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## Community Rules and Regulations Guidebook- Historic Skybrook (Revised 6/1/10)

Skybrook is a planned developed community which is governed by recorded Covenants and Restrictions. The Skybrook Covenants and Restrictions permit the Skybrook Board of Directors to create guidelines that further clarify the covenants and restrictions. These Rules and Regulations are adopted by the Board of Directors of the Skybrook Homeowners Association to further the public health, safety, welfare, and enjoyment of Skybrook by its residents. These Rules and Regulations are subject to change by the Board. These Rules and Regulations do not apply to or limit any power or authority of the Declarant under the Master Declaration of Covenants, Conditions and Restrictions of Skybrook (“Master Declaration”).

All items listed in these guidelines and within the Skybrook CC&R’s must be approved by the Architectural Review Board (ARB) prior to installation. All improvements must be shown on a survey (to scale) with details of the request verifying that all CC&R’s and the community’s architectural integrity has been met or exceeded. The Skybrook Architectural Review Board (ARB) has 30 days upon receipt to approve, approve with conditions, and deny requests. Once the project is complete, the homeowner must notify the committee for final inspection.

Please note that all applications are subject to municipal rules and regulations. It is the responsibility of the homeowner to acquire all necessary approvals and permits prior to installation.

### **I. Landscaping**

#### *A. Front, Side, and Back Yard*

1. All improvements/modifications to the original landscaping installed by the builder must be approved by the Skybrook Architectural Review Board. Examples of changes that must be approved are: addition and/or change of bedded areas, tree(s), shrubbery, and plants. Replacement in kind of original tree(s), shrubbery and plants does not require approval. Planting of seasonal flowers in existing bedded areas does not require approval.
2. Bedded areas must be mulched with brown pine needles or brown to dark brown color, shredded wood mulch. Materials such as dyed mulch, i.e. red mulch, gravel, pebbles, lava stone, sand, etc. shall not to be used as mulch in bedded areas.
3. Air conditioning compressors must be screened from public view with evergreen shrubbery. Lawns must be maintained with grass. Stones, pebbles, lava rock, sand or other materials are not be used as a replacement for grass.
4. Lawns must be kept green and free of large infestations of weeds and/or crab grass.
5. Yard grass must be maintained at a 2 to 4 inch height in keeping with neighborhood appearance standards.
6. Grass, tree(s), shrubbery and plant(s) must be maintained by the homeowner in a healthy appearance by proper fertilizer treatment, watering and pruning.
7. Mature growth will be taken into consideration when planting on the property line. Landscaping setbacks will be determined on a case by case basis and dependant on the type of landscaping requested.

*B. Sidewalk Strip - The sidewalk strip is the area between the street/curb and the sidewalk and runs from the homeowner's lot side boundary to side boundary.*

1. Street trees throughout the neighborhood sidewalk strip area were selected by the developer as part of the neighborhood landscape plan and **can not be changed** to another type of tree by the homeowner. The number and spacing of trees in the sidewalk strip was also defined by the neighborhood landscape plan and **can not be changed** by the homeowner.
2. It is the responsibility of the homeowner to replace deceased street trees with the same type of tree, comparable in size and height of the existing adjacent street trees (in no case shall the replacement trees be smaller than 3-4" in diameter and 8' in height). Homeowners are required to prune limbs so that street and stop signs are not blocked and pedestrians have a clear walking path on sidewalks.
3. Street trees must be mulched with brown pine needles or brown to dark brown color, shredded wood mulch. Materials such as dyed mulch, i.e. red mulch, gravel, lava stone, sand, etc. are not to be used as mulch around street trees. The mulch bed beneath each tree must extend from the street to the sidewalk (approximately 6 feet) and 3 feet on either side of the tree trunk resulting in a 6 foot square bed.
4. The sidewalk strip area must be maintained with grass. Stones, pebbles, sand or other similar materials are not permitted as a replacement for grass.
5. Flowers may be planted in the sidewalk strip area but only around the mailbox post. The bed for the flowers may be no more than a 3 foot radius around the post. Flowers selected must be confined to the 3 foot bed area. If the flower bed is mulched, it must be mulched with brown pine needles or brown to dark brown color, shredded wood mulch. No shrubbery or other plants shall be planted in the sidewalk strip.
6. Landscaping timbers, interlocking landscaping blocks, bricks or other similar materials not installed by the builder are not permitted in the sidewalk strip area.
7. Sidewalk strip grass must be maintained by the homeowner at a 2 to 4 inch height in keeping with neighborhood appearance standards.
8. Grass and trees in the sidewalk strip must be maintained by the homeowner in a healthy appearance by proper fertilizer treatment; watering and accepted pruning techniques (see American Nurseryman's Association standards).

