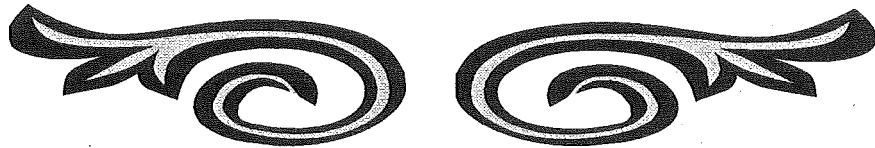


# **BROADMOOR WEST**

WELCOME TO THE NEIGHBORHOOD



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## Introduction

As Broadmoor West is already a beautiful and harmonious place in which to live and play; our HOA has charged our Architectural Control Committee (ACC) with the responsibility to continuously ensure that harmony by protecting and hopefully enhancing our neighbors' property values. The Broadmoor West ACC reviews homeowners' requests for improvements to ensure that they remain in line with the expectations specifically outlines in our protective amendments.

As a friendly reminder and in accordance with the HOA By-laws, the HOA Board of Directors has developed these Neighborhood Guidelines to better clarify the protective covenants and to establish guidelines for the development of additions and overall maintenance of our properties.

These guidelines are designed to assist our neighbors with covenant questions and may be amended from time to time by the HOA Board of Directors. The most current version of this document will be available to the HOA members via the HOA's website or via email at your request.

## Architectural Control Committee Formation

The Architectural Control Committee (ACC) is responsible for reviewing all Architectural Review requests and make recommendations to the Board of Directors accordingly. Article 10 of the Bylaws allows the Board to appoint an ACC to review any applications for improvements by property owners Broadmoor West. The Board, via the ACC then notifies homeowners of their decision within 30 days of the homeowner's request.

## Procedure for Requesting Architectural Approval

Prior to beginning any alteration, addition, or improvement to the exterior of the homeowner's property that property owner should complete an Architectural Review Form. A copy of this form is attached to this document or a copy may be obtained by contacting the Board at [broadmoorwesthoa@gmail.com](mailto:broadmoorwesthoa@gmail.com) or by simply visiting [www.broadmoorwest.com](http://www.broadmoorwest.com)

All exterior changes should be submitted in writing to the ACC for approval prior to the beginning of any work. These changes include any fence, storage shed, deck, additions, patio, driveway or any other alteration to the exterior of the home or property.

The ACC: 1) may conditionally approve a request, with specifically stated conditions for final approval; 2) deny an application; or 3) return a request for additional information. Any homeowner that is not satisfied with the ACC's decision may submit a different Architectural Review Form to begin the process again or appeal the ACC's decision to the Board of Directors, as described below.

In the event of a conflict between these Protective Covenants, the Declarations shall prevail and take precedence. The homeowner is responsible for obtaining any permits or inspections that are required by Johnston County or State of NC for the requested change.

## General Standards

The ACC evaluates each application individually and it's decisions are based on the following general standards:

- Surroundings - is the requested change appropriate for its surroundings? How does the requested change fit in with the surrounding lots and easements?
- Landscape & Environment - Requested changes should not interfere with the lot's drainage pattern nor exceed the impervious allowances of 4,000 square feet per lot without an engineered solution to off-set

impervious area. The engineered offset solution shall be prepared and certified by a NC registered professional engineer.

- Design Compatibility - is the requested change compatible with similar materials and colors to the home and surrounding homes? For example, sheds should be built with similar siding, veneer and shingle colors so that it complements the home. Is the design of quality work? Easements - the requested change should not interfere with any easements. For example, fences should not be placed within any sewer or drainage easements.

### Appeal Process

If the homeowner is not satisfied with the decision of the ACC, they should file a written appeal with the Board of Directors. The appeal should include a copy of the Architectural Review Form, and information to support the homeowner's position. The applicant will be notified of the next scheduled Board meeting and they may request to speak to the Board or submit a written appeal for consideration.

### Reporting Violations

Homeowners are encouraged to notify the Board if they are aware of any covenant violations, nuisance situations, or problems. Please use the form provided on the Broadmoor West Website when reporting violations. When a violation is reported, the name of the homeowner identifying the violation will be kept confidential, when possible.

# Neighborhood Rules, Regulations and Architectural Guidelines:

The Broadmoor West Homeowners Association Board of Directors has adopted the following rules and regulations and architectural guidelines for our homeowners. These rules, regulations and guidelines are designed to protect, maintain, and enhance property values, and do not supersede activities directly controlled and addressed by the Broadmoor West, Protective Covenants or By-Laws.

