



Community Rules and Regulations Guidebook- Historic Skybrook

(Revised 11/21/24)

Skybrook is a planned developed community, which is governed by recorded Covenants, Conditions and Restrictions (CCRs). The Skybrook CCRs permit the Skybrook Board of Directors to create guidelines that further clarify the CCRs to provide specific examples, directives, and suggestions involved in Skybrook community living. Every potential situation cannot be anticipated or articulated, but there is one common goal and purpose in every aspect of these directives; maintaining and enhancing your home value while providing everyone sensible boundaries for everyday living. Each homeowner provides a critical role in maintaining home values for the entire community, and your Board will enforce these guidelines in its best discretion to meet that end.

These guidelines do not apply to or limit any power or authority of the Declarant under the Master Declaration of the CCRs of Skybrook.

All items listed in these guidelines and within the Skybrook CCRs must be approved by the Architectural Review Board (ARB) prior to installation. All improvements must be shown on a survey (to scale) with details of the request verifying that all CCRs and the community's architectural integrity has been met or exceeded. The Skybrook ARB has 30 days upon receipt to approve, approve with conditions, or deny requests. Once the project is complete, the homeowner must notify the committee for final inspection.

Please note that all applications are subject to municipal rules and regulations. It is the responsibility of the homeowner to acquire all necessary approvals and permits prior to installation.

I. Landscaping

A. Front, Side, and Back Yard

1. All alterations/improvements/modifications of existing landscaping must be approved by the Skybrook ARB. Examples of changes that must be approved are: addition and/or change of bedded areas, tree(s), shrubbery and plants. Replacement in kind of existing tree(s), shrubbery and plants does not require approval. Planting of seasonal flowers in existing bedded areas does not require approval.
2. Bedded areas must be mulched with brown pine needles or brown to dark brown color, shredded wood mulch. Materials such as dyed mulch, i.e. red mulch, gravel, pebbles, lava stone, sand, etc. shall not to be used as mulch in bedded areas.
3. Air conditioning compressors must be screened from public view with evergreen or similar shrubbery. Lawns must be maintained with grass. Stones, pebbles, lava rock, sand or other materials are not to be used as a replacement for grass.
4. Lawns must be kept green and free of large infestations of weeds and/or crab grass.

5. Yard grass must be maintained with weekly maintenance during the growing season.
6. Grass, tree(s), shrubbery and plant(s) must be maintained by the homeowner in a healthy appearance by proper fertilizer treatment, watering and pruning.
7. Mature growth will be taken into consideration when planting on the property line. Landscaping setbacks will be determined on a case by case basis and dependent on the type of landscaping requested.
8. **Only Fescue grass may be used in Skybrook as grass** - Other grasses, like Bermuda, and artificial turf cannot be used as a substitute for Fescue and may never be located in a front or side yard. Limited use of synthetic grass is allowed, based on the following criteria and must be approved by the Architectural Review Committee:

- The total area of synthetic grass may only equal the LESSER of 200 sq ft or 25% of the backyard area
- The synthetic grass must be naturalistic green in color
- The manufacturer and type of grass must be submitted with the ARB application and is subject to the approval of the Committee, as only high-quality products will be approved
- The artificial turf may not be seen from the street, so screening plants may be required
- Owners are responsible for the regular maintenance of the product, including cleansing and repair
- The ARB Committee may reinspect the turf periodically to assess condition and may require repair or replacement if the turf has become unsightly

B. Sidewalk Strip - The sidewalk strip is the area between the street/curb and the sidewalk and runs from the homeowner's lot side boundary to side boundary.