## II. Fencing

1. All fencing must be four (4) feet in height and be picket or decorative metal only, see Exhibit A below. No vinyl, chain link, or privacy fencing is permitted except where provided by the developer.
2. Picket Fencing- All pickets must be dog-eared or angled. The spacing between the pickets shall not be less than 1 ½ inches and shall be installed on the exterior side of the fence. All wood materials shall be pressure treated southern yellow pine and left natural or stained a natural wood color (any paint or stain with color shall be submitted for approval during the ARB review). All gate posts shall be six by six (6x6) and all fence posts shall be at a minimum four by four (4x4). Spacing between posts shall be no longer than 8' on-center. All hardware must be galvanized or painted black.
3. Decorative Fencing- All metal fencing must be painted black and closely match the pictures provided below. Any other fencing including chain link or other metal fencing is prohibited.



**Exhibit A. Picket Dog-Eared Angled Decorative A B**

4. All fence styles, postcaps, and details must be approved as a part of the home owners application.
5. All fences shall be maintained and appear in the condition as provided at installation.

6. Fence Setbacks are listed below:
  - Fences may extend 5' from foundation sides beginning at rear corner of house. In no instance shall a fence be located less than 5' from the side property line.
  - No fence shall be located less than 10' from rear of property line on non-golf course lots.
  - No fence shall be located less than 50' from golf course.
  - Corner lot street side fencing shall begin at rear corner of house and be parallel with the street.
7. Corner lot street side fencing shall be landscaped with evergreen shrubs 3' in height and placed 6' on center at the time of installation. All landscaping shown and/or required per the approval of the fence shall be installed no later than 15 days after approvals, unless specified by the Architectural Review Board (ARB).
8. The Board of Directors and the Architectural Review Board (ARB) are granted complete discretion as to the location of any fencing on any lot and will provide specifications for each fence option including any additional details required for installation. The homeowner/occupant must have approvals from the Architectural Review Board (ARB) prior to the installation.

### **III. 50-foot buffer**

A buffer area shall be that portion of any lot within 50 feet of any property line adjoining a lake or pond or Skybrook Golf Club, or as may otherwise be shown on the recorded plat for Skybrook. The Declarant under the Master Declaration has the power to approve improvements any alterations of landscaping and topography in the buffer area. Any such approvals shall be effective regardless of these Rules and Regulations. Otherwise, the buffer area shall be governed by the following rules:

1. Lots adjacent to the golf course may not modify their appearance or function within 50 feet of the property line of the golf course without the approval of the Skybrook Golf Club and the Skybrook Architectural Review Board.
2. No modifications will be approved that create a barrier to access, serve to enclose the lot or in any other way interfere with the golf course maintenance, appearance, operation or function. (For example: No fences or hedge rows will be approved within the 50-foot buffer area)
3. No active recreation areas or storage (including sheds) will be approved within the 50-foot buffer. (For example: No swing sets, pools, play equipment/structures will be approved within the 50-foot buffer.)
4. Removal of trees over 3 inches in diameter must be approved by the Skybrook Golf Club and the Skybrook Architectural Review Board.
5. Landscape improvements may be approved at the discretion of the Skybrook Architectural Review Board provided they enhance the visual appeal of the golf course; their purpose/use is for passive activity (either sitting or standing,) they propose only minor alterations to the topography.

