



A Community Like No Other



Architectural Control Guidelines

September 1st, 2024

Document Control

These Architectural Control Guidelines are hereby initially adopted by the Portofino Homeowners' Association on this 1st day of September 2023. These Guidelines are based on the existing HOA Bylaws and Covenants that exist at the time of its adoption.

This document may be amended or otherwise modified at any time, and for any reason, provided that it is based on the standing HOA Bylaws and Covenants, and it is ratified by the HOA Board of Directors.

ASSOCIATION: PORTOFINO HOMEOWNERS' ASSOCIATION, INC.

By: _____

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President, Board of Directors

Revision history of this document will be recorded and approved below:

Version	Date	Brief Notes	Submitted By
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v1.1	9/24/2024	Added trash blind guidelines and impervious surface guidelines	Anthony Calamito

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1.0 Introduction and General Information

1.1 PURPOSE

This Architectural Control Guidelines document (the 'Guidelines') provides an overall framework and comprehensive set of standards and procedures for the development of the Community in an orderly and cohesive manner. These Guidelines have been developed to assist in the landscaping, architectural, and exterior appearance of each Lot. The Guidelines set forth the criteria for design, style, materials, colors, and location of site improvements, including but not limited to landscaping, signage, and lighting. In addition, the Guidelines establish a process for review of proposed architectural, landscaping, or exterior improvements or alterations to Lots to ensure that all Lots within the Community are developed and maintained with the consistency and quality that attracted you to Portofino in the first place.

1.2 INTRODUCTION

The Portofino Subdivision was incorporated September 2007 in accordance with North Carolina General Statutes. The DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (the 'CCRs' or the 'Covenants') established the community and provided for the establishment of the Portofino Subdivision Homeowners' Association, Inc (the 'HOA'). This document also established an Architectural Review Committee (the 'ARC') to review all exterior plans for the neighborhood. If there is any confusion between this document and the covenants, then the Covenants shall take precedent.

1.3 THE COMMUNITY

The community now consists of numerous phases, the last of which is Phase 12B, and amended Covenants were published for each phase. A detailed map of the community can be seen on the [Johnston County GIS System](#).

As each phase was added amendments to the covenants were registered with the Johnston County Register of Deeds. A complete listing of the documents can be accessed at the HOA management website.

1.4 PREPARER

Owners are responsible for ensuring compliance with all standards and procedures within these Guidelines. Homeowners are also governed by the requirements and restrictions set forth in the Covenants and any applicable Supplemental Covenants, Amended Covenants, or Amendment to the Covenants. In particular, homeowners should review and become familiar with the Use Restrictions applicable to Portofino set forth in the Covenants, which address restricted and prohibited activities and conditions within the Community.

These Guidelines shall not apply to the activities of the Declarant, nor to improvements to the Common Area(s) by or on behalf of the HOA.

1.5 NO ACTION WITHOUT APPROVAL

No dwelling building, fence, wall or other structure of any kind shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration therein be made (including, but not limited to, changes or alterations in the color exterior paint, vinyl siding, roof-shingles, masonry or shutters) until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board.

In the event said Board, or its designated ARC committee, fails to approve or disapprove such design and location within sixty (60) days after said completed plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. *For clarification the sixty (60) days only starts when a completed application has been accepted, which means that all of the appropriate information was provided for review. If the Board, or its designated ARC committee, review the initial and subsequent applications and deem more information is needed then the sixty (60) day timer will begin upon the homeowner responding with all requested information.*

Any Owner may remodel, paint, or redecorate the interior of structures on his Lot or Dwelling without approval. No approval shall be required to repaint the exterior of a structure in accordance with the originally approved color scheme or to rebuild in accordance with originally approved plans and specifications. However, modifications to the interior of screened porches, patios, and similar portions of a Dwelling visible from outside the structures on the Dwelling shall be subject to approval.

1.6 PROCEDURE

The Architectural Request Form can be downloaded from the HOA community website. At the time of this writing, the form can be downloaded from Towne Properties homeowner portal called Community Cafe. A checklist is also provided to ensure residents complete all the necessary steps prior to submitting their application. The general process is as follows:

1. Download and complete the ARC Request Form.
2. Submit the form to the ARC Committee email alias at arc@portofinonc-hoa.com.
3. The ARC Committee will review the application and contact the homeowner if additional information or clarification is needed.
4. Once accepted, the ARC Committee will forward the ARC Request to the HOA Management Company to be entered into the HOA system.
5. The HOA Management Company will notify the homeowner that the request has been reviewed and approved. No work on the project shall be started until the approval letter is received.

All work on the project must be completed within one year of the date of the letter.

1.7 GOVERNMENTAL PERMITS

To the extent that Johnston County ('JOCO') ordinances or any local government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Guidelines or the Covenants, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Covenants and the Guidelines (in that order) shall prevail. Approval of an ARC request does not replace the requirements for a building permit from the JOCO Building Inspections Department.

Specific projects where a Johnston County building permit is required in addition to an approved ARC form include:

- All new build construction.
- Attached additions to a residence (Including all deck plans).
- All detached shops/sheds exceeding 12' x 12'.
- Any detached shop/shed that has electrical, plumbing, or HVAC features.

1.8 ARCHITECTURAL REVIEW COMMITTEE (ARC)

The powers of the Architectural Review Committee ('ARC') will remain with the Declarant until such time as the Declarant has transferred control of the HOA, or until such time should the Declarant delegate all or a portion of its reserved rights to the ARC. The powers of architectural control can be through the ARC, which will consist of a minimum of three (3) persons appointed by the HOA Board of Directors.

The ARC will not be required to review any plans until a complete submittal package is assembled and submitted to the Property Management Company.