1. Street trees throughout the neighborhood sidewalk strip area were selected by the developer as part of the neighborhood landscape plan and cannot be changed to another type of tree by the homeowner. The number and spacing of trees in the sidewalk strip were also defined by the neighborhood landscape plan and cannot be changed by the homeowner.
2. It is the responsibility of the homeowner to replace deceased street trees with the same type of tree, comparable in size and height of the existing adjacent street trees (in no case shall the replacement trees be smaller than 3-4" in diameter and 8' in height). Homeowners are required to prune limbs so that street and stop signs are not blocked and pedestrians have a clear walking path on sidewalks (7' on cherry trees and 8-10' on other types of trees).
3. Street trees must be mulched with brown pine needles or dark brown or black color shredded wood mulch. Materials such as red mulch, gravel, lava stone, sand, etc. are not to be used as mulch around street trees. The mulch bed beneath each tree must extend from the street to the sidewalk (approximately 6 feet) and 3 feet on either side of the tree trunk. The mulch must not be permitted to spill into the gutters.
4. The sidewalk strip area must be maintained with grass. Stones, pebbles, sand or other similar materials are not permitted as a replacement for grass.
5. Flowers may be planted in the sidewalk strip area but only around the mailbox post. The bed for the flowers may be no more than a 3-foot radius around the post. Flowers selected must be confined to the 3-foot bed area. If the flower bed is mulched, it must be mulched with brown pine needles or brown to dark brown color, shredded wood mulch. Materials such as dyed mulch, i.e. red mulch, gravel, lava stone, sand, etc. are not to be used as mulch. No shrubbery or other plants shall be planted in the sidewalk strip.
6. Landscaping timbers, interlocking landscaping blocks, bricks or other similar materials not installed by the builder are not permitted in the sidewalk strip area.

7. Sidewalk strip grass must be maintained by the homeowner on a weekly basis during the growing season.
8. Grass and trees in the sidewalk strip must be maintained by the homeowner in a healthy appearance by proper fertilizer treatment; watering and accepted pruning techniques (see American Nurserymen's Association standards).

II. Fencing

1. All fencing must be four (4) feet in height and be picket or decorative metal only, see Exhibit A below. No vinyl, chain link, or privacy fencing is permitted except where provided by the developer. Fencing around swimming pools must meet state and county height requirements and Skybrook appearance requirements.
2. Picket Fencing- All pickets must be dog-eared or angled. The spacing between the pickets shall not be less than 1 1/2 inches and shall be installed on the exterior side of the fence. All wood materials shall be pressure treated southern yellow pine and left natural or stained a natural wood color (any paint or stain with color shall be submitted for approval during the ARB review). All gate posts shall be six by six (6x6) and all fence posts shall be at a minimum four by four (4x4). Spacing between posts shall be no longer than 8' on-center. All hardware must be galvanized or painted black.
3. Decorative Fencing- All decorative metal fencing must be painted black and closely match the pictures provided below. Any other fencing including chain link or other metal fencing is prohibited.



A

B

Exhibit A. Picket Dog-Eared Angled Decorative

4. All fence styles, postcaps, and details must be approved as a part of the homeowner's application.
5. All fences shall be maintained and appear in the condition as provided at installation.
6. Fence setbacks are listed below:
 - Fences may extend 5' from foundation sides beginning at rear corner of house. In no instance shall a fence be located less than 5' from the side property line.
 - Fence shall be located at least 10' from rear of property line on non-golf course lots.
 - Fence shall be located at least 50' from golf course.
 - Corner lot street side fencing shall begin at the rear corner of the house and may extend toward the street no closer than 15' from the property line. The fence must not be located inside the public Right of Way. The fence must extend toward the rear of the lot parallel with the street, maintaining a distance of no less than 15' from the property line.

7. Corner lot street side fencing shall be landscaped with evergreen shrubs 3' in height and placed at 6' intervals on center at time of installation. The shrubs must be planted no closer than 10' from the property line and must not be located inside the public Right of Way. All landscaping shown and/or required per the approval of the fence shall be installed no later than 15 days after approvals, unless otherwise specified by the ARB.

8. It is our experience that wood fencing in this climate quickly loses its attractive appearance and integrity and needs frequent maintenance to meet acceptable standards. Please consider this when planning a wood fence.

9. The Board of Directors and the ARB are granted complete discretion as to the location of any fencing on any lot and will provide specifications for each fence option including any additional details required for installation. The homeowner/occupant must have approvals from the ARB prior to the installation.

10. Electronic fences (e.g. Invisible Fence, radio frequency, etc.) will also require an approved ARB prior to installation.

- Fence may extend 5' from foundation sides beginning at rear corner of house. In no instance shall a fence be located less than 5' from the side property line.
- Fence shall be located at least 10' from rear of property line on non-golf course lots.
- Fence shall be located at least 50' from golf course. Under no circumstance is an invisible fence allowed within the 50-foot buffer for golf course lots.
- Fence shall be located a minimum of 20 feet from any pedestrian sidewalk, or if there is no pedestrian sidewalk, then 20 feet from the property line.