### **IV. Pets and Animals**

1. Dogs, cats, and other usual and common household pets may be kept, but not for any commercial purposes, provided that, in the sole judgment of the Board of Directors, such pets do not create a nuisance, such as by noise, odor, damage, aggressive behavior, or destruction of any property.
2. No person shall keep upon any lot or in any unit more than three household pets, except for newborn offspring of such household pets which are under four months of age. However, this section does not allow for the commercial breeding and sale of any animals on a regular or reoccurring basis. This limitation applies to animals that weigh over five pounds each, and is not intended to apply to fish, reptiles, and birds.
3. It shall be the responsibility of every pet owner to clean up all dog feces deposited by their pet upon the land or property of another without permission, or upon any common area, such as a sidewalk, common street, parks, recreational areas, or the landscaped areas between the sidewalk and any street.
4. No animal shall create any annoying, frequent, or excessive noise. It is the responsibility of all pet owners to not allow their pets to make or cause any noise that interferes, bothers, or annoys other residents, visitors, or golfers. The Board of Directors, after a hearing, may order any such animal that has received three or more complaints removed from Skybrook.

5. No dogs shall be kept outside overnight or when the custodian of the dog is not home. Any dogs outside of any unit or dwelling or outside of a securely enclosed fenced area, including electric containment systems, shall be kept on a leash or electronic training collar that allows the responsible custodian of the dog to maintain control over the dog at all times.
6. No aggressive behavior of any animal will be tolerated. The Board of Directors shall have the right to prohibit or require the removal of any animal that is shown to possess an aggressive disposition that endangers or interferes with a safety of another person or animal or the peaceful enjoyment of the Skybrook community.
7. No dog run or pen is allowed upon any lot without the express written approval of the ARB.

**V. Noise and Quiet Enjoyment of Skybrook-** Every person within Skybrook is entitled to live in an environment free from excessive, unnecessary, or offensive noise levels. The establishment of these regulations will further the public health, safety, welfare, and peace and quiet of Skybrook and its residents.

1. Violations of the following noise control regulations shall result in a fine of not less than \$50.00 for the first offense, \$100.00, for the second offense, and \$250.00 for the third and each subsequent offense, after the opportunity for notice and a hearing. These penalties are separate from any other criminal or civil action the violator may be subject to. The following is prohibited:
  2. The operation of any gasoline or electric powered lawn maintenance equipment, including lawn mowers, edgers, blowers, chippers, tillers, etc., is prohibited between the hours of 8 p.m. and 8:00 a.m. Monday through Friday. On Saturday and Sunday, such equipment shall not be operated between 8 p.m. and 8:00 a.m.
  3. No motor vehicle that creates a loud, harsh, annoying or objectionable sound shall be operated upon any street, lot or common area. Any vehicles that have an exhaust system that has been modified to produce a sound in excess of the State of North Carolina or other applicable municipal or county standards for such noise and equipment shall be a prima facie violation of this section. Operators of motor vehicles shall take care not to excessively “rev” and engine to create unnecessary noise.
  4. No minibikes, dirt bikes, powered scooters, all-terrain vehicles, or vehicles intended primarily for off highway use, with the exception of golf carts, shall be operated within Skybrook upon any street, lot, or common area.
  5. The playing of any radio, tape recorder, cassette player, compact disc or other similar device for reproducing sound located on or in any motor vehicle within Skybrook upon any street, lot, or common area should not exceed a level where such sound may be heard at a distance greater than 25 feet from such motor vehicle, or in any manner that annoys, bothers, or disturbs the peace and quiet of another resident, visitor, or golfer within Skybrook.
  6. No alarm siren, bell, recorded voice message or other warning signal shall sound for a period of time greater than five minutes without automatically resetting. No external speakers for home security alarms are allowed.
  7. Street vendors cannot use sound or permit the sounding of any device which produces noise or use or operate any loudspeaker, public address system, radio, sound amplifier, or other similar device to attract the attention of the public. The HOA Board of Directors shall take such necessary steps to advise the operators of these commercial activities of this section. A violation of this section shall result in a warning for the first violation. A second or subsequent violation shall result in the operator or owner of said business, or the registered owner of any vehicle involved in such business, to be sent a “No Trespass” letter by certified mail, return receipt, issued by the Board of Directors instruction such individual or individuals, or business entity not to enter upon any street, lot, or common area located within Skybrook.
  8. It shall be a violation of this section for anyone to cause, permit, or allow the emission of any sound from any source or sources which would tend to annoy, bother, harass, or disturb the peace and quiet of any resident, visitor, or golfer within Skybrook. As a guide, sound exceeding 40 db (A) between the hours of 8:00 p.m. and 8:00 a.m. which emanates from any street, lot, or common area audible upon the lot of another shall be considered a violation of this section. A resident may apply to the Board of Directors in writing for not more than three variances from this section per any 12 month period. If such variance is granted for a special event, such as a social gathering, such noise as described above shall not continue past 11 p.m. A variance to this section shall only be granted for special events on a Friday or Saturday.