The ARC has exclusive jurisdiction over all matters relating to architectural, landscaping, and exterior improvements or alterations to any portion of the Lot, as set forth in the Covenants. The ARC shall review plans and specifications for all exterior architectural and landscaping improvements or alterations on any Lot, shall be the conclusive interpreter of these Guidelines, shall monitor the effectiveness of these Guidelines, and may promulgate additional design standards and review procedures consistent with these Guidelines.

For as long as the Declarant owns any property in the community, the Declarant will maintain ultimate approval/veto power of any actions by the community members.

No dwelling, building, fence, wall or other structure of any kind shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration therein be made (including, but not limited to, changes or alterations in the color exterior painting, siding, roof shingles, masonry or shutters) until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by the Board of Directors of the Association, or by the ARC committee.

2.0 Overview and Summary

2.1 PLAT MAPS & SURVEYS

Homeowners are required to discuss with their neighbors any proposed additions to the property. A Plat Map / Survey Map that reflects the property lines, easements, landscape buffers, and structures, must contain a drawing of the location of the proposed addition/alteration, a complete set of construction plans (dimensions, elevation/design, materials, colors, etc.), and neighbors' acknowledgement signatures must be included with any Application. The ARC reserves the right to interview the affected neighbors (adjacent neighbors and those in view of the change) regarding the proposed addition/alteration.

2.2 IMPERVIOUS SURFACE REQUIREMENTS

Stormwater is rainfall that doesn't soak into the ground. Trees, grass and other plants help rainfall soak into the soil. Pavement, concrete, rooftops and other hard surfaces keep rainfall from soaking into the soil, causing more rainfall to run off. Development, including building houses and roads, increases stormwater runoff.

[Johnston County](#) regulates stormwater runoff and sediment and erosion control for new development and riparian buffers along streams and other waterbodies. As a result, some subdivisions and lots have limitations on the amount of impervious surfaces or built upon area that is allowed. During the development process, developers are required to design stormwater management plans that treat stormwater runoff quality and quantity. In residential development, estimations of impervious surfaces or built upon area for each lot are provided in the development plans and can be recorded on the approved subdivision plat, in the subdivision's restrictive covenants, and/or on the property deed. When a homeowner applies for a building permit, and through the permit process finds that they are going to exceed their recorded BUA restriction, lot level stormwater devices allow a homeowner to exceed the maximum impervious area or built upon area approved for their lot. If you want to exceed the recorded maximum impervious area or built upon area for your lot, you have two options:

- **Option 1:** Check with your developer or Homeowner's Association to determine if there is a managed "bank" of impervious area or built upon area. Some developers include an unused amount of impervious area or built upon area in their initial development to allow for future expansions on lots.
 - As of August 2024, the "bank" of available impervious for the Portofino subdivision has been depleted.
- **Option 2:** Design and install stormwater devices to treat the excess stormwater for the extra impervious area or built upon area. Allowable lot level stormwater control measures include rain gardens, rain barrels, and/or pervious pavers.
 - The design and implementation of these stormwater devices is outlined in a [Homeowners Guide](#) published by the County. Residents should refer to that document when adding these devices to their lot.
 - All designs are subject to approval by the ARC

2.3 CHANGES THAT REQUIRE ARC APPROVAL

Throughout this Section the term “changes” or “improvements” shall include any additions, removals, or alterations. Types of changes which **REQUIRE** submittal/approval:

- Changes to the exterior of the home, such as:
 - Addition of:
 - Awnings.
 - Decorative lighting.
 - Porches.
 - New living/conditioned space/room additions (note: Garage conversions are prohibited)
 - Appearance, such as:
 - Color
 - Materials (such as siding and roofing).
- Other exterior changes, such as:
 - Outdoor Buildings/Accessory Structures
 - Decks, Back Porches, and Patios
 - Driveway extensions and parking pads
 - Screens (Garbage/Recycling Can Screens, Privacy Panels, or other Enclosures)
 - Fences
- Major landscaping, including retaining walls and 2+ layer landscaping edging
- Mailboxes
- Play sets, swing sets, etc.
- Other recreation or sport equipment (e.g., trampolines, basketball goals)
- Birdbaths, birdfeeders, and birdhouses, and fountains
- Live tree removal (note: trees that have fallen naturally (e.g. storm damage) are okay to remove without approval)
- Sprinkler or irrigation systems or wells of any type which draw upon water from creeks, streams, ponds, or other ground or surface waters within the Community; except that Declarant and the Association shall have the right to collect and divert stormwater runoff from streets and other hard surfaces for irrigation and other purposes.
- Private water wells

2.4 CHANGES THAT DO NOT REQUIRE ARC APPROVAL

Specific changes which **DO NOT REQUIRE** approval:

- Minor landscaping, not including removal of trees.
- Non-permanent children’s play equipment (excluding trampolines).
- Periodic repainting and re-staining with the existing color for maintenance.
- Portable pools usable only by small children (to be put away when not in use)
- Replacement of dead trees or shrubs with similar or pre-approved materials.

- Small, discreetly located gardens
 - Note: must be located completely contained behind home.
- Small statues in the rear yard
- Small decorative/seasonal flags

2.5 PROHIBITED CHANGES

The following special changes/items are strictly **PROHIBITED**:

- Window air conditioning units or window fans
- Artificial vegetation, plants, or flowers
- Animals other than common household pets
- Chain-link, wire, or mesh fencing material
- Commercial advertising signs
- Encroachment on other property
- Metal or vinyl storage sheds
- Metal swing sets
- Parking of vehicles or trailers on soft surfaces, such as grass
- Exterior clotheslines
- Above Ground Pools (except portable pools usable only by small children, to be put away when not in use)
- Unclean, unsightly, unkempt, unhealthy or unsafe conditions which tend substantially to decrease beauty or safety
- Converting garages to living/conditioned space
- Vinyl mailboxes and posts
- Plastic, PVC, wood, or vinyl portable, non-permanently affixed Garbage/Recycling Can screens
- For Lease or For Rent Signs
- Animal Enclosures; No structure for the care, housing or confinement of any animal shall be constructed, except for horse barns.