III. 50-foot buffer

A buffer area shall be that portion of any lot within 50 feet of any property line adjoining a lake or pond or Skybrook Golf Club, or as may otherwise be shown on the recorded plat for Skybrook. The Declarant under the Master Declaration has the power to approve improvements and any alterations of landscaping and topography in the buffer area. Any such approvals shall be effective regardless of these Rules and Regulations. Otherwise, the buffer area shall be governed by the following rules:

1. Lots adjacent to the golf course may not modify their appearance or function within 50 feet of the property line of the golf course without the approval of the Skybrook Golf Club and the Skybrook ARB.
2. No modifications will be approved that create a barrier to access, serve to enclose the lot or in any other way interfere with the golf course maintenance, appearance, operation or function. (For example, no fences or hedge rows will be approved within the 50-foot buffer area)
3. No active recreation areas or storage (including sheds) will be approved within the 50-foot buffer. (For example, no swing sets, pools, play equipment/structures will be approved within the 50-foot buffer.)
4. Removal of trees over 3 inches in diameter within the 50-foot buffer area must be approved by the Skybrook Golf Club and the Skybrook ARB.
5. Landscape improvements may be approved at the discretion of the Skybrook ARB provided they enhance the visual appeal of the golf course, their purpose/use is for passive activity (either sitting or standing), and they propose only minor alterations to the topography.

IV. Pets and Animals

1. A court supplied definition of a household pet is a domesticated animal kept for the pleasure, rather than utility, of or relating to a family or social unit who live together in the same building. This definition applies to pets kept in Skybrook. Such pets, i.e., dogs, cats and domesticated animals, may be kept in Skybrook but not for commercial purposes, such as breeding and sale. Kept pets cannot create a nuisance, such as noise, odor (see below) and damage to common areas such as playsets and common structures and common grounds.

Specific to Pet Noise and Odor: Residents are entitled to their space of tranquility, albeit within the normal sounds of community living. Constant barking or other pet sounds and abusive odors caused by pets creating a routine or continual disturbance to that tranquility are not permitted.

2. Concerning aggressive behavior of animals, only the Mecklenburg and Cabarrus Counties “Animal Control” officers are authorized to make the judgment to remove or take control of an animal reported for aggressive behavior or threatening activity. The Board of Directors and the residents should immediately call Animal Control when there is any suspicion or confirmation of such animal behavior. Said differently, no resident should take it upon himself to confront a suspicious animal, nor is the HOA permitted or in a position to rule or corral threatening animals. The Cabarrus County Animal Control number is 704-920-3288. For Mecklenburg County, call 311.

3. Dogs and domesticated animals are under the responsibility of the owner 100% of the time. This means adhering to noise and other stated controls day and night, 24 hours a day. This also means complete control of the animal whether in constrained areas such as in dwellings or fenced areas, and on leash when outside these areas. Electronic collars in lieu of leashes are not permitted anytime outside of controlled areas and when on common open spaces of the community. No dogs shall be kept outside overnight, defined as 8:00 p.m. to 8:00 a.m. Our experience is dogs left outside all day often are disruptive and violators of accepted tranquility.

4. It shall be the responsibility of every pet owner to clean up and collect any dog waste deposited by their dog anywhere in the community. Such waste should be disposed in the pet owner’s personal waste facilities, and only in common trash cans, such as in parks and recreation areas when necessary.

5. No dog run or pen is allowed.

6. The above guidelines are derived from the Huntersville Code of Ordinances, Chapter 94 and from the Cabarrus County North Carolina Code of Ordinances, Chapter 10.

V. Noise and Quiet Enjoyment of Skybrook

Every person within Skybrook is entitled to live in an environment free from excessive, unnecessary, or offensive noise levels. The establishment of these guidelines will further the public health, safety, welfare, and peace and quiet of Skybrook and its residents. Residents must follow these guidelines. Repeated violations may result in notifications of violations and may result in fines of up to \$100 for each violation. These penalties are separate from any other criminal or civil action the violator may be subject to under the codes of Huntersville or Mecklenburg or Cabarrus County.

1. The operation of any gasoline or electric powered lawn maintenance equipment, including lawn mowers, edgers, blowers, tillers, etc., should be conducted between 8:00 a.m. and 8:00 p.m.