## Animals

No animals, livestock, swine or fowl of any kind, other than ordinary household pets, shall be kept or maintained on any property. Dogs must be contained within each lot by fencing or underground device; tethering is not allowed. Dogs shall be walked on leashes. Incessant barking or other offensive activities by household pets shall be considered noxious and offensive activities and shall not be permitted. Homeowners are also responsible for picking up any and all pet waste from their animal.

Chain link dog pens are not allowed unless submitted to and approved by the ACC prior to installation. Dangerous animals should be reported to the Johnston County Animal Control at 919-934-8474.

## Basketball Goals

Basketball goals may not be placed where the street becomes the main surface of play. Basketball goals should be placed to maximize child safety and to minimize impact to lawns and neighboring properties.

## Business Activities within the Neighborhood

Per the Protective Covenants, no part of any lot in Broadmoor West may be used for business, manufacturing, commercial or professional purposes. No noxious or offensive trade or activity shall be carried on upon any property, nor shall anything be done thereon which may be or become an annoyance to the neighborhood.

The HOA Board has adopted the following additional restrictions:

- No business signs or billboards shall be placed on any property other than realtor signs.
- No business materials or inventories may be stored or parked on any lot.
- No business vehicles or traffic may be parked on the street, block traffic, or park on the lawn of any property or the common open space.
- No bulk business shipments may be received or distributed within the neighborhood.

## Appearance

Homeowners are responsible for making any necessary repairs to the exterior of their home. This includes refreshing the paint on faded doors and shutters, pressure washing the exterior of the home as needed, and keeping the driveway free of debris and oil stains.

Flower gardens in existing flower beds or around trees are highly encouraged and do not require ACC approval.

The Board recommends that homeowners seek professional assistance when planning extensive landscape plantings or structures. Several commonly requested landscape elements which need prior approval before building/installing on the property include, but are not limited to, the following:

Decks	Patios	Fences	Fire Pits
Garages	Gazebos	Retaining Walls	Storage Sheds
Swimming Pools			

It is the homeowner's responsibility to check for easements, setback restrictions, buffers, impervious surface requirements or regulations that may affect the project. Any permits or inspections that Johnston County or State of NC requires are also the homeowner's responsibility. When planning any of the projects listed above, be sure to include as much information on your Architectural Review Form as possible, including the material specifications and the intended location on your plot plan. Plot plans should also show impervious surface area.

In order to comply with the Appearance Covenants, the Board expects homeowners perform the following maintenance activities:

- Grass should be mowed on a regular basis.
- Trimming around the sides of the house, mailbox, and landscaping should also be done regularly.
- Edging along the driveway should be done at least once a month during the growing season.
- Each homeowner shall keep their property properly maintained so as to present a pleasing appearance by removing dead trees and rubbish.
- Please be aware of potential environmental conditions that may affect maintenance of buffer areas.

The mailbox must remain in its original color and design, as applicable. A list of approved mailbox manufacturers and styles will be posted on the website. As the paint on the mailbox and post fade they should be routinely repainted to match their original color.

Holiday decorations should be removed no later than 30 days after the holiday has passed.

### Screened Porches Sun Rooms Deck Additions, Decks & Patios

All screened porches and enclosed decks must be located on the rear of the home and be of a permanent nature. The screened porch or deck enclosure should match the color scheme of the home and made from the same exterior material and roofing materials as the home.

It is the homeowner's responsibility to check for easements or setback restrictions that may affect placement of the porch or deck. Any permits or inspections that Johnston County or state may require are also the homeowner's responsibility. Please submit color chips, material samples, and a picture or brochure (if available) with your Architectural Review Form. Please do not purchase materials or begin construction before receiving written approval from the ACC.

### Fences

No fence, wall hedge, or mass planting shall be permitted to extend beyond the minimum building set back lines. Any fence before construction must be approved in writing by the ACC as to location, style, design, materials and height.

Fences should be placed off of the back corners of the house. If your property has special circumstances that make it impractical to place the fence off the back corners of the house, please state these on your Architectural Review Form for the consideration of granting a variance to the location of the fencing.

The fence posts must be anchored in the ground with concrete. If a fence is installed prior to obtaining ACC approval the homeowner may be required to remove or relocate the fence at their own expense. It is recommended that shrubs be planted along the fencing that faces the street to help it blend with the landscaping.

It is the homeowner's responsibility to maintain the fence to prevent discoloration or warping, prevent the fence from leaning or falling apart, and keep the overall fence appearance attractive.

## Garages

Garages must be constructed of exterior material and shingles that match the home in color and style. Any permits or inspections that Johnston County of the State of NC may require are the homeowner's responsibility. Garage doors must be closed when home owners are not present or at night. This is for appearance and safety reasons.

