

ARCHITECTURAL GUIDELINES
CURETON – Phase 2B
December 2009

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ARTICLE 1 PURPOSE

The purpose of the ARCHITECTURAL GUIDELINES is to outline the criteria that will guide the architectural development of the homes in Cureton (the “Community”). They are intended to enable the coordination of the activities of various builders within the Community to achieve the goals of compatible, consistent and complimentary design throughout.

The Community will grow gradually, and its ultimate form will be reflective of the many design decisions of builders and their design teams. These guidelines are intended to provide the foundation upon which the Community will emerge.

The ARCHITECTURAL GUIDELINES are intended to assist builders, architects and landscape architects to become active participants in the design process, and to assure long term community quality. They are not meant to limit development choices or design alternatives, but rather to encourage creativity and innovation while creating a blend of home styles that will enhance the community environment. The ultimate result will be the creation of cohesive residential character and appeal.

The ARCHITECTURAL GUIDELINES provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. The ARCHITECTURAL GUIDELINES set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage and lighting. In addition, the ARCHITECTURAL GUIDELINES establish a process for review of proposed construction and modifications to Units to ensure that all sites within the Community are developed with the consistency and quality that attracted our buyers to this development.

While these ARCHITECTURAL GUIDELINES are written primarily for new construction, they also apply to any alterations, additions or repainting of existing structures. The Architectural Review Committee (the “ARC”) is authorized and empowered to consider and review any and all aspects of the construction of any improvements on a Lot which may, in the reasonable opinion of the ARC, affect the living enjoyment of one or more Owners or the general value of the Property or the Community.

Any homeowner proceeding with alterations, additions or repainting without prior approval by the ARC risks having to correct or remove any violation at his/her own expense.

The ARCHITECTURAL GUIDELINES may be updated and revised over the course of the development as determined necessary.

ARTICLE 2 PROCESS AND PROCEDURE

1. The Design Review Coordinator.

Every proposed home within the Community and every proposed change to existing homes within the Community must be reviewed by the ARC before construction will be approved.

The Declarant has the right to function as the ARC until such time as all Lots in the Community have been improved with a Structure. The Declarant is not required to transfer this review and authoritative power to the Cureton Homeowner’s Association, Inc. (the “Association”) until then.

A Design Review Coordinator (the “Reviewer”) will be appointed by the ARC to coordinate the design review process.

The Reviewer is available to help interpret the ARCHITECTURAL GUIDELINES and offer suggestions about housing concepts. All owners and builders are urged to meet with the Reviewer as early as possible to assist with the planning of their homes and subsequent improvements or alterations.

2. **The Review Process.**

The ARCHITECTURAL GUIDELINES outline an efficient and equitable process that will be administered by the ARC.

The ARC will review all plans for new construction and alteration for conformance to the ARCHITECTURAL GUIDELINES.

All reviews, substitutions and approvals by the ARC will be considered binding and final.

Compliance with these standards does not preclude the ARC’s right to deny a plan submittal solely for aesthetic reasons.

Nothing in the ARCHITECTURAL GUIDELINES places any obligation for any government agency to approve any plans, nor shall approval by the ARC be interpreted as meeting the requirements of Union County or any other governing agency.

3. **Submission of Plans.**

No improvements of any kind or nature shall be erected, remodeled or placed on any Lots until the plans and specifications for the improvement and a site plan, including depictions of driveways, walkways, alleys, lawn area, landscaping and drainage patterns, have been submitted to and approved in writing by the ARC, as to:

- workmanship and materials, adequacy of site dimensions and alignment of main elevation with respect to nearby streets;
- conformity and harmony of the external design, color, type and appearance of exterior surfaces and landscaping; and
- other standards set forth within the Declaration, the ARCHITECTURAL GUIDELINES, bulletins promulgated by the ARC, or matters in which the ARC has been vested with the authority to render a final interpretation and decision.

Two (2) sets of professionally prepared plans for the proposed improvements must be submitted for approval.

The submittal must include:

1. the dimensional floor plan showing: decks, patios, stoops, retaining walls related to the residential dwelling, trash enclosures, HVAC equipment and utilities (and the screening of same), and connections to driveways and walkways.
2. the four elevations showing: building materials and finishes, and indicating the maximum height of the residential dwelling.

3. the roof plan showing: slopes, pitches and gables; unless reflected on the other plans.
4. the site plan showing: a clearing and grading scheme with proposed and existing land contours, grades and flow of the site drainage system, location of existing trees (including identification of every hardwood with a diameter of four inches (4") of more at a height of three feet (3') above grade) and the location and size of trees proposed for removal, retaining walls, driveways, curbcuts, walkways, fences, pools, patios and other improvements.
5. the landscape plan showing: location and criteria as noted above, protection of existing vegetation, use of plants, and other landscaping details.

The floor plan and elevations must be at a scale of one-fourth inch (1/4 ") equals one foot (1'). The site plan and landscape plan must be at a scale of one inch (1") equals a minimum of twenty feet (20'). The landscape plan must include a schedule of all plant materials, including the size and quantities of all materials to be used.

Any change in the approved plans must be resubmitted for approval.

The ARC is authorized to request the submission of samples of proposed construction materials.

4. **ARC Approval or Disapproval.**

If the plans and specifications meet the approval of the ARC, one (1) complete set of plans and specifications will be marked "Approved" and returned to the Lot Owner and the remaining set will be filed in the offices of the ARC.