2.6 PROHIBITED ACTIVITIES AND CONDITIONS

The following shall be prohibited within the Community:

- Satellite dishes, antennas and similar devices for the transmission of television, radio, satellite, or other signals of any kind, except that (i) Declarant and the HOA shall have the right, without obligation, to erect or install and maintain any such apparatus for the benefit of all or a portion of the Community, and (ii) antennas or satellite dishes designed to receive direct broadcast satellite service which are one meter or less in diameter; (iii) antennas or satellite dishes designed to receive video programming services via multipoint distribution services which are one meter or less in diameter or diagonal measurement; or (iv) antennas or satellite dishes designed to receive television broadcast signals ("Permitted Devices") shall be permitted, provided that any such Permitted Device is placed in the least conspicuous location on the Dwelling in which an acceptable quality signal can be received and is screened from the view of the street and

adjacent Dwellings in a manner consistent with the Community- Wide Standard and the Architectural Guidelines;

- Exterior lighting on any Dwelling, which allows excessive light to be directed or reflected on the Common Area or other Dwellings, except as may be permitted by the Reviewer in accordance with Article IV of the Covenants.
- The storage of garbage, trash, refuse piles or unsightly objects, except in containers and in areas approved by the HOA.
- Laundry drying facilities including, but not limited to, clothes lines, outside of any improvement constructed on a Dwelling. In addition, the use of porch railings or any other part of the exterior of the Dwelling for drying or storing of clothes or other articles is prohibited.
- Anything or condition which will result in the cancellation, or increase in premium, or reduction in coverage of insurance maintained by the Association or which would be in violation or any law or other applicable requirement of governmental authorities.
- Fences or walls placed on any Dwelling nearer to the street or streets adjoining such Dwelling than is permitted under the set-back requirements for the main residence on such Dwelling, except for decorative subdivision entry features (if any).
- Operation or storage of off-road recreational vehicles, including without limitation, dirt bikes, three or four wheelers, go-carts, or all-terrain vehicles shall not be permitted or used within the Community. Driving any vehicle on unpaved areas within the Community is strictly prohibited.

3.0 Architectural Guidelines

3.1 USE AND BUILDING TYPE

No Dwelling shall be used except for residential purposes and for single family use. No Building shall be erected, altered, placed, or permitted to remain on any Lot other than a single detached one-family dwelling, except that each Dwelling may also have in addition to the dwelling, a detached or attached private garage or one out-building. Any out-building shall be completely screened from view from the street.

No Lot shall be subdivided, or boundary lines amended, except with written consent of the Declarant and in compliance with the subdivision regulations of Johnston County. In order to maintain architectural beauty in Portofino Subdivision and to guard against the erection therein of poorly designed or proportioned structures, no building shall be erected, altered, or permitted to remain on a Lot or Dwelling until blueprint plans have been submitted for approval pursuant to the Development Agreement and have been accepted by Declarant. Further, all buildings constructed or placed upon any Lot must be constructed or placed on the Lot by a builder or contractor who has been approved by Declarant.

All buildings and structures erected shall be of new construction and no building or structures, other than detached single-family homes (not to exceed three stories in height) shall be constructed. No structures of a temporary character, manufactured home, trailer, tent, shade, garage, barn or other out-building shall be used as a residence, either temporarily or permanently.

Furthermore, only a builder that is approved and in good standing may construct any structure. Declarant maintains its sole discretion as to whether to approve builders as a part of the Portofino building team. The Declarant may in its sole discretion revoke approval status of a builder at any time.

3.2 DWELLING SIZE REQUIREMENTS

The size requirements for dwellings varies by phase. Please review the community phase map for details of what homes are in which phase of development. The size requirements are described below:

- Phase 1 - Dwellings shall have the following minimum square footage of heated floor space exclusive of porches, garages and bonus rooms; 2,400 square feet for a one-story residence and 2,400 square feet for 1 ½ or 2 story residences with a minimum of 1,200 square feet on the first floor.
- Phase 2B - Dwellings shall have the following minimum final square footage of heated floor space exclusive of porches, and garages: 3,300 square feet.
- Phase 3C - Dwellings shall have the following minimum square footage of heated floor space exclusive of porches, garages and bonus rooms; 2,400 square feet for a one-story residence and 2,400 square feet for 1 ½ or 2 story residences with a minimum of 1,200 square feet on the first floor.

- Phase 4 - Dwellings shall have the following minimum final square footage of heated floor space exclusive of porches, and garages: 1,800 square feet.
- Phase 5h and 7h - Dwellings shall have the following minimum square footage of heated floor space, exclusive of porches, carports, garages and bonus rooms; 3,000 square feet minimum.
- Phase 6 - Dwellings shall have the following minimum square footage of heated floor space, exclusive of porches, carports, garages and bonus rooms; 2,250 square feet minimum.
- Phase 7B - Dwellings shall have the following minimum square footage of heated floor space, exclusive of porches, carports, garages and bonus rooms; 2,500 square feet minimum for a single family residence.
- Phase 8A - Dwelling shall have the following minimum square footage of heated floor space, exclusive of porches, garages and bonus rooms; 1,500 square feet minimum for a single family residence. The minimum building setbacks are as follows:
- Phase 9 - Dwelling shall have the following minimum square footage of heated floor space, exclusive of porches, garages and bonus rooms; 2,750 square feet minimum for a single family residence.
- Phase 10 - Dwellings shall have the following minimum square footage of heated floor space, exclusive of porches, garages and bonus rooms: 2,150 square feet minimum for all ranch-style single family residences and 2,400 square feet minimum for all two story single family residences.
- Phase 11 - Dwellings shall have the following minimum square footage of heated floor space, exclusive of porches, garages and bonus rooms: 2,400 square feet minimum for a single family residence.
- Phase 12 - Dwellings shall have the following minimum square footage of heated floor space, exclusive of porches, carports, garages and bonus rooms: 2,400 square feet minimum for a single family residence.