9. Construction, repairs, or remodeling activity on homes or structures, including work performed by commercial landscapers, shall not occur upon any lot or in any structure between the hours 7:00 p.m. and 7:00 a.m., Monday through Friday. On Saturday, no construction or similar activity shall occur between the hours of 5 p.m. and 9:00 a.m. No construction activity shall occur on Sunday except for interior work that does produce loud, harsh, or objectionable noise and then only between the hours of 10 a.m. and 5:00 p.m. No tools, machinery, equipment or supplies shall be handled or utilized in any way during those hours, nor shall workers, contractors, or subcontractors, congregate upon any lot during those times. This section is not intended to supersede the residential landscaping and maintenance activities as referenced in number 1, above.
10. Homeowners understand that all materials must be stored on homeowner's property, and no materials will be stored on the street overnight. This includes dumpsters and port-a-johns.

## **VI. Parking Regulations**

### ***A. Vehicle Parking***

1. No vehicle of any type which is abandoned, inoperative or being stored (i.e. covered or put up on blocks and not driven on a regular basis), or any vehicle not properly registered, shall be parked upon any lot or in any driveway other than inside a garage.
2. Only conventional passenger vehicles, including pick-up trucks, may be kept upon any lot or in any driveway. All other vehicles, including but not limited to motor homes, trailers, campers, recreational vehicles, boat trailers, boats, other watercraft, motorcycles, scooters, off-highway recreational vehicles and golf carts shall be enclosed in a garage.
3. Commercial Vehicles: Commercial vehicles, vehicles with commercial writing on their exterior, vehicles primarily used for commercial purposes, or designed with a commercial purpose in mind shall only be parked in a garage. This section does not apply to any commercial vehicle upon the lot that is not under the control of the owner, but is being utilized by a contractor performing work upon the lot or at the residence and is not present at the lot for more than 10 hours in any 24 hour period.
4. On-street parking: No vehicles shall be parked upon the sidewalk or within the street right of way. This section does not preclude the OCCASSIONAL overflow parking upon the street right of way for guests provided that no inconvenience is imposed upon other owners of lots within Skybrook.
5. If temporary, on street parking is absolutely necessary, then the owner of the lot responsible for the parking condition (i.e. owner of lot hosting social gathering) must direct guests to only park on one side of the street and for all vehicles to face in the correct direction based on the flow of traffic on the side of the street that vehicles are parked upon.
6. Any vehicle parked in violation of this section may be removed by the HOA Board of Directors or their appointed representative. All expenses incurred by such action are the responsibility of the vehicle owner and/or the owner of the lot upon which the unauthorized vehicles were parked, or by the owner of the lot responsible for the parking condition.

