

COURTYARDS AT KILDAIRE FARMS HOA, INC
COMMUNITY POLICIES AND GUIDELINES

Dated: October 1, 2022

These Community Policies and Guidelines have been set forth to expand upon and detail the information found in the Declaration of Covenants, Easements, Restrictions, Assessments and Assessment Liens and Bylaws (“Declaration”) under which The Courtyards at Kildaire Farms Homeowners Association, Inc. (“Association”) operates.

I. PERSONAL PROPERTY

Except as provided in Section X and XI below, all personal property must be kept inside the garage. No signs, awnings, canopies, shutters, antennae, or satellite dishes may be affixed or placed upon the exterior walls, door, fences or roof without prior written approval of the Association Board of Trustees. (“Board”)

II. DECORATIVE ITEMS

A. Holiday Decorations.

Christmas lights and decorations are permitted to be placed on building exteriors provided the decorations do not damage the building, gutters, siding, or exterior doors. They may not be displayed before Thanksgiving Day and must be removed by no later than January 7th of the following year. Decorations for the other commonly recognized holidays are permitted under the same guidelines and may not be displayed more than four weeks before and one week after the holiday. Flashing lights and music are not permitted.

B. Flags

The flag of the United States or the state of North Carolina, no greater in size 4'X6', may be flown or displayed at anytime following normal flag protocols in accordance with the Declaration of Covenants filed with Wake County on 4/15/2020.

C. Wreaths

Decorative wreaths should fit within the dimensions of the door or window frame.

D. Prohibited Items

1. No bird feeders or bird baths are permitted outside of the courtyard and patio areas. A small birdhouse, no bigger than a blue bird house, is permitted if it is incorporated in the back garden area as to not interfere with grass cutting.
2. Steppingstones are permitted as long as they are flush with the ground and not adversely interfering with the mowing of lawns. If steppingstones are between two houses with no courtyards, they must not interfere with drainage.
3. Mini garden flags (12x18 inches) are permitted in mulched areas as to not interfere with grass mowing. They must be nonpolitical and non-statement. Seasonal guidelines apply to seasonal mini flags as well. Sports team mini flags are also permitted.
4. Due to the proximity of houses, wind chimes are not permitted. Windssocks are not allowed at the front of houses. Exceptions may be granted by the Board.

III. FLOWERS/LANDSCAPE PLANTS

A. Flowers

1. **Outside Courtyard or Patio Fence:** Annuals and perennials may be planted in existing mulched areas outside of the courtyard and patio areas. The resident is responsible for maintenance of these plants. Dead annuals are to be removed at the end of the season by the resident. Perennials must not exceed the height of a courtyard fence. Resident must maintain perennials and trim dead foliage. Ground cover must not be allowed to encroach on grass areas. Annuals and perennials not maintained by the resident will be removed by the groundskeeper and the cost of removal will be billed to the resident. If the annuals or perennials are unwittingly killed or removed by the landscaper, the Board will not replace.
2. Statues and garden figures under the height of 30 inches are permitted in existing mulched areas at the front of the house. They must be non-political, and family orientated and must not number more than three.
3. **INSIDE THE COURTYARD OR PATIO FENCE**
This is addressed in Section X.
4. **Flowerpots**
Annuals and perennials may be planted in flowerpots in the garden area, or mulched areas at the front of the house; but are limited by the landscaper's ability to maintain the property.

Flowerpots are allowed on the concrete pad as described in Section XI, Part B.

B. Landscape Plants

Any planting of new shrubs outside the courtyard and patio area must receive advance written approval from the Board. *(A dead bush is allowed to be replaced with the same type of bush without getting prior approval from the Board.)*

1. Additional landscape plants which may be considered will be of a species already in use in the Community and which, at maturity, will be compatible with the existing plant material.
2. Any new planting beds will be limited in size by the Board.
3. New beds must be mulched with mulch that matches the existing mulch in the community.
4. New plants will become the property of the Association, who will provide future maintenance. However, if any one of the plants die, the resident is responsible for replacement.
5. Flowers may be planted around trees.