Accessory Buildings must be placed in the rear yard and be permanently affixed to the ground with a concrete slab floor or full foundations and footings. Storage buildings must be of the same color scheme and materials as the house. All accessory buildings including prefabricated or store-bought sheds will be reviewed by the ACC on a case by case basis. It is the homeowner's responsibility to check for easements or setback restrictions that may affect placement of the building. Please submit color chips, material samples, and a picture or brochure (if available) with your Architectural Review Form. Please do not purchase materials or begin construction before receiving written approval from the ACC. Accessory Buildings should be accented with flowers or shrubs to soften the view and blend the structure into the landscaping.

## Garbage and Recycling Carts

Garbage and recycling carts should be placed on the street curb the night before service. Carts should not be kept in front of the house. These items can be stored by the side of the house, back of the house, or kept in the garage. If you wish to build a corral (or fence screen) for storage of your carts, you will need to submit an Architectural Review Form with detailed information about materials and intended location for ACC approval. To add visual interest, consider planting shrubs along the fence.

## Nuisances

No obnoxious or offensive activity shall be carried on upon any property or common open space which may be or may become a nuisance or annoyance to the neighborhood. The Johnston County Noise Ordinance is in effect from 11:00pm to 7:00am.

## Parking

Per the Covenants, adequate off-street parking shall be provided by the owner of each lot for the parking of automobiles or vehicles owned by such owner, and owners of lots shall not be permitted to park their automobiles or vehicles on the streets in the subdivision. Such automobiles or vehicles shall be parked on the lot in the garage or driveway. No recreation vehicle, trailer, camper, boat, or personal watercraft, or trailer used to transport watercraft or recreation vehicles, may be parked in view of the street.

The HOA Board has adopted the following additional restrictions:

- Inoperable vehicles must be parked in the garage.
- The driveway should be cleaned periodically to remove any oil stains.
- Grass that grows between the concrete sections of the driveway should be removed.
- Livestock trailers, tractor trailers, or commercial vehicles for intended purpose of advertising are not allowed.

## Temporary Structures

Temporary structures are generally not permitted with the exception of playground equipment. Sheds are considered accessory buildings and are treated as permanent structures. Depending on the configuration of each property, play equipment should be placed in the rear yard only. Clothes lines are not permitted. Temporary structures along the street such as poles, reflectors, and metal steaks are not permitted.

All requests for decks/patios will be reviewed by the ACC in context to the particular house and lot as well as surrounding lots and easements. Please be specific on the details of the size, location, and type of deck/patio on your Architectural Review Form. Decks and patios should be accented with flowers or shrubs to soften the view and blend the structure into the landscaping.

### Swimming Pools

Swimming pools, if permitted by the Protective Covenants, should be placed in the rear yard and be of below ground design. Fencing around the pool must be completed in accordance with the Johnston County and State ordinances and approved by the ACC.

It is the homeowner's responsibility to check for easements, setback restrictions, impervious surface limitations or regulations that may affect the project. Any permits or inspections that Johnston County or State of NC may require are also the homeowner's responsibility. When planning for any project be sure to include as much information on your Architectural Review Form as possible, including the materials specifications and intended location on your plot plan.

If your property has special circumstances, you may be required to provide additional screening from neighboring views.

### Others

For information about mailbox replacements and fence material and designs allowed in Broadmoor West, please visit [www.broadmoorwest.com](http://www.broadmoorwest.com).

### Addressing Covenant Violations

Covenant violations will be addressed in the following manner in compliance with the North Carolina Planned Community Act:

1. 1<sup>st</sup> violation letter - Describes violation, requests correction, and sets timeframe for correction. If you get a violation letter and have special circumstances or needs that explain a reason for the violation, please contact the HOA Board at [broadmoorwesthoa@gmail.com](mailto:broadmoorwesthoa@gmail.com) to request a hearing.
2. An appeal hearing may be requested before the Board. Homeowners will provide documentation, if any, that shows why the property is no longer in violation and state any special circumstances; and/or discuss plans for bringing the property into compliance.
3. After the hearing a letter is sent to the homeowner outlining the Board's decision.
4. 2nd and Final Notice. You will receive 72 window to correct the violation(s). If compliance with the covenants are not received within the 72 hour fines and legal actions could be taken if necessary, which may become a lien against the property. The Board reserves the right to allow the property owner additional time if deemed necessary for correction of the violation.

Fines are assessed in accordance with the North Carolina Planned Community Act and can be assessed up to \$100 per day for each day the violation continues. The Board's primary concern is not fining but correcting covenant violations on the property. It is the Board's intent is to make sure that the covenants are enforced fairly and without prejudice.