### ***B. Driveways***

1. Driveways, both front and side load are intended to be used for motor vehicles. Any other alternative uses, changes and/or additions to driveways are considered exterior alterations to a home and require an Architectural Review Board application and approval. Exceptions to this process are movable basketball backboards (as outlined in these guidelines), movable seasonal flower planters, screened refuse containers (as outlined in these Guidelines), and watering hose containers provided that these exceptions are maintained and do not detract from the appearance of the Skybrook community.
2. Play equipment, soccer and hockey goals, furniture, cooking grills, fire pits, etc., when not in use must be stored daily and may not be visible from the street.

## **VII. Basketball Goals**

1. Basketball goals must be approved by the Architectural Review Board (ARB) before installation or placement on the homeowner's property.
2. Basketball goals shall be permitted only if constructed of metal or fiberglass with clear backboard. Basketball goals cannot be affixed to any part of the home exterior.

3. Basketball goals must be installed on the interior side of the lot and must empty into owner's property so that the release of the ball (during play) does not cause damage to a neighbor's home structure, landscaping, automobile(s) or other property. Play must not present a hazard to traffic flow or cause noise nuisance and should be limited to 9am to 8pm. If property damage or noise nuisance is caused by play, the homeowner may be asked to remove the goal.
4. All basketball goals shall be maintained and appear in the condition as provided at installation.
5. Portable basketball goals may only be secured by approved tie downs or anchors into the ground or driveways. The placement or stacking of any materials on the goal or base is strictly prohibited.

### VIII. Play Equipment and Decks

1. No outdoor trampolines, plastic play equipment, recreational netting (soccer, volleyball, etc.), skate ramps are allowed on any residential lot.
2. All approved play equipment must be located at least 10' from all property lines and placed in the rear yard. The structures must be placed directly behind the house in order to screen from the street/sidewalk view. If visible from the street, the ARB may require additional landscaping.
3. All decks and play structures shall be constructed of natural or composite wood that compliments the principal structure (house).
4. All Play Structures and Decks shall be maintained and appear in the condition as provided at installation.
5. All landscaping shown and/or required per the approval of the play structures and decks shall be installed no later than 15 days after approvals.

### IX. Refuse, Recycling and Sanitary Storage Containers

1. All refuse, recycling, and sanitary storage containers shall be stored in the garage. If the owner desires to store these containers on the outside of the residence, the containers must be screened from view and shall meet the following requirements:
  - The screen shall be four (4) feet in height as measured from ground level and be located on the side or rear of the residence.
  - The materials may only consist of wood or vinyl and shall be colored white, southern yellow pine, or match the predominant color of the primary residence.
  - The screen shall directly abut the residence, enclosing the container(s) on three sides. A locking gate will be placed on the opposite side of the residence and will be closed at all times.
2. Approvals for container screening shall meet one of the following two options:
  - The homeowner/occupant may use the Daytona or Imperial styles as shown below (Exhibit B) without obtaining approvals through the ARB (Architectural Review Board) process. **OR**
  - The homeowner must submit an application, survey providing the location, and pictures of the desired screen for approval through the ARB. Note that the desired screen must meet all of the requirements listed above and the approval will be subject to the discretion of the ARB.



(Exhibit B)

### X. Sheds

1. Must not exceed 100 square feet in size and may not have a dimension larger than 10'.

2. Must be located in the rear yard, not be visible from the street and must be located at least 10' from all property lines. On corner lots the shed shall be located on the non-street side, be located directly behind the residence and 10' from all property lines. Sheds shall remain outside the 50' buffer on all golf course lots.
3. All materials have to match with predominate housing materials (i.e. if the residence is brick the shed must use matching bricks). All doors, trim, and fixtures must match exactly with the residence.
4. Must only have one floor and be finished on the interior. At no point shall the shed be converted or used as an accessory dwelling to the primary residence. Height of the shed will be determined by the Architectural Review Board at the time of application.
5. Shall be landscaped on all four sides with 4' evergreen shrubs at install. The only exception to landscaping will be at the opening of the shed.
6. Sheds will not be allowed path or walk ways leading from the residence.