C. Landscape Lights

Landscape lighting is permitted in garden areas and around trees. Lighting must be in good repair and not shine on a neighbor's house. Landscape lighting in courtyards that shines on the side or back of a neighbor's house may be accepted as long as they do not disturb the neighbor.

IV. OTHER ITEMS

1. Smooth river rock may be used as a ground cover in small areas between the sidewalk going into the home and the garage. A 12 inch border of river rock may be used around the perimeter of the non-courtyard side and rear side of the house. No ornamental stone is to be used for mulch in the larger front garden area.
2. Security cameras are allowed. They must not be pointed at a neighbor's courtyard.
3. The following items are prohibited in the lawn, garden areas, courtyard and patio areas, and common areas of the Community: yard signs, compost bins, tool sheds, storage bins, mounted hose reels, basketball nets, swing sets, laundry poles and clotheslines. No drying of clothes is allowed on courtyard fences.

V. EXTERIOR ALTERATIONS

No alterations, additions, fences, walls, patios, decks, etc., may be made to the exterior surface of the building, nor may any trees or shrubs be planted, transplanted, or removed without prior written approval of the Board. Owners do not require prior approval to purchase and install a storm door, as long as they comply with the following specifications:

- Door may be Anderson 4000 series Full View Storm Door, or equivalent brand.
- Door color must match trim around existing door
- Door hardware must match hardware on existing door

As stated in Section IX, storm doors in the courtyard and patio area do not have to be in the Anderson 4000 series, as they may have a functioning window as long as the color of the door matches the trim color and the hardware matches the existing hardware. Doors must be kept in good repair.

VI. GUTTER GUARDS

An architectural request and approval is not required to have gutter guards that are professionally installed.

VII. WINDOW AND WINDOW COVERINGS

All window coverings, whether draperies, blinds (vertical or horizontal), or valances must be white, off-white, light beige, or light gray on the exterior side. Blinds must be kept in good repair.

VIII. SIGNS

Nothing may be hung or displayed from inside the windows except for security system decals, which shall be limited in size and number. A "For Sale" sign may be permitted in the home's mulched area. Security system signs are only permitted in the mulched beds.

IX. ANIMALS

A. No more than two (2) household domestic pets may be kept in any one home. The pets shall not be bred or maintained for commercial purposes and shall be limited to dogs and cats. If an owner has more than two (2) pets when he or she moves into the Community and such pets comply with the requirements of the Declaration of Covenants, up to three (3) pets may be kept by the owners. When the first of the three pets die, the owner may not replace the deceased pet and thus the owner will thereafter only be permitted to have two (2) pets.

B. When outdoors outside the courtyard patio area all animals shall be maintained on a leash not more than eight (8) feet in length. Pets shall be supervised by a responsible individual at all times. Such individuals shall immediately clean all pet litter and waste.

C. No pet shall be tethered outside in the lawn or common area or tied to any courtyard or patio fence. Pets shall be diligently monitored by their owner while within the courtyard and patio area to ensure said pets do not unreasonably disturb the Community's other residents. Pet litter and waste within the courtyard and patio area shall be regularly removed by the Pets' owner to avoid unreasonable unpleasant odors which negatively impact the Community's other residents.

D. Pet owners may be fined for violation of these policies at a rate determined by the Board. If pets become a nuisance, they may be ejected at the discretion of the Board.

X. PRIVATE COURTYARDS AND PATIO AREAS

Personal property located within the courtyard or patio area shall not be visible above the fence and gate. Requests for exceptions may be made to the Board.

- A. Patio furniture made for outdoor use, free standing patio umbrellas and free-standing awnings as well as deck storage boxes for cushions are permitted. Well maintained personal property designed for use on or within a patio that does not exceed the height of the fence is permitted. Affixed awnings will need the approval of the Board.
- B. Nothing shall be affixed to, alter, or otherwise damage the **neighboring home** which encloses the owner's courtyard or patio area. Nothing may be affixed to or alter or otherwise damage the fence and gate. The Board may grant approval for items attached to the fence and gate.
- C. Grading shall not be altered within the courtyard as to adversely impact storm water drainage, or utilities provided to the neighboring home that encloses the courtyard. Any grading changes need Board approval.