2. No motor vehicle that creates a loud, harsh, annoying, or objectionable sound shall be operated on any public area. Any vehicles that have an exhaust system that has been modified to produce a sound in

excess of the State of North Carolina or other applicable municipal or county standards for such noise and equipment shall be a prima facie violation of this section.

3. No minibikes, dirt bikes, powered scooters, all-terrain vehicles, or unlicensed vehicles intended primarily for off highway use shall be operated within Skybrook upon any street, lot or common area.

4. Audio devices located on or in any motor vehicle within Skybrook upon any street, lot, or common area should not exceed a level where such sound may be heard at a distance greater than 25 feet from such motor vehicle, or in any manner that annoys, bothers, or disturbs the peace and quiet of another resident, visitor, or golfer within Skybrook.

5. Street vendors should not use sound or permit the sounding of any device which produces noise, including playing of loud music, or use or operate any loud speaker, public address system, radio, sound amplifier, or other similar device to attract the attention of the public. The HOA Board of Directors shall take such necessary steps to advise the operators of these commercial activities of this section. A violation of this section shall result in a warning for the first violation. A second or subsequent violation shall result in the operator or owner of said business, or the registered owner of any vehicle involved in such business, to be sent a "No Trespass" letter by certified mail, return receipt, issued by the Board of Directors instructing such individual or individuals or business entity not to enter upon any street, lot, or common area located within Skybrook.

6. It shall be a violation of this section for anyone to cause, permit, or allow the emission of any sound from any source or sources which would tend to annoy, bother, harass, or disturb the peace and quiet of any resident, visitor, or golfer within Skybrook. As a guide, sound exceeding 40 db. between the hours of 8:00 p.m. and 8:00 a.m. which emanates from any street, lot, or common area audible upon the lot of another shall be considered a violation of this section. A resident may apply to the Board of Directors in writing for not more than three variances from this section within any 12 month period. If such variance is granted for a special event, such as a social gathering, such noise as described above shall not continue past 11 p.m. A variance to this section shall only be granted for special events on a Friday or Saturday.

7. Construction, repairs, or remodeling activity on homes or structures, including work performed by commercial landscapers, shall not occur upon any lot or in any structure between the hours of 7:00 p.m. and 7:00 a.m., Monday through Friday. On Saturday, no construction or similar activity shall occur between the hours of 5 p.m. and 9:00 a.m. No construction activity shall occur on Sunday except for interior work that does not produce loud, harsh, or objectionable noise and then only between the hours of 10 a.m. and 5:00 p.m. No tools, machinery, equipment or supplies shall be handled or utilized in any way during those hours, nor shall workers, contractors, or subcontractors, congregate upon any lot during those times. This section is not intended to supersede the residential landscaping and maintenance activities as referenced in number 1, above.

8. Homeowners shall understand that all materials must be stored on homeowners' property, and no materials will be stored on the street overnight. This includes dumpsters and porta-johns.

These guidelines are consistent with the noise regulations of both the City of Huntersville and the County of Cabarrus. Residents who find neighbors who are not considerate and abuse the guidelines should contact the authorities in the districts who have the legal and social responsibility to enforce their ordinances. The City of Huntersville noise guideline is found in Huntersville Code of Ordinance, Chapter 93: Nuisances, Section 93.40 and Section 93.41. The Cabarrus County noise guideline is found in NC Code of Ordinances, Section 30-27.

VI. Parking Regulations

A. Vehicle Parking

1. No vehicle of any type which is abandoned, inoperative or being stored (i.e. covered or put up on blocks and not driven on a regular basis), or any vehicle not properly registered, shall be parked upon any lot or in any driveway other than inside a garage, unless approved by the ARB.
2. Only conventional passenger vehicles, including pickup trucks, may be kept upon any lot or in any driveway. All other vehicles, including but not limited to motor homes, trailers, campers, recreational vehicles, boat trailers, boats, other watercraft, motorcycles, scooters, off-highway recreational vehicles and golf carts shall be enclosed in a garage, never stored in driveways.
3. Commercial Vehicles: Commercial vehicles, vehicles with commercial writing on their exterior, vehicles primarily used for commercial purposes, or designed with a commercial purpose in mind shall only be parked in a garage. This section does not apply to any commercial vehicle upon the lot that is not under the control of the owner, but is being utilized by a contractor performing work upon the lot or at the residence and is not present at the lot for more than 10 hours in any 24 hour period.

B. Driveways

1. Driveways, both front and side load are intended to be used for motor vehicles. Any other alternative uses, changes and/or additions to driveways are considered exterior alterations to a home and require an ARB application and approval. This includes movable basketball goals, moveable seasonal flower planters, screened refuse containers (as outlined in these Guidelines), and watering hose containers.
2. Play equipment, soccer and hockey goals, furniture, cooking grills, fire pits, etc., when not in use should be stored daily and should not be visible from the street.

VII. Basketball Goals

1. Basketball goals must be approved by the ARB before installation or placement on the homeowner's property.
2. Basketball goals shall be permitted only if constructed of metal or fiberglass with clear backboard. Basketball goals cannot be affixed to any part of the home exterior.
3. Basketball goals must be installed on the interior side of the lot and must empty into owner's property so that the release of the ball (during play) does not cause damage to a neighbor's home structure, landscaping, automobile(s) or other property. Play must not present a hazard to traffic flow or cause noise nuisance. Normal noise associated with bouncing balls and voices while playing is permitted, but yelling or foul language is not permitted. Play is limited to 9:00 a.m. to 8:00 p.m. If property damage or excessive noise is caused by play, the homeowner may be asked to remove the goal.
4. All basketball goals shall be maintained and appear in reasonable wear and tear condition.
5. Portable basketball goals may only be secured by approved tie downs or anchors into the ground or driveways.

VIII. Play Equipment and Decks

1. Tree houses, playhouses, swing sets and other play equipment are approved to be located directly behind the house to provide natural screening. If visible from the street, additional landscaping screening is required. In the case of corner lot houses, extensive screening is required to soften the view from the side street. Zip lines, skate ramps, and recreational netting are permitted only close to and directly behind the house. All other play equipment must be located at least 10' from property lines.
2. All decks and play structures shall be constructed of natural or composite wood that complements the principal structure (house).
3. All Play structures and decks shall be maintained and appear in such a condition to complement, not detract from the area.
4. All landscaping shown and/or required per the approval of the play structures and decks shall be installed in a timely manner depending on seasonal conditions.
5. Softening landscaping is defined as 4 foot high shrubs or similar plantings spaced to ultimately and essentially block the casual view.

IX. Refuse, Recycling and Sanitary Storage Containers

1. All refuse, recycling, and sanitary storage containers should be stored in the garage. If the owner desires to store these containers on the outside of the residence, the containers must be screened from view and shall meet the following requirements:
 - The screen shall be four (4) feet in height as measured from ground level and be located on the side or rear of the residence.
 - The materials may only consist of wood or vinyl and shall match the predominant color of the primary residence.
 - The screen shall directly abut the residence, enclosing the container(s) on three sides.
2. Approvals for container screening shall meet the following option:
 - The homeowner must submit an application, survey providing the location, and pictures of the desired screen for approval through the ARB. Note that the desired screen must meet all of the requirements listed above and the approval will be subject to the discretion of the ARB. Examples on next page are provided as a guideline.



X. Sheds

1. Must not exceed 100 square feet in size and may not have a dimension larger than 10'.
2. Must be located in the rear yard, not be visible from the street and must be located at least 10' from all property lines. On corner lots the shed shall be located on the non-street side, be located directly behind the residence and 10' from all property lines. Sheds shall remain outside the 50' buffer on all golf course lots.
3. All materials have to match with predominate housing materials (i.e. if the residence is brick, the shed must use matching bricks). All doors, trim, and fixtures must match exactly with the residence.
4. Must only have one floor and be finished on the interior. At no point shall the shed be converted or used as an accessory dwelling to the primary residence. Height of the shed will be determined by the ARB at the time of application.
5. Shall be landscaped on all four sides with 4' evergreen shrubs at installation. The only exception to landscaping will be at the opening of the shed.