If found not to be in compliance with the ARCHITECTURAL GUIDELINES or the Declaration or if found to be otherwise unacceptable to the ARC, one (1) set of the plans and specifications shall be returned to the Lot Owner marked "Disapproved", accompanied by a statement in reasonable detail of items found not to in compliance or otherwise being unacceptable.

Owner thereafter shall resubmit, in accordance with the provisions of this section, such plans and specifications setting forth the required changes to the ARC for its approval.

Any modification or change to the approved set of plans and specifications must be again be submitted in duplicate to the ARC for its review and approval.

Once the ARC has approved the plans and specifications for the improvements, the construction of such improvements must be promptly commenced and diligently pursued to completion. If not commenced within three (3) months following the approval date, such approval shall be deemed rescinded. Thereafter, the plans and specifications must again be approved by the ARC.

The ARC may refuse approval of plans, location, exterior color or finish or specifications for any reason, including purely aesthetic reasons, which in the sole discretion of the ARC shall be deemed sufficient.

5. **Failure of the ARC to act.**

If the ARC fails to approve or disapprove any submittals that conform (and which relates to improvements which will conform) with the requirements hereof or to reject them as being inadequate or unacceptable within fifteen (15) days after receipt thereof, and provided such submittal was a full

and complete submittal of all items that were to have been submitted to the ARC, it shall be conclusively presumed that the ARC has approved such conforming plans and specifications and other submittals.

The ARC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration, except where variances shall be expressly permitted herein.

If plans and specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ARC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject the balance.

6. **Variances.**

While the ARCHITECTURAL GUIDELINES are intended to provide a framework for construction and modifications, they are not all-inclusive. In its review process, the ARC may consider the workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structure, topography, and finish grade elevation, among other things.

ARC decisions may be based on purely aesthetic considerations.

The ARC shall not, however, grant approval for proposed construction that is inconsistent with the ARCHITECTURAL GUIDELINES, unless the ARC grants a variance.

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship or environmental considerations) when deviations may be required.

The ARC shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a violation of the Declaration.

Such variances shall be in basic conformity with and shall blend effectively with the general architectural style and design of the community and shall not materially change the scheme of restrictions herein set forth.

Written requests for variances shall be deemed to be disapproved in the event the ARC has not expressly approved such a request in writing within thirty (30) days of the submission of such requests. No member of the ARC shall be liable to any Owner for any claims, causes of action or damages arising from the grant or denial of any variance to any Owner.

Each request for a variance submitted shall be reviewed separately and apart from other such requests, and the grant of a variance to any Owner shall not constitute a waiver of the ARC's right to strictly enforce the ARCHITECTURAL GUIDELINES or the Declaration against any other Owner.

7. **Appeal.**

Any Applicant shall have the right to appeal a decision of the ARC by resubmitting the information, documents and fees set forth above; however, such appeal shall be considered only if the Applicant has modified the proposed construction or modification or has new information which would, in the ARC's opinion, warrant reconsideration.

If Applicant fails to appeal a decision of the ARC, the ARC's decision is final.

In the case of a disapproval and resubmittal, the ARC shall have ten (10) days from the date of each resubmittal to approve or disapprove any resubmittal.

The filing of an appeal does not extend any maximum time period for the completion of any new construction or modification.

8. **Review Fees.**

When an Owner (hereafter collectively referred to as “Applicant”) submits plans to the ARC for approval, the submission shall include a “Review Fee”. The Review Fee shall be made payable to the Association as follows:

- **New Home Construction:**
The original improvement of a Unit from a site into a residential dwelling. Review Fee: \$250.00
- **Major Alteration or Addition:**
A structural or site modification significant enough to warrant the issuance of a building permit by a governmental authority. Review Fee: \$100.00
- **Minor Architectural Modification or Addition:**
Any architectural changes which require architectural review and approval as set forth in the Declaration or these ARCHITECTURAL GUIDELINES but a governmental building permit is not required. For example, changing the exterior color scheme of the residence or installing landscaping which deviates from the typical landscaping plan. Review Fee: \$50.00
- **Changes To or Resubmission of Approved or Unapproved Plans:** Review Fee: \$20.00

9. **Implementation of Approved Plans.**

All work must conform to the approved plans.

If it is determined that work completed or in progress on any Unit is not in compliance with these ARCHITECTURAL GUIDELINES or any approval issued by the ARC, the ARC shall, directly or through the Board, notify the Owner and Builder, if any, in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner and/or Builder to remedy the same.

If the Owner and/or Builder fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these ARCHITECTURAL GUIDELINES.

10. **Limitation of Liability.**

Plans and specifications are not approved for engineering or structural design or quality of materials, and by approving such plans and specifications neither Declarant, the ARC, the members thereof, nor

the Association assumes liability or responsibility therefore, or for any defect in any structure constructed from such plans and specifications.

Neither the ARC nor the members thereof nor the Association nor Declarant shall be liable in damages or otherwise to any Owner by reason of a mistake of judgment, negligence or nonfeasance arising out of or in connection with any submittal for approval or disapproval or failure to approve or disapprove any plans or specifications.