3.3 MINIMUM SETBACK

Minimum setback for a building/dwelling on any lot shall be:

- Thirty-five (35) feet to the boundary of the front of the Lot,
- Twenty (20) feet to the boundary of the rear of the Lot,
- Twelve (12) feet from the boundary of the side of the Lot,
- Or thirty-five (35) feet from the boundary of the Lot adjacent to a side street.

Eaves, steps, decks and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a Dwelling to encroach upon another Dwelling.

No trailer, tent, shack, barn (except for designated Horse lots) or other building shall be erected or placed on any Lot. No detached garage shall at any time be used for human habitation temporarily or permanently. Temporary structures are prohibited. All use of garages shall remain for parking purposes only and may not be enclosed for living space or any other

purpose. All use of garages shall remain for parking purposes only and may not be enclosed for living space or any other purpose.

3.4 EXTERIOR SIDING

The only exterior siding materials that will be allowed include stone, brick and Hardie Plank or other masonry exterior are acceptable. Vinyl siding is specifically prohibited. Specific styles and colors must be approved. Brick, stucco, and stone accent designs on the exterior should, where possible, wrap around the corner of the home. The Architectural Review Committee must approve all accent materials transitions.

Owners shall seek the approval of the ARC before installing or replacing siding which differs from original material and/or color. For material that is the same as original, no approval is required.

3.5 EXTERIOR COLORS

All exterior material colors must be submitted and approved by the Architectural Review Committee prior to construction. Repainting or any color or material changes to any existing homes must also be approved by the Architectural Review Committee prior to construction.

3.6 GUTTERS

When properly installed, white, pre-finished, or color consistent with the house trim, aluminum gutters do not require approval. Other colors or materials require submission of an application for approval.

3.7 ROOFING

Roofs will have a 25-year shingle. Terracotta, Copper, and Steel are also acceptable. Style and color must be approved by the Architectural Review Committee. Roofs shall have a minimum pitch of 8/12. However, the Architectural Review Committee reserves the right to modify this roof pitch minimum requirement in its sole discretion.

3.8 STORM DOORS

Properly installed storm doors that are full height, single glass pane (full-lite) glass or a single cross member with screen, with narrow stiles. Color must match trim or door color. No screen doors permitted.

3.9 FOUNDATIONS

Foundations shall be crawl space with permanent masonry brick or block. Concrete slab foundations are prohibited. All exterior foundations shall be finished with brick veneer, stone veneer or stucco/slurry finish. If front porches are wood construction, then the exterior trim and lattice must be painted and the materials must be resistant to weathering. The Architectural Review Committee must approve all brick, mortar and paint colors.

3.10 PORCHES

All Dwellings will include a front porch area of no less than 5 feet deep and 6 feet wide. Porches which contain columns, posts or spindles or material other than brick or stone, shall be painted and columns must be at least 10 inches each.

3.11 WINDOW COVERINGS

No metallic foil or other coating, substance, or material which acts as a reflector of light shall be placed or installed on windows on a Lot. Window coverings, including but not limited to drapes, curtains, blinds, and sheers, must be a solid color, non-pattern in white, off-white, beige, taupe, or a similar color on the side visible from outside the Lot.

3.12 DECKS

A building permit from JOCO is required. All decks and patios are to have a minimum of 160 square feet. Deck height is not restricted but is recommended to be no more than 15' in height from the ground. The size and styling of decks, back porches, and balconies must complement the dwelling structure and be in proportion to the dwelling structure.

- Deck Landings: All decks above five (5) feet in height vertically from the ground to the top of deck, will have no less than a (4' x 5') landing unless authorized by the Architectural Review Committee.
- Deck steps: It is recommended by the Declarant, for the safety & desirability of the homeowner, that steps be no greater than 7 inches high and less than 12 inches in depth.
- Deck Skirting: Decks greater than 7 feet in height vertically from the lowest elevation to the deck elevation will require skirting, landscaping, or other material approved by the Architectural Review Committee, to screen the underside of the deck.

3.13 GARAGES

All residences will have at least a two-car garage with overhead door(s).

3.14 SIDEWALKS

No streetside sidewalks are permitted in Portofino.

3.15 BIRDBATHS, BIRDFEEDERS, BIRDHOUSES, AND FOUNTAINS

A maximum of one (1) birdbath, three (3) birdhouses, three (3) birdfeeders, and one (1) fountain are allowed. In addition, birdbaths and fountains only need to be approved by the ARC if they are installed in corner lots (where the backyard is facing the street) and/or exceed four (4) feet in height and/or three (3) feet in diameter.

3.16 DRIVEWAYS

All dwellings shall contain a concrete or brick driveway, minimum width ten feet, extending from the pavement line of the street to the front of the garage. A variance for asphalt may be

granted by Declarant on a lot with setbacks more than 80 feet. A stamped concrete apron at least five (5) feet in depth at the point at which the driveway connects to the street right of way is desired but not required.

Prior to construction, gravel must be placed in the driveway at the time of tile placement for the driveway. Gravel must be maintained one inch higher than paved road at point of contact with road to prevent road damage. Gravel must be maintained at sufficient depth and width to accommodate large vehicles turning off road onto driveway.

Driveways must meet or exceed State specifications.

No additional driveways or sidewalks may be installed on any Lot without the prior written approval of the Architectural Review Committee. Temporary driveway entries are permitted provided they are removed at completion of the project.

In addition, each driveway drainage pipe shall be constructed with head walls of a brick, stone, or masonry material specified and approved by the ARC/Declarant.

3.17 HORSE BARNs AND HORSE FENCES

Barns are allowed only on those lots designated as “H” on the JOCO GIS map. The construction material and colors should be the same as on the main dwelling. Approval of the ARC is required. Only creosoted fence material similar to the fencing on ALI2 Farm is permitted.

3.18 SHEDS

The following guidelines should be followed when constructing a detached shed. An approved ARC request is required before starting construction. A JOCO building permit is required if a shed exceeds 12' x 12'.

The preferred method of construction is to “stick build” the shed on site. Prefab sheds are allowed provided all the requirements are met:

- Building Material: Siding must be Hardie plank or other material to match the house.
- Roof and Colors: Roofing materials and paint colors to be the same as the home.
- Roof Pitch: Should be 8-12 or to match that of the house.
- Site of Building: Should be level, prior to construction. Site will be leveled 2' wider than the building on all 4 sides. Example; 12 x 12 building would have 16 x 16 pad level for building prior to construction.
- Windows: Shall be placed on all 4 sides if possible, windows required facing any neighbor. Shutters are required.
- Soffit Overhang: 12" minimum on all 4 sides. The soffit is to be fully boxed underside and face.
- Corners/Trim: Corner board, windows, and door trim required to match home.
- Bottom of Building: A 10" – 12" treated band will go around the entire building and be painted to match trim. This band will be no more than 4" above leveled site.

- Ramps: Should face the interior of the lot, not neighbors or streets.
- Landscaping: Plants will be 18" tall when planted and should be on 24" centers on all 4 sides. Type needs to be specified for approval.

Prefab sheds must be anchored to the ground using acceptable anchoring methods.

3.19 SIGHT LINES

No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two (2) and four (4) feet above the roadways shall be placed or permitted to remain on any corner Dwelling within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or, in the case of a rounded Dwelling, a corner from the intersection of the street property lines extended. The same sight line limitations shall apply to any Dwelling within ten (10) feet from the intersection of the street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

As a minimum, all live and healthy trees with a trunk diameter of six inches or more that are within 15 feet of the rear property line shall be preserved on all Dwellings.

3.21 RETAINING WALLS

Generally, the ARC will consider for approval "natural" materials for use in the construction of retaining walls. All retaining walls will be considered on an individual basis. The ARC will review materials, colors, location, scale and massing of the proposed wall to determine compatibility with the architectural intent of the existing structure and relationship to the surrounding site.

Locations for retaining walls must be clearly specified on the Plat Plan / Survey Map) submitted with the Application. Applications for retaining walls will be reviewed on an individual, case-by-case basis. Consideration will be given to changes in the natural topography and existing drainage patterns. Rain barrels must be located within existing landscape planting beds.

"Natural" building materials such as stone, slate, brick and pressure treated timbers will be considered as acceptable materials. These materials must be landscape grade. Railroad ties are prohibited. Materials and colors chosen should complement the existing main residential structure on the Lot. The following illustrates a few examples of acceptable materials to be used for a retaining wall:



Homeowners are not permitted to use construction lumber, siding, Hardiplank, or construction bricks for retaining walls.

3.22 TRASH BLINDS

Residents are permitted to keep trash and recycling cans outside of their home, provided they are hidden from plain sight through the use of a 'mask' or 'blind'. These are short walled structures that look like a natural extension of the home and are designed to camouflage trash/recycling cans from view.

Trash blinds need to adhere to the following requirements:

- Blinds need to be directly attached to the home.
- Blinds need to be created from the same building materials used to construct the siding of the home, which includes the use of 'Hardie Plank' or cement board, with the same overlapping pattern, so there are no gaps between the boards.
- The structure needs to be trimmed on the corners and the top to match the existing trim of the home.
- The final structure needs to be painted to match the exterior of the home so the horizontal concrete boards should be painted the main color of the home and the trim pieces should be painted the same as the trim on the existing home.

4.0 Landscaping Guidelines

4.1 LAWNS AND TURF

The front lawn of each Lot shall be sodded with drought tolerant grass upon completion of construction. The following turf types are considered acceptable and do not require approval on Lots:

- Cool-season grasses (Tall Fescue, Fine Fescue, Kentucky Bluegrass, or Perennial Ryegrass)
- Warm-season grasses (Bermuda, Zoysia, or Centipede).

Each Lot will be landscaped with at least two trees in the front yard and foundation shrubbery at a minimum of three feet on center across the front of the residence and five feet on center down the sides of the residence. The ARC will determine the species and placement of landscape materials.

Reseeding/resodding your lawn with the approved turf types listed above does not require ARC approval. Any other improvements or alterations to your lawn - other than resodding/reseeding as described above - must be approved by the ARC.

4.2 IRRIGATION

Automated underground sprinkler irrigation systems are only required when Fescue grass or a non-drought tolerant grass are used anywhere on a Lot. A JOCO building permit is required for installation of a sprinkler system.

Johnston County Public Utilities implements a year-round alternate day watering schedule for all residents based on home addresses.

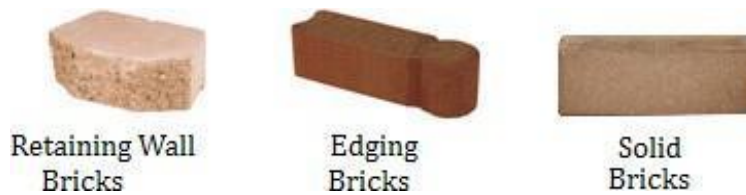
	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Odd Street Address	No	Yes		Yes		Yes	
Even Street Address	No		Yes		Yes		Yes

Note that during times of drought, Johnston County may restrict water used for irrigation. While homeowners are required to keep their lawns living and maintained, you are not required to use your irrigation system to do it. Please visit the Johnston County Public Utilities website for more information on watering rules and restrictions related to irrigation.

4.3 GARDENS AND BEDS

Natural areas and landscaping planting beds shall be made in proportion to the home and Lot. All landscaping planting beds shall be maintained to prevent overgrowth of individual plants or weeds. Landscape planting beds shall be mulched to improve appearance and aid in maintenance. Edging around landscaping planting beds or natural areas is recommended but is

not a requirement, and if used, should be consistent with the existing style and aesthetics of the Association. Some examples of acceptable materials to be used for landscape planting bed edging:



Vegetable, herb, and water gardens shall be maintained regularly to prevent excessive weed growth. All plants located in a garden shall not exceed 5 feet in height. Screening of these areas should be considered through the use of fencing or shrubs to eliminate views from the street or common areas. These areas should not be visually offensive to neighbors or attract pests.

Vegetable, herb, and water gardens shall be confined to the rear yard out of view from public streets and common areas. Vegetable, herb, and water gardens located in a side or in front yards are not allowed. Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning).

New trees shall be located away from foundations, drives, or walks to limit potential damage caused by root growth. ARC approval is required for the planting of trees by a homeowner.

4.4 FENCING

Fence materials may vary, however, it is the intent that all fencing will be an asset to the Lot as well as the surrounding Lots and Portofino. Fencing heights, materials, design, setbacks, and placement may and will vary with each property. The Architectural Review Committee has the duty and right to approve and disapprove all aspects of fencing.

- **Height:** All fences may generally be no taller than four (4) feet. The Architectural Review Committee may allow taller construction due to topography, in the Architectural Review Committee's sole discretion.
- **Setbacks:** Fences must be installed a minimum of five (5) feet from the side property line, and ten (10) feet from the rear property line, to allow for exterior maintenance of such fences. The Architectural Review Committee may, in their sole discretion, require greater setbacks based on location to amenities, trails, drainage easements, and neighboring properties.
- **Materials:** Fences shall be constructed of wrought iron, extruded aluminum, stone or masonry. No chain link or wood stockade type fences shall be allowed. The Architectural Review Committee, in their sole discretion, may require brick, stone, or other materials on columns at the corners and other places along the fence. Four (4) foot fences normally only require columns on the front corners. Five (5) foot fences require columns on all four corners. Additional columns may be required on odd shaped lots. Horse fencing is acceptable with the approval of the ARC.

- **Landscaping:** All fencing applications must submit a landscaping plan showing plantings on the outside of the fence. Depending on the location of the fence within the subdivision, the Architectural Review Committee, however, shall be entitled, in its sole discretion, to require additional landscaping outside of the fence.

4.5 FLAGS

Patriotic, Decorative, Religious, Group Affiliation, Holiday, and Seasonal flags (such as American, State, seasonal, welcome, sports or college flags) require prior written approval of the ARC prior to installation.

- One portable, removable United States flag may be displayed in a respectful manner and consistent with 36 U.S.C. Sections 171-178, as amended, on each Lot.
- Decorative/Religious/Group Affiliation Flags – Such flags shall not be offensive, in any way, to individuals or specific groups.
- Seasonal/Holiday Flags - Such flags may be put in place two (2) weeks before the season/holiday/event and must be removed no later than two (2) weeks after the season/holiday/event.

4.6 TRASH & RECYCLING

All refuse will be kept in the garage or in the rear yard of all lots unless contained in a surround approved by the Architectural Review Committee. Guidelines for constructing trash blinds can be found in this document.

4.7 CLOTHES LINES

Clothes lines, including temporary or retractable lines, are prohibited on any lot.

5.0 Playsets & Recreational Equipment Guidelines

5.1 PLAYSETS, LAWN TOYS, OR PLAY EQUIPMENT

Swing sets, sliding boards, sandboxes, and similar items are classified as play sets, lawn toys, or play equipment for the purposes of this guideline. Metal swing sets are strictly prohibited. This Guideline does not cover moveable and temporary items such as bikes, wagons and similar items.

5.2 RECREATIONAL EQUIPMENT

Basketball goals, trampolines, horseshoe pits, permanent volleyball courts, and similar items are classified as recreational equipment for the purposes of this guideline. This Guideline does not cover a temporary volleyball net, badminton net, or similar items.

5.3 BASKETBALL GOALS

Basketball goals fall into three categories: 1) portable, 2) permanent pole-mounted, and 3) permanently mounted to the house. As with all other exterior changes, homeowners are required to submit an Architectural Request Form for permanent pole-mounted or house-mounted basketball goals and, if approved, are required to perform periodic maintenance as necessary to keep it in good condition. For permanent basketball goals, slope and length of the driveway will be taken into consideration by the ARC when reviewing a basketball goal installation. Portable basketball goals do not require prior ARC approval, however portable goals are not to be placed on or near the street, whereas the street is intended as the playing surface. Portable goals shall be stored completely out of sight or at least pulled up against the side of the house out of view from the street when not in use. Furthermore, portable goals should be sufficiently secured when in use to prevent injury or property damage. Basketball goals of any kind shall not be within 10 feet of the street. All basketball goals should be positioned to avoid impact to adjoining property, streets, and personal safety.

5.4 PLAYHOUSES, FORTS, AND PLAY STRUCTURES

Playhouses, Forts, and Play Structures must be constructed of wood, and must be a natural wood color or match the color of the main residential dwelling structure. An ARC approval is required. Playhouses, Forts, and/or Play Structures shall be in the rear of the main dwelling structure.

6.0 Signs and Banners

6.1 BILLBOARDS AND SIGNS

No sign of any kind shall be displayed to the public view on any Dwelling except one professional sign of not more than five (5) square feet advertising property for sale.

Except for unit identification numbers, no billboards shall be erected or maintained on the premises. No more than one sign not larger than five square feet in size is to be placed on any lot. For sale signs are permitted.

6.2 SIGNAGE FOR DWELLINGS UNDER CONSTRUCTION

The original builder shall be entitled to a sign not greater than five (5) square feet identifying the name and address of the builder. A sign that identifies the Realtor who is marketing the property for the builder no greater than five (5) square feet is also permitted. The original builder may also use signage for any model home no larger than three (3) square feet in an area to indicate whether a model home is open and the hours of operation.

All signs must also comply with the City and County Sign Ordinances.

6.3 SIGNS WHICH DO NOT REQUIRE APPROVAL

The following sign or banner types DO NOT require approval from the ARC Committee:

- **For Sale:** One sign, which has a maximum face area of four square feet, per Lot that advertises the Lot For Sale shall be placed in a mulched area in a manner that would not impair the maintenance of the landscaping.
- **Security:** One security company issued sign may be placed in the front yard only, preferably near the front door of the property, in an existing landscape planting bed, not to exceed 12" x 12" in size on a stake/pole not to exceed 24" in height.
- **Birth Announcements:** Birth announcements and/or balloons may be placed in front of a yard, provided they are not permanently affixed.
- **Birthday Signs:** Birthday or birthday party signs or balloons may be placed in front of a yard, provided they are not permanently affixed.
- **Graduation:** Signs announcing or congratulating graduating students may be placed in front of a yard, provided they are not permanently affixed.

6.4 SIGNS WHICH REQUIRE APPROVAL

The following sign or banner types REQUIRE approval from the ARC Committee:

- One temporary sign or banner related to a holiday, religious observation, celebration, or seasonal event.

6.5 SIGNS WHICH ARE PROHIBITED

The following sign or banner are strictly PROHIBITED:

- For Rent/For Lease signs may NOT be displayed or visible on any Lot or on any portion of a structure visible from the exterior.
- Advertising signs for businesses.
- Advertising signs for vendor/subcontractor conducting work on a Lot.
- Political signs

No sign or banner may be displayed in the window of any residence or detached/accessory structure located on any Lot, unless specifically allowed in this Section.

7.0 Other Guidelines

7.1 SOLAR PANELS

Solar panels / equipment shall not be installed without the prior written approval of the ARC. Any solar panels and related appurtenances and equipment shall be designed and constructed to appear as an integrated part of the architecture of the main residence as much as possible. This shall generally mean that the panels shall be roof mounted so that the top surface is as flush with the roof surface whenever possible, with all appurtenances recessed into the structure's attic. Solar panels should be located on the rear or side roof of a home whenever possible. The ARC will review in advance and approve in writing all equipment placement.

7.2 SATELLITE DISHES AND ANTENNAS

Direct Broadcast Satellite antennas that are one meter (39.37 inches) or less in diameter may be installed. Antennas larger than one meter are prohibited. CB (Ham) antennas are not permitted.

7.3 SEASONAL DECORATIONS/YARD ART

Seasonal Decorations and Yard Decorations include, but are not limited to, statues, sculptures, artifacts, inflatable decorations, signs, flags, lighting, artificial vegetation and florals, wind chimes, plaques, wreaths, and other decorative items installed or displayed on the Lot or exterior of the home.

Owners are expected to only install yard decorations that are in good harmony with the Association. Pink flamingos, windmills, wishing wells, or any yard decoration items without color coordination with the main residence are prohibited.

Not more than a combined total of two (2) yard decorations are permitted in the front and side yard. Not more than six (6) yard decorations total are allowed on any Lot. Not more than one (1) fountain is allowed on any Lot.

Temporary "Seasonal Decorations" related to a holiday, religious observation, national/state observation, cultural observation, celebration, or seasonal event generally does not require approval from the ARC, but must meet the criteria listed above; however, such temporary decorations shall not be displayed earlier than 30 days prior to an event and must be taken down within 15 days following the event. For example, "Christmas decorations" should not be installed on any Lot earlier than November 25th and should be removed no later than January 9th.

7.4 HOT TUBS/SWIMMING POOLS/SPAS

All hot tubs, spas (located outside the residence), or pools must be submitted for ARC approval. Non-permanent, portable pools usable only by small children do not require prior approval from the ARC, but must be stored out of sight when not in use.

- Plans and specifications showing the nature, kind, shape, height, and materials must be submitted.
- Plat Plan / Survey Map showing the location of the hot tub, spa, or pool.
- Plan for screening (fencing or natural landscaping screening).
- Any wood support structure must be the same color as the house or deck.
- Hot tub, sauna, or pool cannot be located within a buffer or easement.
- All Health Department regulations must be met.
- Hot tub, spa, or pool must be screened from view from any street.

Applicants are strongly encouraged to review all current North Carolina and Johnston County laws for additional requirements related to pool installation and required fencing and other safety protocols.

7.5 EXTERIOR LIGHTING

Beam spread from all light sources should be confined to the Owner's Lot. On corner lots and locations where the lighting may affect drivers, care must be taken to ensure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic.

Any lamppost in the front yard shall not exceed 8 feet with one lamp light (max. 60W) without the written approval of the ARC. If the lamppost is installed in the rear of the property, the total for all lights must not exceed 100W. (For example, for a 4-light post, the maximum would be 4x25W.) The maximum height is defined as the top of the post or the light(s) (whichever may be greater).

All electrical installations must be in accordance with all applicable electrical codes and regulations.

Approval is not necessary for the following:

- The replacement of current light fixtures of a similar type and style.
- Properly installed low voltage accent lighting along walkways and on the inside of decks, if the lights are at least five feet apart. If closer placement is desired, then an application must be submitted. Any low voltage spotlights or lights on the outside of decks require an application, if the light may shine onto adjacent property.

7.6 WALKWAYS AND PATIOS

Patios and walkways shall be created in scale with the site and existing structures. Slope of the patios and walkways and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

Patios shall be confined to the rear yard while walkways will be confined to the front, side and rear yards. The patio and walkway size, design and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site. All walkways and patios shall be a

minimum of 18" from property lines. Lot size and configuration may permit reduction of the 18" setback in particular instances, but specific approval of the ARC is required for a setback less than 18".

Generally, brick, concrete, concrete pavers, flagstone and slate will be considered as acceptable materials. Materials and color chosen shall complement the existing structures. All patios and walkways shall be reviewed on an individual basis for material, installation method, color and location.

A Plat Plan / Survey Map of the property, a drawing of the exact placement and dimensions of the patio or walkway, materials, color, and installation method are required with all Applications.

7.7 STANDBY EMERGENCY GENERATORS

Permanently installed, low noise (72dB @ 23 feet) natural gas standby emergency generators are permitted subject to submission of appropriate application to, and review and approval by the ARC.

Installation of permanent propane gas, diesel or gasoline powered generators is prohibited and will not be approved.

Generator tests must be conducted no more frequently than weekly and must be scheduled to occur between the hours of 8:00AM and 6:00PM on weekdays. Testing must be conducted (if mechanically possible) in exercise (reduced load) mode to lessen the impact of noise on neighboring properties.

Installation, testing, operation and required inspections of permanently installed standby emergency generators are the sole responsibility of OWNER and must comply with requirements of power supply companies (electric and natural gas); local code authorities; and manufacturer specifications. National Fire Protection Association (NFPA) guidelines for emergency and standby power systems should be consulted as appropriate for additional information.

Applications to install a natural gas-powered standby emergency generator must include:

- a Plat Plan/Survey Map displaying the precise proposed location of the generator relative to Lot lines and doors/windows of the house;
- materials list;
- contractor;
- operational specifications of the generator, including but not limited to noise levels produced both under full load and during testing; screening material/landscape plan;
- proposed test times.

Likewise, as with all applications submitted to the ARC, owners of properties connected to the Lot upon which the generator will be installed, as well as owners that would have a reasonable view of the generator must be notified of the application requesting the installation. The Property Owner will also be responsible for the maintenance and replacement of the landscaping installed to screen the generator.

7.8 RENTALS

Unless obligated by a court of law or legal ruling, no property or portion of a property (i.e. room, basement, etc) shall be leased, rented, or subleased to another individual. "

8.0 Appendix A: Definitions

The following definitions are provided for your reference:

- ARC: Abbreviation for the Architectural Review Committee, a committee of no less than three members that advise the Board of Directors on all matters related to the architectural control guidelines of the community.
- Declarant: The person in control of the overall plan for a community, and who sets the initial rules and guidelines for its development. Also called the Developer. For Portofino, the Declarant is The Waltham Group (Mr. Norwood Thompson)
- Dwelling: Word referring to a building or structure where a human being can reasonably expect to live or cohabitate.
- HOA: Abbreviation for Homeowners Association, the governing body that enforces the rules and regulations set forth in the Bylaws and Covenants of the community.
- Impervious Area: Any hard surface that does not permit rain/stormwater to permeate into the ground. An example is a concrete driveway.
- JOCO: A shorthand notation for Johnston County, North Carolina, the county where the Portofino community is located, and whose laws and statutes govern our actions.
- Plat Map: a [cadastral map](#), drawn to scale, showing the divisions of a piece of land. A Plat is provided to homeowners upon closing on a new home, or can be obtained by contacting the Johnston County Register of Deeds

9.0 Appendix B: ARC Request Form & Checklist

9.1 ARC REQUEST FORM

The form needed to submit an ARC Request can be found on Towne Properties Community Cafe under the Documents folder.

9.2 ARC CHECKLIST

To aid residents in submitting a complete ARC request, the ARC Committee has created a checklist that outlines all of the information and signatures required. The checklist can be found on Towne Properties Community Cafe under the Documents folder.

10.0 Appendix C: Frequently Asked Questions

Q. Do I need an ARC Request to cut down trees in my yard?

A. Yes, cutting down live trees does require an ARC Request.

Q. Do I need an ARC Request to paint my house?

A. Maybe. Repainting your house with the same existing colors does NOT require an aRC Request, but painting your home a different color DOES require an ARC Request.

Q. Can I put a sign in my front yard to celebrate my child's school graduation?

A. Yes, homeowners are allowed to put temporary signs in their yard for birthday parties, graduations and the birth of a child. Signs should be removed within 7 days of the event.

Q. I have a question for the ARC Committee, how do I contact them?

A. You can contact the ARC Committee at any time by emailing arc@portofinonc-hoa.com.

Q. Can I install solar panels on my home?

A. Yes, you are allowed to install solar panels, but you must submit an ARC Request first and adhere to the guidelines set forth in this guidelines document.