

## **SMITHSTONE COMMUNITY RULES AND REGULATIONS**

Revised – August 30, 2006

The following rules and regulations (“Rules”) have been duly promulgated by the Board of Directors of Smithstone Homeowners Association, Inc. pursuant to the Master Declaration of Covenant, Conditions and Restrictions for Smithstone (“Declaration”) and shall be binding on all owners and occupants in the community and their guests. These rules and regulations shall be in addition to and not in replacement of all prior published rules and regulations, unless otherwise specifically set forth herein, and are intended to supplement the covenants, conditions and restrictions set forth in the Declaration. In the event of any inconsistency between these Rules and the terms of the Declaration, the Declaration shall control. Capitalized words used in these Rules and not defined herein shall have the meaning attributed to such words in the Declaration.

These Rules are adopted by the Association as of December 1, 2000, and shall remain effective until repealed or amended by the Association in accordance with the Declaration and the Bylaws of the Association.

### **ARCHITECTURAL STANDARDS**

The Architectural Control Committee also referred to as the “Committee” must review and approve plans for any structure to be built within the community, including piers. Cost shall be \$100.00 per review for all structures. There shall be no charge for landscaping review. No construction deposit is required except when excavation of the property is necessary such as in the case of a pool. If a deposit is required, the amount shall be \$500.00. In reviewing plans for the construction, repair, improvement or addition to any improvements on any Lot, the Committee shall consider, and be governed by the following:

#### **1. LAND USE AND BUILDING TYPE**

- a. Except for the Commercial Property, all Dwelling Units are restricted to residential use.
- b. Except for approved Neighborhoods governed by separately approved and recorded Neighborhood Declarations, only one single-family residential dwelling per lot is permitted.
- c. No mobile home, modular home, shell home or log home may be erected or permitted to remain on any lot.
- d. No structure in excess of two and a half stories in height may be constructed without specific architectural committee approval as to height, which shall be approved only if the roofline is consistent with neighboring homes as a result of different topography.
- e. No roof decks or other structures that could unreasonably block another owner’s view of Lake Norman shall be allowed.

- f. All structures should be situated so as to minimize disruption to the existing natural setting, including mature trees and drainage ways.
- g. Homeowners must begin building within one year of purchase. If homeowner does not begin building within one year, homeowner may ask for, in writing, a six-month extension. There will be a \$500.00 charge for the extension. Should the homeowner decide to sell property, Smithstone has the first right of refusal on the lot for the contract price plus 1% interest.

## **2. DWELLING SIZE**

- a. Dwelling Units on Waterfront Lots and Water Access Lots may; not be less than 2600 heated square feet. Any multi-level home must have 1600 heated square feet minimum on the ground level. Waterfront and Water Access Lots shall be limited to detached single family Dwelling Units only.
- b. Single Family Dwelling Units on Off-Water Lots, which are not Patio Homes or Town Homes may not be less than 2000 heated square feet. Any multi-level home must have 1200 heated square feet minimum on the ground level.
- c. Patio Homes shall be permitted on certain Lots, 94 through 128 as shown on the Recorded Plat of the Property and such homes may not be less than 1500 heated square feet. Any multi-level home must have 1200 square feet minimum on the ground level.
- d. Unfinished and/or unheated basements, attics, garages or other areas do not apply toward square footage minimums.
- e. Notwithstanding the foregoing, the Committee shall have the right (but not the obligation), because of restrictive topographic, lot dimensions or unusual site related conditions or other reasons, to allow variances from such minimum square footage requirements of up to ten percent (10%) of such minimum square footage requirements by granting a specific written variance.

## **3. BUILDING CONSTRUCTION AND QUALITY**

- a. No Dwelling Unit or improvement of any type shall be erected unless it is completely underpinned with a solid brick, brick or stone covered block or stucco foundation.
- b. Roofs (except for dormers) must have not less than a 6 to 12 pitch and not less than 12-inch overhang (eaves). Roof shapes and configurations shall be planned to avoid complex or odd designs. Shingles must be architectural shingle with a minimum 25-year warranty.
- c. All Dwelling units must be "dried in" within 150 days after commencement of construction, and all construction including landscaping must be completed within one year after commencement of construction. Failure to abide by these restrictions may result, in the Committee's sole election, to revocation of Committee approval of all previously approved plans or a maximum fine, or both, of \$150.00 per day after the prescribed deadline until Dwelling Unit is dried-in or completed, as applicable.
- d. No exterior surface of any structure shall be of asbestos shingle siding, aluminum siding, imitation brick or stone roll siding, masonite, exposed concrete or cement block.

- e. A consistent scale shall be used throughout the design of the residences and other improvements, with each element designed in proportion to other design elements.
- f. Appropriate colors shall be used, and colors shall be used with restraint. The intent is that the color of the residences should blend with the natural surroundings of the development.
- g. All exterior utility service connections must be provided in; unobtrusive and inconspicuous locations. All electric meters and main fuse boxes must be positioned away from view. This may be accomplished by providing an enclosed recess in the side of the dwelling or through approved landscape improvements or screening.
- h. Approved mailbox must be purchased through Smithstone and installed following explicit installation guidelines found therein.

#### **4. BUILDING SETBACK LINES**

**Setbacks from Lake Norman are 30 feet, and from roadways are 35 feet. Side lot setbacks are 8 feet.** For Off-Water Lots, rear setbacks are 35 feet. See Recorded Plats for specific Lot setbacks.