XI. Detached Garages

1. Detached Garages will only be allowed on Saussy Burbank Houses with existing side load garages
2. The proposal must be for a one or two car, single story garage only. Height of the garage will be determined by the ARB at the time of application.
3. No garage shall be permanently enclosed or converted to another type of living space so that amount of garage capacity is reduced below the original specifications of said dwelling.
4. The detached garage must match in appearance and architectural style with the on-site house and be built fully to building code.
5. All building materials used shall match exactly with the on-site residence including but not limited to the trim, shingles and lighting fixtures.
6. The interior of the garage shall be finished and painted to match the interior of the existing garage or as otherwise approved by the ARB committee.
7. If there are any proposed secondary entrances, these must match with the existing exterior doors on the house.
8. The proposed garage doors must match in materials exactly with the existing on-site garage door.
9. The roof pitch shall be 8:12 (33.69 degrees) as shown on the Saussy Burbank plans.
10. The detached garage must be located ten (10) feet from all property lines.
11. The entire perimeter of the garage (with the exception of door openings) must be landscaped with shrubs. The applicant must supply a landscaping plan within sixty (60) days after the completion of the garage. The plan will provide a layout of the shrub locations, plant types, height and size at installation. This plan will be subject to the approval of the ARB Committee.

XII. Other

1. Window screens are now permitted on any of the front windows of the residence. Frames must match the house trim or be white if window frames are white. The screens must remain aesthetically acceptable. The screens must be similar to what the builder provided. They do not have to be retractable. They cannot be copper.

2. Pools must be located in the rear yard directly behind the residence, and be at least 10' from all property lines. All proposed fencing shall meet the Skybrook Fencing Guidelines. All pools must meet all city, state, and federal regulations.
3. All flags must either be American, North Carolina, or seasonal. All poles must be fastened to the house or house supports in a location that does not deter the exterior of the house. No flags will be permitted to hang on or from the roof of the house. School flags and Professional Sports Team flags will also be permitted. Political candidate and flags related to social matters are not permitted.
4. The erection of all antennae or other structures designed for receipt or transmission of television, radio, or other communication signals on any lot must have express written approvals from the ARB prior to installation. The installation of these dishes and antennae shall be made in the least visible location to the street and adjacent properties.
5. Solar panels are permitted, as a first choice on the rear roof; secondarily on the side roof, depending on solar efficiency. Panels and associated materials are never allowed on front roofs. Colors of all associated items must blend with existing colors of roof and home.
6. Any changes to external materials or color must be submitted to the ARB for approval prior to any work being performed on site. The homeowner must receive approvals for all colors or stains for the purpose of resurfacing or renewing any exterior building wall or any accessory structure surface (including but not limited to deck, playhouse, fence, etc).
7. Driveways and walkways on homeowner property should be repaired or replaced with materials that compliment the existing architecture. Asphalt, rock, gravel, and epoxy are not permitted. Concrete driveways, walkways, and pavers may not be painted.
8. In accordance with our HOA's legal documents, as well as the NC State Statute regarding political signs, please be reminded of the following:
 - a. Only election-specific signs are permitted (signs pertaining to "social" matters are not allowed) on private lots
 - b. Signs must be no larger than 24" by 24"
 - c. Signs may be displayed no earlier than 45 days before and no later than 7 days after an election (specifically, September 19th through November 10th)
 - d. Only one (1) sign per home will be allowed
 - e. Note: No signs will be permitted on common area grounds and will be promptly removed

XIII Community Parks, Lakes, and Common Open Spaces

1. All parks, lakes, and common open spaces are private property owned by the Skybrook Homeowners Association.
2. The parks, lakes, and common open spaces are governed by the following objectives:

PARK RULES USE:

Skybrook Residents and their guests only
Private Property/No trespassing
Park hours are dawn to dusk
Loud disturbing noise is prohibited
Pets must be on leash and under owner control
It is unlawful to fail to pick up your pet's waste

Fires are permitted only in grills provided
Clean up and dispose of trash in proper containers
No motorized vehicles
Fire arms prohibited

3. It is repeated that the parks, lakes, and common spaces are for Skybrook residents and their accompanied guests only.
4. Use of the Central Park and Wallace Pond pavilions will be on a pre-scheduled reserved basis. This is accomplished through CAMS. Forms are available via the CAMS portal.
5. All residents are responsible for obeying HOA rules and ensuring their guests obey them. Residents are responsible for any damage or violation of these rules by their guests. Vandalism, damage or misuse and/or violations of the parks, lakes, and common open space rules by residents and their guests may result in a fine to the hosting resident. Any fines are in addition to a special assessment to the hosting resident for the cost of replacing and/or repairing the property to its prior condition. Written notice and an opportunity for a hearing will be provided for the resident, however, the resident's non-attendance of the hearing will result in a "no contest" decision and will result in the immediate application of the fine and/or special assessment to their HOA account.

These penalties are separate and independent from any other criminal or civil action to which the violator(s) may be subject.