Enforcement of Animal Control: The Henderson County Sheriff's Department is in charge of handling animal control issues in the county. To report animal control issues in the county please call the sheriff's office: 828-697-4912.
  2. Solid Waste Cleanup: Pet owners are responsible for cleaning up their pet's solid waste (per Orchards Declaration of Covenants Article IV #6).

### **Changes to the Exterior**

2. Any changes made to the exterior of the unit or common area, permanent or temporary, such as exterior doors or trees, must be approved by the Board of Directors in advance. Exterior Change Request Forms, if not included with your new home materials, may be obtained through Lifestyle Property Management.

### **Motor Vehicles**

3. All motor vehicles must be maintained in proper operating condition and in a condition so as not to be a nuisance by noise, exhaust emissions or otherwise (per Orchards Declaration of Covenants Article IV #8).
4. No parking of unlicensed, un-inspected or inoperable vehicles shall be allowed on the property. No overnight parking of any motor vehicles shall be allowed on streets within the property. Campers and boats may be parked in driveways within forty-eight hours before and after such time they are used. Residents of dwelling units may wash motor vehicles in their driveway. No commercial vehicles shall be parked in driveways or on the street overnight; they may be parked at the clubhouse.

### **Trash Receptacles**

5. Trash containers must be stored inside or not be visible to neighbors.
6. Trash shall be put out the day before regular trash collection day, with a suggested time of not before 4:00PM. Trash containers should have a tight lid due to animals. Please contact Lifestyle Property Management at 828-274-1110 to be set up with trash service or if you have trouble with the trash pick-up service. If you will be gone from your home for longer than 2 months, you may call Lifestyle Property Management and have your service stopped while you are gone (per Orchards Declaration of Covenants Article IV #9).

### **Rentals**

7. No dwelling unit shall be rented for a period of less than twelve (12) months. Any owner who rents a dwelling unit shall immediately report such rental to Lifestyle Property Management, including the period of the rental along with the names and telephone numbers of the tenants. The same information along with a copy of any lease shall also be provided to the Property Owners Association prior to allowing occupancy of any unit to a non-owner. Owners automatically transfer usage rights to the Clubhouse and pool to the tenant (per Orchards Declaration of Covenants Article IV #12).

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## **Trade or Business**

8. No trade or business shall be carried on upon any lot or tract. This restriction does not prohibit a home occupation which does not cause any noxious or offensive activity and which does not significantly increase traffic within the property (per Orchards Declaration of Covenants Article IV #11).

## **Peaceful Enjoyment of the Property**

9. No owner shall permit any noise disturbing to others in or about the buildings; neither by the owner or family members, nor by, pets, tenants, employees, agents or visitors. No owner shall do or permit anything by such persons that will interfere with the rights, comforts or convenience of other owners. No improper, offensive or unlawful use shall be made of any unit or the common grounds and all valid laws, ordinances and regulations of all governmental bodies having jurisdiction shall be observed.

## **Rules for Parties/Functions in the Clubhouse and Pavilion**

10. All parties and other reservations must be approved in advance by sending a request to Katie Brennan (katie@lifestylepropertymanagement.net). Requests for repeating events are limited to events open to all community members.
11. Private Clubhouse reservations cannot be made for the pool or fitness center. The pool and fitness center remain open at all times for residents to use.
12. When using the Clubhouse/Pavilion and its facilities, unit owners must accompany and are responsible for guests. Owners must be present to close up the Clubhouse/Pavilion at the end of a function.
13. Guests should not be given the code to lock/unlock the Clubhouse/Pavilion.
14. Thermostat should be kept at 74 degrees when cooling and 68 when heating.
15. No smoking inside the Clubhouse/Pavilion or poolside.
16. No pets allowed (except designated service animal).
17. After a function, the Clubhouse/Pavilion must be cleaned to include counter and table tops, sinks and floors (if spills) should be wiped clean, and trash removed. Dishes and utensils should be washed and put away before leaving. All furniture must be restored to its original position and perishable items removed.
18. Minor children must be supervised by an adult, at all times.
19. The Clubhouse exercise room is off-limits to children under 16 unless supervised by an adult.
20. All coffee pots and other appliances should be unplugged. Fireplace, lights and oven/range should be turned off.
21. All doors should be locked before leaving.

## **Pool and Pool Area**

22. The following prohibitions must be observed: NO: diving, running, boisterous or rough play, wheeled toy vehicles, glassware, breakable items, loud music, animals, plug-in electrical equipment of any kind.
23. The use of rafts and other flotation devices are permitted, unless they interfere with the enjoyment of the pool by other residents and their guests. Kindly remove such rafts when the attendance at the pool increases.
24. There are no lifeguards or attendants on duty; therefore, users swim at their own risk.
25. Exterior doors to pool area should be kept closed except to pass through.
26. Since water is a ready conductor of electricity, to avoid risk of death or injury, pool should not be used during an electrical storm.
27. Children should be supervised by an adult at all times.

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28. Each person using the grill must clean it with a grill scraper/brush after cooking is completed. When grill is cool, please put cover back on. Report items such as broken parts, out of gas, etc. to Lifestyle Property Management.
29. All doors must be locked upon leaving the building.

## **Grounds**

30. Patio umbrellas should be solid or earth tone-colored (non-advertising). Awnings – submit an Exterior Change Request for Board of Director approval, with design information and vendor.
31. Residents are permitted to plant seasonal flowering annuals and perennials in the mulch beds next to their unit. Moderation in plant quantity, variety and size is encouraged. Owners are responsible for repairing mulch that is disturbed, maintenance of such plantings and their removal at the end of the season.
32. The POA has authority to require an owner to repair, remove or replace mulch or plantings.
33. No fountains or sprinkler systems are allowed in common property areas. All outdoor items must be placed so they do not interfere with landscape maintenance. A reasonable quantity of outdoor items is permitted such as hanging plants, bird feeders, garden flags, etc. The POA has authority to require reducing quantities deemed excessive, as well as removal of overly large items and items offensive in subject matter. Addition of statuary, artwork, etc. and changes or other additions to anything on common property installed at the time the home was built, for example mailboxes, mailbox posts or the area around mailbox posts, may not be made without Board of Directors prior approval, via an Exterior Change Request. Once approved and implemented, the homeowner will be responsible for maintenance of the item.
34. No plantings of any kind may be made to hillsides, parks, fences, retaining walls. Any project on the outside of a patio or sidewalk (for example: new landscaped garden area, patio extension, rock bed for drainage, etc.) requires prior approval of the Board of Directors and will be the homeowner's responsibility to maintain if approved. No owner, guest or renter shall employ an outside lawn maintenance company or contractor to perform any work in a COMMON property area without Board of Directors approval.
35. Owners may decorate for holidays. The following are prohibited for decorating: inflatables, penetrations to the building, door, roof or walls, and items on top of the roof. Decorations are permitted up to 3 weeks prior to and three weeks after a holiday.
36. Selected storm doors are permitted for townhomes and single family homes. Color of door must match the current exterior of your home.
  1. The doors currently approved for Quad townhomes are the following: Larson Screen-Away TradeWinds - full-view, or Pella Rolscreen Montgomery Model 3800 – full-view. Colors for Quad Homes are forest green, cranberry or sandstone.
  2. For Lifestyle-design single family homes, the same doors are approved in the following colors: almond, brown, sandstone or putty, the color dependent upon which of the four color schemes is selected for your single family home. The trim finish is (satin) nickel.
  3. The Property Owners' Association has rights to require replacement and or repair if not maintained by the unit owner.
  4. Installing a storm door will void the front door warranty as excessive heat could build-up causing the front door to warp.
37. Borders for mulch beds are subject to approval of the Board of Directors, via an Exterior Change Request.

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38. No owners, guests or renters will interfere with or give instructions to the POA's landscape contractor. Requests for the landscape contractor should go through Lifestyle Property Management. The exception is any unsafe condition created by landscape or other contractors that is creating an imminent danger to persons, homeowner's property or vehicles. The homeowner may intervene to stop such conditions. The homeowner shall report the incident to Lifestyle Property Management.
39. Exterior or other improvements:
  1. No changes, including colors, to the exterior of buildings or other common improvements such as fences, retaining walls, parks, clubhouse, etc. may be made without Board of Directors prior approval, via an Exterior Change Request.
  2. D.R. Horton Single Family Home Fencing
    - A. Beige vinyl clad fencing in either 6'-6" privacy or 4' picket style.
    - B. Must have a 3' gate at one end.
    - C. Fence starts no more than 3' off the patio and can run the length of the home with a wrap of one side no more than 3' beyond the patio or into the common area between the homes.
    - D. The homeowner must submit an Exterior Change Request form for fencing. The form is available from Lifestyle Property Management. The request must include the complete design and information on vendor for approval **before** commencing installation. Installation should be arranged after closing on property.
    - E. Maintenance of the fence and enclosed fenced area is the responsibility of the homeowner. The homeowner does not own the fenced property area but will have exclusive use of the area. Homeowner may use stone, gravel, or any plantings within this area deemed desirable by the homeowner.
40. Skylights or Sun Tunnels may be installed by Daylight Solutions, or other companies approved by Lifestyle Property Management. Skylights installed are owner responsibility to maintain and any roof leaks caused by the skylight intrusion will be paid for by the owner.
41. The POA is responsible for all exterior repairs and replacements, (except windows, doors, glass, screens, locks, and, for D.R. Horton homes, fences.) All requests for such work must be made to the POA through Lifestyle Property Management. The POA is responsible for damage done by POA contractors to exterior of home (windows, glass, screens, etc.) or homeowner property such as door mats, grills, grill covers, patio furniture, garden items, etc.

## **Restricted Activities**

42. Due to their fragile nature, climbing or descending the grassed banks or adding any other plantings to the banks is prohibited.
43. Mulch, if applied by homeowner, is to be brown in color and texture and consistent with the mulch throughout the community.
44. No discarding of litter, pet waste or any other trash on the common property.
45. No installation of signs, plaques or decorations that require penetration of external building surfaces, fences or retaining walls, with the exception that an American flag may be displayed using a bracket attached to the structure.
46. No plantings on or against exterior walls, fences or retaining walls that will cause premature degradation.
47. Signage for selling of unit(s) is restricted. Refer to the Second Amendment to Declaration of Covenants and Restrictions (September 25, 2019), Amendment 3 for size and placement.

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## **Safety Equipment**

48. Homeowners are responsible for maintaining in working order all original safety equipment such as smoke alarms or sprinkler systems (if included when home was build). Upon prior notice, Lifestyle Property Management reserves the right to inspect any residence for fully operating safety equipment. The local fire department may be authorized to periodically inspect residences for fully operating safety equipment and/or conditions that represent unsafe conditions for residents.

## **Special Situations**

49. Memorial Services in the Clubhouse will result in closure of the pool for the period specified.

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## **Enforcement Protocol for Rules and Regulations**

With respect to pets, the Henderson County, NC regulations are adopted. Any issue with enforcement should be addressed directly with the Sheriff's department at 828-697-4912. All other issues with regard to enforcement should be addressed using this protocol. The Property Manager will notify a homeowner of a Rule or Regulation violation and follow up as needed to ensure it is corrected.

- 1) The individual observing the rule violation should ask the violator to correct.
- 2) Repeat the request if nothing is done to correct the violation.
- 3) If not corrected, e-mail the POA Manager, identifying the OFR address and the perceived violation. Include a photo, if possible.
- 4) POA Manager Process
  1. The POA Manager or a Board member must visit the home site to observe a possible infraction. The POA Manager cannot act solely on an infraction reported by another person.
  2. The POA Manager will send an e-mail to the Homeowner and cite a possible infraction in the Rules and Regulations and request a date/time to visit the home.
  3. The POA Manager meets with the Homeowner to discuss the possible infractions of the Rules and Regulations.
  4. The POA Manager and Homeowner will develop and agree on a plan with a deadline to resolve or mediate a possible infraction, or they agree that it is not an infraction and does not require further action. If deemed to not be an infraction, the POA Manager will send a confirming e-mail to the Homeowner and close the case.
  5. The Homeowner notifies the POA Manager when the plan has been executed.
  6. The POA Manager visits the site to confirm the remediation complies with the Rules and Regulations.
  7. The POA Manager sends an e-mail indicating that 1) the remediation is approved or 2) that additional specific work must be performed.
  8. Repeat steps 6, 7, and 8 until the remediation is acceptable.
- 4) If after two attempts at remediation there is no correction of the violation, the POA Manager advises the POA Board of Directors to address.
- 5) The POA Board sends a letter to the Homeowner requiring that action be taken to correct the violation within a set time period.
- 6) If nothing is done within the time period, a second letter is sent to the Homeowner advising that a fine will be levied.
- 7) The POA Board directs the POA Manager to fine the violating home unit at a rate of \$100.00 per month for the first two months.
- 8) If nothing is done in the first two months, the fine will be increased to \$200.00 per month.
- 9) Once the level of fines reach a cumulative \$1,000.00 a lien will be placed on the home while fines continue to accrue at \$200.00 per month.

The Orchards of Flat Rock  
**Services Provided to Residents**

Landscape

Grass Mowing and Edging

Lawn Fertilization and Weed Control

Flower planting in selected common areas

Common area lighting

Exterior Building Maintenance (painting, gutter cleaning, etc.)

Street and Driveway Maintenance and Repair

Snow Removal of Community Streets

Fitness Center Membership

Operation of Heated Swimming Pool and Clubhouse

Reserves and future replacement fund ( limited)

(future replacement: roofs, driveways, sidewalks, streets)

Professional Management Services

Weekly Trash Removal

## FENCING GUIDELINES

### The Orchards of Flat Rock

1. Beige vinyl clad fencing in either 5' or 6' privacy stockade OR 4' picket style.
2. Must have a gate at one end. Privacy of adjacent home(s) in regards to the location of this gate and placement of the fence overall will be a determining factor(s) for approval or denial of the fence request.
3. Fence starts no more than 3' off the patio and can run the width of the home with a wrap of one side, no more than 3' beyond the patio or into the common area between the homes. Each homes location, spacing between the homes, will greatly determine the allowed positioning of the fence and gate.
4. Homeowner must make application for fencing with complete design and information on vendor to HOA manager for approval BEFORE commencing installation. Installation should be arranged after closing of property. Use the Community Request To Change Exterior form.
5. Maintenance of the enclosed fenced area is the responsibility of the current and future homeowner(s). The homeowner does not own this space but will have exclusive use of the area and may use stone, gravel, or ground cover.
6. Plantings, particularly trees, in this area will need approval from HOA. All installation, upkeep, replacement, and removal of these plantings is the sole responsibility of the current and future owner(s). The HOA can require this upkeep, replacement and or removal at the owners' expense.
7. The maintenance and appearance, plus replacement of the fence when needed, is solely the responsibility of the current and future owner(s). The HOA Board can require the owner to remove, replace and or make improvements to the fence as it deems necessary due to failure of the owner(s) to do so. This expense again will be that of the owner(s).
8. Any and all damages to any property, grounds or should the placement of the fence create ground water issues, the owner will be held responsible for all remedies and expenses to correct these issues.

3/24/2020