### **XI. Detached Garages**

1. Detached Garages will only be allowed on Saussy Burbank Houses with existing side load garages
2. The proposal must be for a one or two car, single story garage only. Height of the garage will be determined by the Architectural Review Board at the time of application.
3. No garage shall be permanently enclosed or converted to another type of living space so that amount of garage capacity is reduced below the original specifications of said dwelling.
4. The detached garage must match in appearance and architectural style with the on-site house and be built fully to building code.
5. All building materials used shall match exactly with the on-site residence including but not limited to the trim, shingles and lighting fixtures.
6. The interior of the garage shall be finished and painted to match the interior of the existing garage or as otherwise approved by the ARB committee.
7. If there are any proposed secondary entrances, these must match with the existing exterior doors on the house.
8. The proposed garage doors must match in materials exactly with the existing on-site garage door.
9. The roof pitch shall be 8:12 as shown on the Saussy Burbank plans.
10. The detached garage must be located ten (10) feet from all property lines.
11. The entire perimeter of the garage (with the exception of door openings) must be landscaped with shrubs. The applicant must supply a landscaping plan within sixty (60) days after the completion of the garage. The plan will provide a layout of the shrub locations, plant types, height and size at installation. This plan will be subject to the approval of the ARB Committee.

### **XII. Other**

1. Window Screens are not permitted on any of the front windows of the residence.
2. Pools must be located in the rear yard directly behind the residence, and be at least 10' from all property lines. All proposed fencing shall meet the Skybrook Fencing Guidelines. All pools must meet all city, state, and federal regulations.
3. All flags must either be American, North Carolina, or seasonal. All poles must be fastened to the house or house supports in a location that does not deter the exterior of the house. No flags will be permitted to hang on or from the roof of the house.
4. The erection of all antennae or other structures designed for receipt or transmission of television, radio, or other communication signals on any lot must have express written approvals from the ARB prior to installation. The installation of these dishes and antennae shall be made in the least visible location to the street and adjacent properties.
5. Any changes to external materials or color must be submitted to the ARB for approval prior to any work being performed on site. The homeowner must receive approvals for all colors or stains for the purpose of resurfacing or renewing any exterior building wall or any accessory structure surface (including but not limited to deck, playhouse, fence, etc).

### XIII. Community Parks, Lakes, and Common Open Spaces

1. All parks, lakes, and common open spaces are private property owned by the Skybrook Homeowners Association.
2. The parks, lakes, and common open spaces are open from dawn to dusk.
3. The parks, lakes, and common spaces are for Skybrook residents and their accompanied guests only.
4. In order to facilitate equitable access and utilization of these limited community resources, Skybrook residents belonging to the Skybrook Homeowners Association may host no more than ten (10) guests per household at any given time within the boundaries of the community parks, lakes or common open spaces without the prior written permission of the Skybrook Board of Directors (by contacting the management company) which may be withdrawn at any time at the Board's discretion.
5. All residents are responsible for obeying HOA rules and ensuring their guests obey them. Residents are responsible for any damage or violation of these rules by their guests. Vandalism, damage or misuse and/or violations of the parks, lakes, and common open space rules by residents and their guests shall result in a fine to the hosting resident of not less than:

\$50.00 for the first offense

\$100.00 for the second offense

\$250.00 for the third and each subsequent offense

These fines are in addition to a special assessment to the hosting resident for the cost of replacing and/or repairing the property to its prior condition. Written notice and an opportunity for a hearing will be provided for the resident, however, the resident's non-attendance of the hearing will result in a "no contest" decision and will result in the immediate application of the fine and/or special assessment to their HOA account.

These penalties are separate and independent from any other criminal or civil action to which the violator(s) may be subject.