- D. All music, video and other activities that produce noise or sound with the courtyard or patio area shall be kept at a reasonable volume so as not to unreasonably disturb other residents within the Community. The time and day of the activity shall be a factor when determining the reasonableness.
- E. Fire pits and outdoor patio heaters located within the courtyard or patio area shall be operated in compliance with the building code and all federal, state, and local laws. As fuel source fire pits may utilize only untreated seasoned wood, propane, or natural gas. Wood that is pressure treated or contains paint, stain, or other toxic substances shall not be burned. All open flames devices must be used on the concrete pad.
- F. Water features designed for outside use are permitted within the courtyard or patio area; however, if the height of the water feature exceeds the height of the gate or fence, approval from the Board is required prior to installation.
- G. Owners shall be responsible for the maintenance of all improvements in landscaping, and turf grasses located within their respective courtyard or patio areas.
- H. Annuals and perennials that do not exceed the height of the fence and gate may be planted in existing mulched areas within the courtyard and patio area.
- I. No plant material, or its roots, may touch or damage the home or the **neighboring home** adjacent to the courtyard or patio area, including, but not limited to uncontrolled ivy or ground cover.
- J. Trees and landscaping that exceeds the height of the fence or gate is prohibited from the courtyard or patio area unless approved by the Board. An exception is made for shrubs planted along the fence. They may be allowed to reach a height of six feet to give privacy to the courtyards. They should be neatly maintained.
- K. Pets that are allowed to run freely in the enclosed courtyard and patio area shall be diligently monitored by their owners to ensure said pets

do not unreasonably disturb the Community's or other residents. Pet litter and waste within the courtyard and patio area shall be regularly removed to avoid unreasonable unpleasant odors.

- L. Storm doors installed in the courtyard and patio areas may have a functioning window. It must match the house trim color and have matching hardware and be in good repair.
- M. Bird baths, bird feeders, bird houses, mini garden flags (12x 18 inches), are permitted in the courtyard and patio area as long as they do not exceed the height of the fence or gate and are not attached to the fence. Windsocks are also permitted as long as they are no higher than eight feet. Mini garden flags should be nonpolitical and non-statement. Seasonal rules apply to mini flags. Sports team mini flags are permitted. Exceptions will need Board approval.
- N. Decorative wall plaques may be hung in courtyard and patio area outside walls. They must not number more than three.
- O. Flowerpots are permitted in courtyard and patio areas. Steppingstones are permitted in the courtyard as long as they do not interfere with any French drain that is installed.
- P. Notification must be given for maintenance of a neighboring house adjacent to the courtyard and patio area. The aforesaid adjacent neighbor should give as much notice as possible that workmen will need to enter the courtyard area.

XI. FRONT PORCH AREA

- A. Patio furniture made for outdoor use is permitted. It should be confined to chairs, rocking chairs, benches and small tables. No lounge chairs.
- B. Decorative items and flowerpots are permitted but the quantity is to be self limiting to the available space of the concrete pad and not to impede with ingress/egress of the residence.

C. No more than 3 decorative plaques may be hung under a covered entrance.

XII. PARKING VEHICLES

No boats, trailers, motor homes, trucks (larger than a ¾ ton pickup), travel trailers, or any vehicle with commercial advertising may be parked on any street or driveway overnight. Other vehicles used for recreation (van conversions/RVs) not garage-able, will be permitted to park in the driveway for forty-eight (48) hours to allow for loading and unloading. Such vehicles must not exceed twenty (20) feet in length and must not block normal access of other residents. An authorized exception is given to commercial moving vans that are conducting business and commercial trucks that are performing service or repairs when in the area.

All parking by residents or guests must be: (a) within the garage, (b) in a home's driveway. Parking is prohibited in the turn-around or driveway apron. The driveway apron is the area of the driveway between the sidewalk and road. No vehicle may be parked in the common parking areas for more than forty-eight (48) consecutive hours. Vehicles parked there for more than forty-eight (48) hours are subject to being towed.

Temporary parking permits may be granted by the Board. The necessary Temporary Request form is to be approved ahead of time and a display sign is to be put on the dash of the vehicle that is granted permission.

Inoperable vehicles (with flat tires, expired license tags, etc.), or vehicles which cannot be identified as belonging to a resident, which are parked in any common area or driveway for more than 48 consecutive hours may be towed off the premises at the vehicle owner's expense. No repair work is permitted on vehicles in a driveway or common area except for short-term emergency work (flat tire, battery charge, etc.).

No vehicle shall be parked in any manner which blocks any street or driveway, or the ingress/egress to any garage other than the owners. Reckless operation, excessive speed, and parking or driving on the lawn areas is prohibited.

XIII. STANDBY GENERATORS

All standby generator installations shall be reviewed by the ARC and recommended to the HOA board for approval provided they comply with the following conditions:

1. The ARC request shall include the generator's model, size, a professional site survey for generator location, and identification of the professional installation company that will be contracted to perform installation.
2. Installation of the generator must be in compliance with any requirements of the Town of Cary and Wake County including a Town of Cary permit granted prior to installation.
3. The generator shall not be placed in an easement and shall conform to any side or rear setback as required by the Town of Cary or Wake County.
4. The generator must be a minimum 18 inches from the structure and the exhaust must at least be five feet from any door, window or air intake opening.
5. The generator shall be installed on a concrete pad placed on prepared ground. Fastening the generator frame to the concrete pad is required.
6. The generator shall only be used in emergency situations such as power outages, except the generator may be used periodically in accordance with the manufacturer's recommendation for proper operation and maintenance between the hours of 10:00 a.m. and 4:00 p.m. only.

7. The generator must be serviced and inspected annually by a qualified factory authorized service technician to ensure safe operation and peak performance.

XIV. FENCING OF PRIVATE YARDS

There are only a few homes that would qualify for private fencing of the backyard. Each request for private fencing must be submitted on a proper ARC request form with all required information. Since all homes and lots are not alike, each request must be considered independently of any other.

1. Fencing must match common area and courtyard fencing. (Ideal black aluminum.) The height must be 4 feet with 3 ½ inches between the slats.
2. Fencing must be installed by a professional.
3. The homeowner is responsible for maintaining the fence in good condition.
4. Private fencing is the responsibility of the homeowner exclusively with the HOA bearing no responsibility for damage and maintenance.
5. The homeowner is responsible for the cost and arrangement of maintenance within the fenced area. The lawn must be maintained according to community standards.
6. Fencing cannot be erected that would inhibit access by the community landscaping company to perform their contractual responsibilities on any contracted yard.
7. Neighbors must be notified of the fencing request and given the opportunity to express any concerns to the ARC via writing or e-mail.

8. When the home is resold, it is the responsibility of the seller to notify the impending buyer of the lawn and private fencing maintenance requirements.

XV. COMMUNITY AMENITIES

The Board shall be permitted to create and enforce additional rules, regulations, and procedures related to the use, operation, and maintenance of the Community's common amenities.

XVI. TRASH AND RECYCLING COLLECTION

Trash and recycling containers shall not be set out prior to 5:00 p.m. the day preceding collection and the containers must be picked up and put away by 9:00 p.m. the day of collection. Only trash containers with lids, or securely tied plastic bags are permitted for trash disposal. All trash and recycling for collection must be set out at the main street, next to the curb at the end of the driveway. Trash and recycling containers, when not set out for collection, must be kept inside the garage. Residents will be responsible for clean-up of trash spillage from the containers. Requests to store trash cans outside of the garage in an enclosure, must be approved by the Board.

XVII. SOLICITATION AND GARAGE SALES

Solicitation by commercial enterprises is not authorized within the Community. Due to restricted parking availability garage sales and tag sales are specifically prohibited, unless approved by the Board as a planned community activity.

XVIII. HOME SALES

Any owner who sells his or her home is responsible for:

- A. Notifying the property manager of the change in ownership at the time a closing date is established.
- B. Making certain all Association assessments are current; and
- C. Notify management that new homeowners need to be directed to the web site for the Declaration and these Community Policies & Guidelines

XIX. AMENDMENTS

These Community Policies and Guidelines may be subject to change periodically at the discretion, and by a majority vote of the Board.