#### **5. SCREENING AND FENCES**

- a. Satellite dishes must be 18 inches in diameter or less, and screened from the road and lake.
- b. No freestanding radio or television towers or antennas shall be allowed.
- c. No pools shall be installed without the express approval of the Committee based upon approved plans for the location of such pool and any decks associated with the pool. Pool and pool equipment enclosures must be architecturally consistent and harmonious with the residence and other structures on the Lot in terms of their placement, mass and detail **(only inground pools will be approved)**. Pools, decks and related equipment and pool and pool equipment enclosures shall be screened or treated so as to avoid distracting noise and views.
- d. The Committee prior to installation must approve the location, material, size and design of all fences and walls in advance, in writing. Chain link or welded wire fencing will not be permitted, except as may be installed within the common areas by the Declarant or the Association. Once an approved fence or wall has been erected on a side Lot boundary line which is a common boundary line with another Lot, that approved fence or wall design and material will be the only approved fence or wall design and material that be erected on that common Lot line. No double fencing will be allowed on the side or rear Lot lines.
- e. No fence or wall (including for this purpose densely planted hedges, rows or similar landscape barriers) shall be erected, placed or maintained on any Lot nearer to any road fronting such Lot than the rear corner of the main dwelling (unless otherwise approved in advance, in writing, by the Committee). No fence or walls shall be erected, placed or maintained on a Lot in a location that will substantially obstruct views of Lake Norman. In no event will fences and walls exceed six (6) feet in height. **Fence placement must be within 6” of property line.** All fences must be approved through the Architectural Review Committee before installation.

- f. All heating, ventilating and air conditioning units, utility meters, electric utility transformer boxes, swimming pool equipment, permitted satellite microwave dishes and similar equipment, apparatus, and fixtures on each Lot, including all refuge containers stored outdoors, must be screened from view from the streets and from Lake Norman and from neighboring Lots. Plant materials for this purpose shall be installed using either (5) or seven (7) gallon sizes, evergreen plants only.
- g. Dogs must be kept on a leash when out of homeowners yard.

## **6. STORAGE SHEDS, ACCESSORY BUILDINGS**

Residents must submit a Request for Architectural Approval prior to adding a shed to their property. ONLY residents in Phase 3 will be allowed to have a storage shed.

### Approved Sheds Must Meet the Following restrictions:

- Located behind the residence such that it cannot be seen from the street.
- Constructed of materials and trim matching that of the existing residence.
- Have shingles matching that of the existing residence.
- **Not exceed 12' Width by 16' Length with 8' wall Height.**
- Not alter the drainage pattern of any property
- The front of the building must face toward the middle of the property, not the front back or side.
- **The building can be no more than twelve feet (12') in height; and must be of wood construction (no metal building).**
- **The building must have a pitched gable roof.**
- The building must be screened from view of the adjoining properties, the street and the common open space using evergreen plantings such as Leyland Cypress, Nellie Stevens, Holly, or Wax Myrtles. The plantings must be a minimum of five feet (5') in height at the time planting.
- ONLY decorative lighting may be placed on the outbuilding and will have to be approved by the Committee prior to installation.

## **BOAT STORAGE AREAS**

Boats, campers, trailers, motor homes, trucks rated at  $\frac{3}{4}$  ton capacity or larger and commercial vehicles must be kept in garage and not within the 50 feet waterfront setback, or else in any boat storage area which may be provided for the subdivision. Separate rules and regulations may be published with regard to the use of the boat storage area, which shall be applicable to any person using the boat storage area.

## **PIERS AND DOCKS**

- a. Subject to approval by Duke Energy, Lincoln County and the Committee, the owner of each Waterfront Lot will be permitted to construct and install one pier within the pier envelope as shown on the Recorded Plats. The pier, dock, boatslip, and boat for each Waterfront Lot shall be located entirely within such approved pier area. No Owner shall have the right to construct more than one pier in front of a single Waterfront Lot.
- b. The design, color, dimensions and materials of piers (including any gazebo), dock, boatslip and seawalls must be approved in advance by the Committee. All such material must be consistent with other piers extending from other Waterfront Lots and with the residences located on the particular Waterfront Lot from which such pier is extending.
- c. Any Waterfront Improvements should have a low profile so as to minimize obstruction of neighbors' views. Enclosed double level or roof covered piers and enclosed two (2) level on water boat houses will not be allowed unless otherwise approved by the Committee based on topography and other features which would minimize obstruction of views.
- d. It is the Owner's responsibility to obtain any permits or approvals required in connection with any pier, dock, boatslip or seawall from Duke Energy, the Federal Energy Regulatory Commission or any applicable governmental regulatory authorities.
- e. No person shall dwell for more than two consecutive nights or more than two nights per fourteen-day period on any boat docked at any private pier or common boatslip.
- f. All private piers and all common boatslips shall be used for personal use only and no structure, slide, pontoon, float, inflatable recreational structure or other recreational equipment shall be installed on any lot or pier without architectural committee approval.

## **USE OF COMMON PROPERTY (AMENITIES)**

Rules governing the use of any common amenities for the use of Owners of Smithstone shall be posted at or near such amenities and shall be strictly observed by those persons making use of the amenities. Failure to abide by such rules may result in the Association suspending use of such amenities by Owners and their guest for reasonable time limits imposed by the Association not to exceed one month for any one violation. Further suspensions may be imposed for future violations.

## **OTHER APPLICABLE RULES AND REGULATIONS**

These rules and regulations are in addition to any rules and regulations promulgated by the Smithstone Boatslip Association, any Neighborhood Association, Duke Energy (regarding the use of the waters and shoreline of Lake Norman), Lincoln County (zoning and land use ordinances), as the same may be applicable to a given lot.

