

**HOLLY FOREST PROPERTY OWNERS ASSOCIATION, INC.  
BOARD RESOLUTION**

**To Supplement and Clarify Article V, Section A  
of the Protective Covenants of Holly Forest**

**General Powers to seek information and establish standards regarding  
exterior lighting**

**WHEREAS**, the Board now deems it to be in the best interest of the Association to adopt uniform and systematic rules and standards to supplement and clarify the general powers of the Environmental Control Committee ("ECC") to seek information for improvements on any Lot as stated in the current Declaration of Protective Covenants of Holly Forest, Article V, Section A.

**WHEREAS**, Holly Forest is a single-family residential subdivision. Having a safe environment free from any hazards or nuisances is paramount.

**WHEREAS**, in order to maintain property values within the Association, it is necessary to have and keep an aesthetically pleasing environment for all to enjoy.

**WHEREAS**, Lot Owners have a wide latitude in the construction and improvement to their property and the use of their home; however, at times certain standards are required to prevent the unreasonable interference with another's use and enjoyment of their home and property from light sources which can create light pollution and degrade the darkness of the night sky.

**NOW, THEREFORE**, in order to create and maintain a safe environment while protecting and preserving property values, the Board hereby adopts the following rules and regulations for the type of lighting fixtures Lot Owners can install on the exterior of their homes and/or on their Lot within the Holly Forest community to become effective on the date of adoption.

**RULES AND REGULATIONS:**

1. Any light fixture used for exterior illumination must be fully shielded or hooded, pointed downward, and placed in a manner so that the lighting footprint is not directly visible from any other properties or public roadways. As used herein, "Fully Shielded" or "Hooded" means no direct uplight (i.e., no light emitted above the horizontal plane running through the lowest point on the fixture where light is emitted such that light will not shine directly onto adjacent properties or roadways).

2. External lights must be located and constructed so that they do not create a hazard or nuisance as the same is identified in Policy 508 and any clarifications thereto.

3. Fixture locations must be shown on the elevation plans for any new construction on or improvements to a Lot Owner's property. Catalog sheets or photographs depicting the proposed fixture are required for review and approval by the ECC prior to installation.

4. No fixture may be placed more than a maximum height of 12 feet above the adjacent walking surface.

5. In order to reduce glare and light trespass into neighboring lands and to reduce negative impacts to wildlife, acceptable exterior lighting may include the following:

- **Concealed Light Source:** The light bulb shall not be visible from the sides of the light fixture. The opacity of the fixture shall be reviewed on a case-by-case basis.
- **Floodlights:** A canopy-type floodlight cover, of an approved color, that shields the light source is acceptable provided the light is directed straight down. Fixtures shall be mounted at or lower than the eave line and shall be aimed down at least 45 degrees from vertical. Floodlights shall not be aimed at any residential properties or roads.
- **Motion Detectors:** If lights are to be on the sides or rear of a structure, motion detectors must be used. The automatic light durational setting must not exceed five minutes and the sensitivity to movement must be properly adjusted so as not to create an annoyance.
- **Landscape Lighting:** Low-voltage landscape lighting may be used and placed in a manner so that the lighting footprint is not directly visible from any other property or public roadways.

Any fixture that fails to meet the above specifications must be replaced prior to final inspection and approval by the ECC.

6. At any time, the ECC may evaluate unduly bright lights that create a nuisance to adjacent owners or lighting complaints received. Safety considerations will be balanced against aesthetic/nuisance considerations in applying these restrictions.

7. Properties that have lighting that does not comply with these requirements when this policy is adopted must become compliant upon the sale or transfer of the property or within   1   years after the adoption of the policy.

**Enforcement:**

Consistent with North Carolina law, violations of these rules and policies will be treated in the following manner:

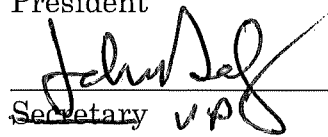
In the event any Lot Owner violates the rules and regulations established for exterior lighting, the ECC will investigate and, if a violation is found, issue a request to remedy the specific violation to the Lot Owner, its guest, tenant, or other occupant at that time. The Lot Owner may appeal the determination of the ECC to the board of Holly Forest HOA or voluntarily remedy the violation within ten (10) days of the request to remedy. If the violation continues beyond the ten (10) day cure period, the ECC will issue a fine not to exceed \$50.00/day to the Lot Owner for each day the violation continues. The Lot Owner may appeal such fine of the ECC to the Board of Holly Forest HOA or commit to voluntarily remedy the violation within a reasonable time frame. If the Lot Owner commits to remedy the violation after a fine has been assessed, the fine will continue to accrue until the violation is corrected. Such fines shall be assessments secured by liens under G.S. §47F-3-116.

For an appeal, the Lot Owner may request a hearing pursuant to North Carolina law and present evidence as to whether a violation exists. After such hearing, the Board will notify the Lot Owner of its decision and the required corrective action, if any. If the Lot Owner fails to take the corrective action to alleviate the violation, the HOA reserves all rights under North Carolina law including the right to impose greater fines consistent with G.S. §47F-3-107.1 or the right to remedy the violation in a manner it deems appropriate and assess the Lot Owner for the cost associated therewith.

Read, approved and adopted this the 21<sup>st</sup> day of September, 2021, by majority vote of the Board.

  
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President

  
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Secretary *vps*