Every person who submits plans or specifications, and every Owner, agrees that he/she will not bring any action or suit against Declarant, the Association, the ARC, the Board of Directors, or the officers, directors, members, employees and agents of any of them, to recover any such damages and hereby releases, remises and quitclaims all claims, demands and causes of action arising out of or in connection with any judgment, negligence or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands and causes of action not known at the time the release is given.

11. **Enforcement.**

The Association shall have the specific right (but not obligation) to enforce the provisions contained in the ARCHITECTURAL GUIDELINES and/or to prevent any violation of the provisions contained therein by a proceeding at law or in equity against the person or persons violating or attempting to violate any such provisions.

As to nonconforming or unapproved improvements, the Association may require any Owner to restore such Owner's improvements to the condition existing prior to the construction thereof, including, without limitation, the demolition and removal of any unapproved improvements if such improvements were commenced or constructed in violation of the ARCHITECTURAL GUIDELINES or the Declaration.

In addition, the Association may, but has no obligation to, cause such restoration, demolition and removal and levy the amount of the cost thereof as a special individual assessment against the Lot upon which such improvements was recommenced or constructed.

12. **Diligent Construction.**

All improvements to be constructed on a Lot must be completed within one (1) year following commencement of construction (i.e.: commencement of clearing) unless a longer time is approved in writing by the ARC.

All construction, landscaping or other work which has been commenced on any Lot located within the Property must be continued with reasonable diligence to completion and no partially completed houses or other improvements shall be permitted to exist on any Lot, except during such reasonable time period as is necessary for completion.

All lawn areas and landscaping located on any Lot must be installed in accordance with approved plans no later than three (3) months after the date on which a Certificate of Occupancy has been issued for the residence on such Lot.

13. **Governmental Requirements.**

Nothing herein contained shall be deemed to constitute a waiver of any governmental requirements applicable to any Lot and all applicable governmental requirements or restrictions relative to the

construction of improvements on and/or use and utilization of any Lot shall continue to be applicable and shall be compiled with in regard to the Lots.

To the extent that any Union County or other local government ordinance, building code or regulation requires a more restrictive standard than the standards set forth in these ARCHITECTURAL GUIDELINES or the Declaration, the local government standards shall prevail.

To the extent that any local government standard is less restrictive, the Declaration and the ARCHITECTURAL GUIDELINES (in that order) shall prevail.

14. **Architectural Standards Bulletins.**

The ARC may, from time to time, publish and promulgate architectural standards bulletins which shall be fair, reasonable and uniformly applied in regard to the Lots and shall carry forward the spirit and intention of these covenants, conditions and restrictions.

The ARC shall be responsive to technological advances and general changes in architectural design and materials and related conditions in future years and use its best efforts to balance the equities between matters of taste and design and use of private property.

Such bulletins shall supplement these ARCHITECTURAL GUIDELINES and the Declaration, and are incorporated herein by reference.

15. **Architectural Standards.**

The exteriors of all buildings must be designed to be compatible with the natural site features of the Unit and to be in harmony with their surroundings.

The land forms, the natural contours, local climate, vegetation and the views should dictate the building location, the building form and the architectural style.

The ARC may disapprove plans if, in its sole judgment, the massing, architectural style, roof line, exterior materials, colors or other features of the building do not meet the standards of the ARCHITECTURAL GUIDELINES.

ARTICLE 3 ARCHITECTURAL DESIGN

1. **Architectural Style.**

The intent of the ARCHITECTURAL GUIDELINES is to encourage the excellent decision of a community of individual residences which, when viewed together, produce an outstanding total community environment.

It is not the intent of the ARCHITECTURAL GUIDELINES to dictate a particular architectural style, but rather to provide Lot Owners and their architects with a set of guidelines that will foster an attractive community.

The residential architecture at the Community should work in harmony with the natural features of the surrounding terrain.

Traditional architectural styles are preferred as the basis or foundation of the design. However, contemporary interpretations of traditional designs are acceptable, provided they adhere to the criteria of the ARCHITECTURAL GUIDELINES.

The designs employed shall be compatible with traditional architectural styling in terms of make, shape, profile, scale and proportion.

2. **Design Features.**

The homes in Cureton should reflect the individuality of their Owners while adhering to the principles of the architecture.

The following considerations are among those to be addressed when developing the architectural design for improvements to be constructed on a Lot:

1. The residence shall be located on the Lot with minimum disruption to the natural topography, vegetation and unique site features.
2. There shall be a consistency in the site planning, architecture and Landscape Improvements.
3. Sensitive interpretation of the architectural style is encouraged within the constraints of budget and site.
4. A consistent scale shall be used throughout the design of the residence and other improvements, with each element designed in proportion to the other design elements.
5. The various building materials shall allow for a pleasing and harmonious exterior appearance for the residence and other improvements. Building materials shall be used logically.
6. Appropriate colors shall be used and colors shall be used with restraint.
7. Bay windows shall be carried down to grade or visual support of cantilevered conditions must be expressed. When bay windows are stacked in a two-story configuration, the blank panel between all facets shall be accented.
8. Masonry or stucco used as a veneer material on the façade of a residence shall continue around the front corners of such residence to a logical point of termination.
9. The main roof shall have a minimum slope of six vertical to twelve (12) horizontal. Shed roof forms are discouraged. Roof shapes and configurations shall be planned to avoid complex, awkward or odd roof designs.
10. Gutters and downspouts shall be used at all eave lines unless deemed inappropriate. All exterior downspouts (except copper downspouts) shall be painted to blend with the color of the exterior of the residence.
11. All roof structures, such as attic vents, plumbing vents, etc., shall be treated or painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate.
12. All utilities and utility connections shall be located underground, including electrical and telephone cables and wires.

13. Unless otherwise required by the applicable public utility, transformers, electric, gas or other meters of any type, or other apparatus shall be located at the rear of the buildings constructed on Lots or, if approved by the ARC in writing, located elsewhere on the Lot provided they are adequately screened as required by the ARC in accordance with the provisions of the Declaration and ARCHITECTURAL GUIDELINES.
14. Each Owner shall provide the company providing telephone service to the Owner's Lot with a fifteen (15) volt AC-15/20 AMP receptacle in a waterproof box on an appropriate exterior wall upon request.
15. Exposed electrical equipment, stubouts, conduit, drain lines, pipes and vents must be screened from view with landscaping and/or other fixed screening.
16. Exterior disconnects for air conditioning equipment, etc. shall be mounted at the lowest point allowed by applicable building codes.
17. Gas meters must be adequately screened with Landscape improvements to conceal equipment from view. Unless otherwise approved by the ARC, no gas meter shall be set in front of a residence of a Lot unless such meter is of an underground type.

3. **New Construction.**

Construction of new buildings only shall be permitted on a Lot, it being the intent of the Declaration and the ARCHITECTURAL GUIDELINES to prohibit the moving of any existing building onto a Lot and remodeling or converting the same into a Structure.

4. **Structure Types.**

Each Lot may contain only one detached single-family private Structure and one private garage and only such other accessory structures as are approved in advance in writing by the ARC. Provided, however, the Declarant [and Affiliates] shall be entitled to use Lots owned by it from time to time for the construction and operation of construction offices and sales/marketing offices (and related uses) for the Community.

5. **Prefabricated Structures.**

Prefabricated or factory built structures shall not be permitted within the Community. Such manufactured units shall not be employed as elements in the construction of residential structures affixed to real property within the Community except by express written consent of the ARC.

6. **Massing.**

Equal attention to detail and architectural definition must be given to all sides of the structure including, but not limited to, the foundations, banding, accent materials, roof character and window treatment.

Retaining walls, planter walls and privacy walls should be used to break up the elevation of a building and help relate the structure to the ground.

All exposed concrete block or poured concrete foundations and site retaining walls must be covered with an appropriate wall-facing material, which must be approved by the ARC.

ARTICLE 4 CONSTRUCTION

1. Site Approval.

After approval by the ARC of the plans for any structure and prior to the commencement of any construction or grading on the Lot for which such plans were approved, the location of such structure shall be clearly marked on such Lot. After such marking, the Owner and/or the Owner's Builder shall request in writing that a representative of the ARC inspect the proposed location of the structure as marked on the Lot.

Within two (2) weeks after receipt of such written request, the ARC shall inspect the proposed location of the structure as marked on the Lot, and notify the Owner in writing of its approval or disapproval of the proposed location of the Structure.

In any case in which the ARC shall disapprove the proposed location, or shall approve the same only as modified or upon specified conditions, such disapproval or qualified approval shall be accomplished by a statement of the grounds upon which such action is based. In any such case, the ARC shall, if requested, make reasonable efforts to assist and advise the applicant in order that an acceptable location may be marked and submitted for approval.

In no event shall the Owner or the Owner's contractor allow any grading or cutting of trees on the Lot prior to approval of the proposed location by the ARC.

2. Location of Improvements.

The ARC shall have the right to control absolutely (subject to the provisions of zoning ordinances of the appropriate governmental authorities), the precise site and location of any building or structure on any Lot for reasons which may in the sole and uncontrolled discretion and judgment of the ARC be sufficient.

Such location shall be determined only after reasonable opportunity is afforded the Owner of the Lot in question to recommend a specific site.

3. Setbacks.

Setback requirements from property lines are established by Town of Waxhaw ordinance and are subject to public utility easements, drainage easements, landscape easements depicted on the Master Plan and rights-of-way. The buildings on each Lot shall not be located on any Lot nearer to the Lot boundary line than the setback, sideline and rear yard requirements required by applicable zoning laws and other governmental requirements.

4. Sight Line Limitations.

To the extent that governmental requirements shall not impose a stricter standard, no fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street-side property lines and a line connecting them at a point thirty-five (35') feet from the intersection of the street-side lines, or in the case of a rounded street property corner, from the intersection of the street-side property lines, as extended. These sight line limitations may be shown on the recorded plat(s) of the Property.

The same sight line limitations shall apply on any Lot within ten feet (10') from the intersection of a street property line with the edge of a driveway or alley pavement.

No tree shall be permitted to remain within such distances of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of sight lines.

5. **Minimum House Size.**

The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, porte-cocheres and unheated storage areas, decks and patios.

Except with the express approval of the ARC, which may be withheld in its sole discretion, no single family residential structure shall be located on any Lot unless said structure shall have at least 1,200 square feet of heated living area.

6. **Maximum Structure Height.**

No structure erected upon Lot shall contain more than two and one-half (2-1/2) stories above ground level; provided, however, the ARC shall have the right (but not the obligation), because of steep topography, unique Lot configurations or similar reasons, to allow Structure heights greater than two and one-half (2-1/2) stories on rear and side elevations.

7. **Erosion and Sediment Control.**

To the extent deemed reasonably necessary by the Declarant and/or appropriate government agencies, sufficient sediment control measures shall be taken by the Owner and/or Owner's Builder to ensure that all sediment resulting from any land disturbance or construction operation is retained on the Lot in question. Such measures may include, but not be limited to, the installation and maintenance of silt fences, straw base fences, storm water inlet protection or retention ponds and temporary seeding.

All sediment control measures must be maintained until such Lot has been permanently stabilized with landscaping.

8. **Grading.**

Owners shall not grade their property so as to interfere with the established drainage pattern over any property except as approved in writing by the ARC. Owners should work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades.

Clearing of vegetation with greater than a four-inch caliper measurement and located within twenty-five feet (25') from the rear property lines shall be prohibited, unless the Owner obtains a variance from the ARC due to topography, drainage or another extenuating circumstance.

Owners may create berms, slopes and swales for the purpose of defining space and screening undesirable views, noises and high winds. Grassed slopes or berms are suggested not to exceed three feet (3') of horizontal distance to one foot (1') of rise or vertical height (3 to 1 slope) to permit greater ease of mowing and general maintenance.

9. **Drainage.**

Drainage considerations for individual Lots play an important part in the ecological balance of the Community. Water runoff for each individual Lot must be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities.

Water runoff and control is the responsibility of each Lot Owner relative to such Owner's Lot. Particular care must be taken on Lots fronting the amenity and common areas. Lots shall drain independently rather than to adjoining Lots or the common areas.

Building Plans and Specifications for any Lot shall include a conceptual drainage plan for such Lot.

Lots shall be graded in such a manner so as not to block any natural or manmade swales, ditches or drainage structures.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or against the house foundation. Water should flow fully over walkways, sidewalks or driveways into the street. The ARC may require a report from a drainage engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

Drainage of the Unit must conform to all Town requirements. All drainage and grading must be indicated on the Site Plan. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ARC.

The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Builder prior to (or in some cases, immediately following) conveyance of title from Builder to the individual homeowner. Owners may make minor drainage modifications to their Units provided that they do not alter the established drainage pattern.

10. **Houses on Slab.**

All slab houses must be on no less than a "built-up slab" with a minimum of twelve inches (12") from finished walkway to interior finished floor elevation.

The exterior of the concrete block foundation is to be veneered with brick, stone or stucco, depending on the exterior material of the main house.

11. **Foundations.**

All structures must have stone, brick or stucco foundations, as applicable to the material of each individual house.

The extent of masonry foundation should be limited to the extent possible to twenty-four inches (24") above finished grade. No exposed block or unfinished foundation is permitted.

12. **Exterior Materials.**

Exterior materials shall be brick, stucco, stone, wood, fiber cement siding, horizontal and vinyl siding.

Brick exteriors must cover the front of the home and must be wrapped around to cover at least twelve inches (12") of the sides of the home.

Architectural features such as quoin-corners are encouraged.

Horizontal siding must be fully back-supported to maintain a straight and even outer surface and must be fully and properly finished.

The use of vinyl siding is permitted.

Natural weathering of exterior wood materials is prohibited.

Imitation stone or brick-like materials are permitted subject to ARC approval.

The exterior materials of all structures on all Lots shall be harmonious and complimentary.

Exterior materials on all houses shall be specified in the plans submitted to the ARC for approval.

The recommended siding materials are: “hardi-plank” or similar concrete impregnated board lap siding, and shingles.

Brick may be used as the primary material of a structure. If used as a secondary or trim material, there shall be no red, orange or white looking brick, and no weeping or black mortar. All brick shall be in subdued colors and samples must be submitted for approval. Old, used brick may be accepted in special areas, as may be the painting of brick.

Stucco can be used as the primary material of a structure. It may also be used as a secondary or trim material and to cover foundation walls. All stucco is to be painted to match, or at minimum be compatible with, the primary exterior color of the structure.

13. **Exterior Colors.**

The exterior colors of all structures on all Lots shall be harmonious and complimentary.

Exterior colors shall be specified in the plans submitted to the ARC for approval.

The exterior colors of the walls and roof of single-family residential structures shall be compatible and harmonious with the colors of nearby single-family residential structures. Highly reflective and bright colors shall be avoided.

Trim colors shall be compatible with the primary field color and limited to architectural details such as fascia, frames, shutters, front door, etc.

The color of walls of adjacent residential structures shall not be the same, unless the concept of a grouping of similar structures so specifies.

Owners may repaint in accordance with the originally approved color scheme of any dwelling or improvement. ARC approval is required for all changes in exterior painting. Review criteria may include, but shall not be limited to, the sheen of paint, the home’s architecture, any existing stone or brick accents, roof color, and neighboring properties’ colors. Primary and trim colors for all exterior building surfaces must complement the architectural theme of the house.

14. **Exterior Lighting.**

Exterior lighting (which must be approved by the ARC as part of the Building Plans and Specifications) must be limited to areas within the Building Envelope (unless otherwise approved in writing by the ARC), must not result in excessive glare and must not interfere with the privacy of nearby Structures, all as determined by the ARC in its sole discretion.

Light sources must be approved by the ARC and must be concealed, where possible, and all light shall be in shades of white. Colored lights are prohibited. No spillover of light can occur on neighboring properties. Wall washes can be achieved through a soffit-mounted, wall or ground light. Tree uplights shall be limited to moderate use only, and should be concealed underground or in shrub masses.

Garden lights or walkway bollards should direct the light downward with a concealed spotlight.

No mill finish aluminum housing will be allowed for landscape lighting.

15. **Utilities.**

Pipes, wires, poles, utility meters and other utility facilities shall be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure. Any utilities or utility equipment not installed below ground or within an enclosed structure requires ARC approval which will be predicated on the use of approved Landscape Improvements and/or screening. Utilities include water, sewer, power, telephone, cable television and miscellaneous conduits.

16. **Roofs.**

Roofs and roof pitches shall be in proportion to the overall size and shape of the house. Except as specifically approved otherwise in writing by the ARC, the minimum roof slope shall be six (6) vertical to twelve (12) horizontal.

Architectural roof shingles shall be used. Acceptable roofing materials are minimum twenty-five (25) year warranty, variegated (not solid) color, architectural (sculpted) style, or composition (fiberglass) shingles. The ARC may consider other roofing materials. It shall be in the ARC's sole discretion to approved or disapprove other roofing materials.

All specific roof materials to be used must be approved in writing by the ARC as part of the final Building Plans and Specifications prior to commencement of construction.

Roofing materials and colors shall be specified in the plans submitted to the ARC for approval.

No plumbing or heating vent shall penetrate roof surfaces that face the street or streets adjacent to the residential structures. All roof stacks and flashing must be painted to blend with roof color.

ARC approval is required for all rooftop equipment and accessories, unless specifically excepted in this Section.

All rooftop mechanical equipment shall be screened from neighboring dwellings and yards, sidewalks and streets. All rooftop equipment must match roofing colors or be of a color that complements the house and must be placed as inconspicuously as possible.

Exposed flashing, gutters and downspouts must be painted to match the fascia and siding of the structure.

Any installed solar energy equipment shall have the appearance of a skylight, shall have a finished trim material or curb and shall not be visible from the street.

ARC approval for skylights is required. Skylights should be placed in locations so as not to detract from the building elevations.

17. **Chimneys.**

Chimneys shall be full foundation based and constructed of brick, stone, siding or stucco or other material approved in writing in advance by the ARC.

Chimneys shall have a design and location and shall be constructed of a material that is appropriate to the house (provided that fireplaces not located on exterior walls may be constructed of an alternative material if approved in advance in writing by the ARC).

Exposed metal flues and wood chases shall not be used. Chimney cap covers are required for prefabricated metal flues.

Chimney stacks on the front or sides of houses may not be cantilevered and hang in the air. They must sit on foundations veneered with brick or stone as applicable to the material of each individual house.

Drive-under houses must have a built-out shed roof at the side of the house which can function as a chimney base.

18. **Windows, Shutters, Doors.**

Windows shall generally be the same type and style all around the house.

Thermal pane windows are preferred and exterior storm window generally will not be permitted.

Wood windows are preferred; however, vinyl windows will be considered provided the style and profile are visually similar to wood windows.

Shutters are encouraged and shall fit the proportion and shape of the windows.

All windows and doors are encouraged to have wood caps or other approved decorative treatment.

Silver-finish aluminum doors (including sliding doors) and windows shall not be approved.

Factory-painted or anodized finish aluminum may be used, the color of which shall be specified in the plans submitted to the ARC for approval.

Windows should be clear glass or a tinted glass of bronze, grey, green or smoke colors. No reflective glass or reflective tinting may be used.

ARC approval is required for exterior shutters. The shutter shall be of a material similar to and of a color and design generally accepted as complementary to the exterior of the house.

ARC approval is required for the addition of screen doors or other type doors to a home or an accessory building. The material shall match or be similar to existing doors on the house and the color must be generally accepted as complementary to that of existing doors on the house.

The ARC must approve security treatments for doors and windows; however, no "burglar bars", steel or wrought iron bars, or similar fixtures shall be installed on the exterior of any windows or doors of any dwelling.

19. **HVAC Equipment.**

No air conditioning or heating equipment or apparatus shall be installed on the ground in front of, or attached to any front wall of, any residence on a Lot. Additionally, air conditioning and heating equipment and apparatus shall be screened from view from streets by Landscape Improvements as more particularly provided in the Landscape Guidelines.

No air conditioning or heating apparatus shall be installed on the ground in the side yard of a Structure unless the same shall be screened from view from the street abutting such Lot and any adjacent Lot.

Window or wall mounted air conditioning or heating units are prohibited.

20. **Garages.**

Garages are not required on any Lot. Any garage located upon any Lot must be consistent in design with the overall architectural design of the Structure on the Lot as determined by the ARC.

The placement of garages and driveways has a great effect on the overall aesthetics of the street scene and on the architectural appeal of each specific residence. A street scene with emphasis on residences instead of garages and driveways is more visually interesting. For that reason, certain garage placements on a Lot are discouraged. The orientation and location of garages should be determined in relation to topography, trees and building lines in conjunction with the overall house approval.

In cases where a front entry attached garage must be used, recessing the garage from the remainder of the residence diminishes the adverse impact of the front entry garage on the street scene and keeps the residence from appearing to be composed of almost entirely the garage. Therefore, in cases where Lot size does not allow a side entry garage, a minimum of thirty-six (36) inch offset of the front entry garage from the major façade of the house is required, and a greater recess distance (up to a maximum of ten (10) feet) is encouraged.

Garages that face a street must be equipped with automatic closing devices.

A porte-cochere that does not extend past the major building façade, and is constructed of the same building materials as part of the house, is allowed.

Garage doors are required for all garages, and the garage doors must be paneled and/or detailed to provide appropriate scale. Single bay garage doors are preferred over double width garage doors. Front entry garages must use single paneled doors. Garage doors shall be coordinated with all structures on the Lot and materials and colors for such doors shall be specified on the plans submitted to the ARC for approval.

Carports shall not be permitted.

21. **Driveways.**

Driveways generally shall be constructed with concrete, brick, concrete pavers or cobblestone or stone. Other hard surface materials may be considered and approved by the ARC if an exception is requested when plans are submitted to the ARC for approval. The ARC reserved the right to require that other hard surface materials be painted to better blend with the surroundings of the structure or neighborhood.

Existing trees, topography and landscape planning should be taken into consideration in determining the location and shape of all driveways. Driveways should curve where possible.

22. **Decks and Balconies.**

ARC approval is required for the installation of a deck or balcony, and such deck or balcony must be constructed in accordance with the following:

- Decks and balconies must be constructed of wood or other material similar to that of the residence and must be painted a color similar to or generally accepted as complementary to the residence within six (6) months of installation. Decks and balconies must be installed as an integral part of the residence or patio area.
- Any such decks or balconies must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Construction shall not occur over easements and must comply with the applicable Union County requirements.

23. **Patios.**

ARC approval is required for the construction of patio covers, open patios and enclosed patios.

Patio covers shall be constructed of wood or material generally recognized as complementary to the residence and be similar or generally recognized as complementary in color to the exterior color of the residence.

Free-standing patio covers are prohibited.

Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio color must be similar to or generally accepted as a color complementary to the design and color of the residence.

Enclosed patios shall be constructed of materials that are similar to or generally accepted as complementary to those of the residence.

24. **Pool, Therapy Pools and Spas.**

ARC approval is required for the installation of any outdoor hot tub, Jacuzzi, sauna or spa (collectively “spas”) and swimming pools and related equipment. Plans for proposed swimming pools, spas, surrounding decks, fencing and screening must be approved by the ARC before any clearing, grading or construction is commenced.

Spas shall be located in the rear yard only, shall be installed in such a way that it is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Any spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Owners may be required to install safety features such as locks or covers for spas when such are not in use.

Pools shall be an integral part of the deck or patio area and/or the rear yard landscaping. Any pool shall be located in the rear yard, shall be installed in such a way that it is not immediately visible to adjacent property owners, and shall not create an unreasonable level of noise for adjacent property owners. Pools shall be fenced for safety purposes and Owners may be required to install safety features such as locks or covers for these items when they are not in use.

The size, shape and setting of pools (including standard swimming pools, therapy pools and spas) must be carefully designed to be compatible with the surrounding natural and man-made environment. In locating swimming pools, therapy pools and spas, the following shall be considered:

- Indoor/Outdoor relationship.
- Setbacks impose by the applicable Building Envelope.
- Views both to and from the pool area.
- Terrain (grading and excavation).
- Fencing and privacy screening.

Pools, decks and related equipment will not be allowed outside of the Building Envelope area.

Pool and pool equipment enclosures must be architecturally consistent and harmonious with the residence and other structures on the Lot in terms of their placement, mass and detail.

Pool and spa equipment shall be screened, housed or stored underground. All governmental requirements and restrictions applicable to swimming pools, spas and similar structures shall be applicable to the construction of swimming pools, spas and similar structures on any Lot and approval by the ARC shall in no way relieve the Owner of the responsibility and obligation to comply with such governmental requirements.

Above ground pools are prohibited.

ARTICLE 5 CONSTRUCTION PROTOCOL

1. Inspections.

The Owner and/or Builder shall schedule and coordinate a review of all construction activities with the ARC to verify compliance with the approved plans and specifications.

The ARC may also perform additional periodic informal inspections to ensure that work is being performed in conformance with approved plans, these ARCHITECTURAL GUIDELINES and the Community-Wide Standard.

All inspections are observations only and will not relieve the obligation to obtain inspection approvals from Union County and other organizations having jurisdiction.

Job sites not in compliance with the Declaration, these ARCHITECTURAL GUIDELINES or approved plans will be issued a Notice of Violation and a punchlist of items needed to bring the construction and/or job site into compliance. Further construction is prohibited until such punchlist items have been corrected. Re-inspections of job sites resulting from the failure of the Owner and/or Builder shall result in the impositions of a fine in the amount of \$100.00 payable to the ARC.

2. Vegetation Protection and Barricading.

Prior to any construction or clearing activities, the Owner and/or Builder shall take measures to protect vegetation. The type and materials of barricades may be reviewed by the ARC. In addition, the following actions are prohibited:

- Dumping backfill into an area containing protected vegetation (protected area);
- Excavating soil from a protected area;
- Falling trees into a protected area;
- Parking in or driving through protected areas;
- Stacking or storing supplies or equipment in protected areas;
- Changing site grading to causing drainage into a protected area;
- Locating temporary construction buildings in a protected area; or
- Disposing of toxic materials into a protected area.

3. **Owner's Responsibility for Builder Compliance.**

All Owners and Owners' Builders shall comply with such rules of the Association as are from time to time adopted with respect to construction of improvements.

All Owners shall be responsible to ensure that any contractor employed by it complies with all Builder's Rules adopted by the Association from time to time.

4. **Conduct.**

The Owner must ensure that all contractors and subcontractors control the conduct of their employees while working in the Community. Loud music, profanity and other behavior which is unbecoming of a quality operation will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied access to the Community.

5. **Site Cleanliness.**

All sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be stored in proper containers and periodically removed from the site.

Every Builder constructing improvements within the Community shall, consistent with standard construction practices, keep all portions of the Lot free of unsightly construction debris and shall at all times during construction either provide dumpsters for the containment of garbage, trash or other debris which is occasioned by construction of improvements or take other measures consistent with standard construction practices necessary to keep the Lot free of garbage, trash or other debris which is occasioned by the construction of Owner's improvements.

The Owner of each Lot shall ensure at all times that adjacent public and private areas are kept free from any dirt, mud, garbage, trash or other debris which is occasioned by construction of improvements. Declarant or the Association, upon ten (10) days written notice, may provide for the cleaning of public and private areas due to the activities of the Owner or Owner's Builder and may assess the Owner a reasonable charge not to exceed the actual cost for such cleaning.

6. **Construction Debris.**

All stumps and brush are to be removed from Lots prior to foundation construction, and no such stumps, brush or other debris shall be buried on such Lots.

Construction debris shall be removed as often as necessary to keep the Lot and structure thereon attractive.

Construction debris shall not be dumped in any area of the Community.

7. **Construction Vehicles.**

During approved construction, all vehicles in any way connected with such construction shall enter the Lot or Lots by the driveway.

In no event shall any driveways other than those approved by the ARC be constructed or used for temporary access to any Lot.

All construction vehicles shall be parked only in areas designated and approved by the ARC.

8. **Burning.**

No burning shall be permitted without prior permission of the ARC.

Any request for burning must be accompanied by a current Burning Permit issued by the appropriate agencies.

9. **Construction Damages.**

Any damage to the infrastructure improvements or common area facilities of the Community or another Owner's property occurring during construction of the Residence shall be the responsibility of the Owner and the Owner's contractor and must be corrected immediately to the satisfaction of the ARC, the Declarant and the Owner of the damaged property. If the damage is not corrected, the Declarant or the Association may repair such damage and assess the costs of repair to the Owner. Infrastructure improvements shall include but not limited to curbs, sidewalks, lighting, utilities, pavement, street trees, etc.

ARTICLE 6 MISCELLANEOUS

1. **Septic Tanks and Wells.**

No septic tanks shall be installed, used or maintained on any Lot.

No wells shall be installed, used or maintained on any Lot for human domestic water consumption nor shall any well be connected in any manner whatsoever to the water mains laterals and piping serving the Structure which shall furnish domestic water from sources beyond the boundary lines of the Lot.

2. **Hoses and Pipes.**

Except for temporary use of hoses and the like which are reasonably necessary in connection with normal lawn maintenance and pipe clean-outs, no hose, water pipe, sewer pipe, gas pipe, drainage

pipe, television cable or other similar transmission line shall be installed or maintained upon any Lot above the surface of the ground, unless such installation is expressly approved by the ARC.

3. **Awnings and Overhangs.**

The installation of awnings or overhangs requires ARC approval. The awning or overhang color must be the same as or generally recognized as complementary to the exterior of the residence.

4. **Satellite Dishes and Antennae.**

ARC approval of outside antennae and satellite dishes must be obtained before installation. See Initial Use Restrictions of the Declaration.

5. **Accessory Buildings.**

Owners shall secure ARC approval prior to constructing any accessory building, including sheds or permanently installed playhouses. Accessory buildings shall meet the following criteria:

- An accessory building must be of the same color, material and architectural style as the main residence or of color, material and style that is generally recognized as complementary to that of the main residence.
- An accessory building's roofing materials shall match those of the main residence.
- Accessory buildings shall be no larger than 144 sq.ft., 12 ft height to top.
- Any utilities servicing accessory buildings shall be installed underground.
- Accessory buildings shall be located in the rear yard, shall conform with the side and rear yard setbacks required pursuant to Union County or Town of Waxhaw ordinances.
- Accessory buildings shall not unreasonably obstruct any adjacent neighbor's views of the Community's open areas and must be screened by a fence or vegetation.

6. **Play Equipment.**

Swing sets, trampolines and similar outdoor play structures and equipment must be approved by the ARC.

Unless part of a Common Area, swing sets and similar outdoor play structures and equipment must be located where they will have a minimum impact on adjacent Lots. Such play equipment shall be located in the middle third of the Lot.

Permanently mounted basketball backboards shall be prohibited. Freestanding basketball goals may be used provided such goals are stored out of view when not in use.

Treehouses are prohibited.

A playhouse shall be considered an accessory building if it measures more than twenty (20) square feet, is more than five (5) feet high from peak to ground, or is constructed on a concrete slab or footing.

7. **Flagpoles are not permitted.**
8. **Dog Run and Kennels are not permitted.**
9. **Birdbaths, