

# **Governors Village Property Owners Association, Inc.**

## **DRAFT #3.96 Residential Yard Art**

### **RESOLUTION OF THE GOVERNORS VILLAGE POA ARCHITECTURAL REVIEW BOARD RESOLUTION # 2013-2**

**WHEREAS**, the Governors Village POA Architectural Review Board (hereinafter the “ARB”) has the authority, under the Declarations of Covenants, Conditions and Restrictions (hereinafter the “Declarations”) of the Governors Village Property Owners Association (hereinafter “the Association”) to impose rules and regulations for all improvements, structures, landscaping and objects on the building lots within the Governors Village Community.

**WHEREAS**, the ARB has determined that residential yard art should be allowed on the building lots under certain restrictions and conditions.

In an effort to uphold the property values and to preserve the aesthetics of the Governors Village Community, and to provide greater uniformity within our development, the Governors Village Board of Directors has determined it is necessary to establish rules and regulations addressing the installation and/or display of yard art. The Architectural Review Board (ARB) has received many requests and complaints regarding yard art. The ARB believes that by providing clear, detailed standards to all homeowners, it will eliminate confusion regarding these items. The ARB has determined that it is necessary to implement these rules and regulations for the enjoyment of all homeowners in our community. In an effort to maintain neighborhood harmony, as well as to uphold property values and community aesthetics, the ARB has approved the following rules and regulations, which are effective immediately.

In this section, it is declared that no decorative embellishments (or yard art) shall be permitted unless approved by the ARB. These rules and regulations establish the specific types and standards of yard art that are considered “acceptable” to the ARB and the Governors Village Board of Directors.

**NOW, THEREFORE**, the ARB resolves and enacts rules and regulations as follows:

1. The ARB prefers that any yard art be installed at the rear of the property. No ARB approval is required if yard art is not visible from the front of each house.
2. Yard art is for the enjoyment of the property owners who own and display yard art objects. As such, yard art objects should be located in the least possible conspicuous place (s) as it related to being visible to neighboring properties. The ARB sincerely suggests that property owners communicate their plan to install yard art with any of the neighbors to whom the yard art would be easily observable from their properties.
3. Yard art constructed from plastic is not permitted.
4. Plastic flowers or artificial trees are not permitted (Seasonal wreaths and front door ornamentations are permitted and decorative flags up to 3 feet by 5 feet are permitted).
5. Ornamental objects or statuary (yard art) must be constructed using high-grade materials (metal, ceramic, wood or stone) and must not exceed 5 feet in height and no more than 3 feet in width and/or depth. Only one object exceeding 24” high X 24” deep will be allowed.
6. Aside from Item #5, Yard art is limited to not more than 2 Large items, neither of which may exceed 24”H X 24”W X 24”D or 10 separate Small items none of which may exceed 12”H X 12”W X 12”D. If a property owner has an object as defined in Item #5, they may only have one

- Large item as previously defined here in Item #6. In any case, a property owner may not have a combination of objects totaling more than 10, including but not limited to flowerpots, hanging flower baskets, hanging chimes or pieces of art.
7. Nothing offensive to accepted standards of decency or modesty is permitted.
  8. Loud noises or flashing lights are not permitted.
  9. Application: An application for approval of residential yard art must be submitted to the ARB prior to installation. The application, which shall be submitted to the ARB, c/o Talis Management Group, shall be made on or in such forms as are published by the ARB and shall be available from the Association website or from Talis Management Group.
    - (a) The application shall specify location, dimensions, materials, colors, and shall include a graphic representation or photograph.
    - (b) The application shall include all available manufacturers' specifications and representation. The homeowner/applicant will follow all manufacturers' installation and safety instructions.
  10. The design shall limit the use of brightly colored parts and use as many naturally colored materials as possible. Florescent colored yard art is not permitted.
  11. Neither the Association, nor the ARB has or represents that they have knowledge, experience nor expertise in or safety of construction of residential yard art decorations. It shall be the responsibility of the homeowner/applicant to obtain expert advice and assistance in the design and installation of the residential yard art.
  12. Homeowners shall agree to maintain the residential yard art in good and attractive condition as described and required herein.
  13. Homeowners with existing residential yard art not previously approved by the ARB are not required to apply for approval under these rules and regulations. However, to prevent any conflict in identifying yard art existing prior to the effective date of this resolution from yard art installed after said date, the ARB requests that pictures of existing residential yard art and any available documentation be provided to the ARB for the archival files.
  14. Failure by the homeowner to receive ARB approval for yard art installed after the date of this resolution or to correct specified defects in maintenance of the residential yard art after written notice of the defects will be subject to fines. After due process hearing by the Association Board of Directors or its designees, and failure by the homeowner to correct specified defects in maintenance of the residential yard art, after written notice of the defects, the Association Board of Directors may order removal of the residential yard art and/or assess additional fines in accordance with the Declarations and N.C.G.S.

**By submitting an application to the ARB, the homeowner waives and releases the Association, the ARB, their respective members and directors, their agents, employees and assigns from any and all liability for injury, damage or death arising from or associated with the installation, construction, use or misuse of the residential yard art, and agrees to indemnify and hold harmless the Association, the ARB, their respective members and directors, their agents, employees and assigns from any and all liability or loss in connection with the residential yard art.**

**Resolved this 16th day of May, 2013.**

**Debbi Nichols**, Chairman  
Governors Village Architectural Review Board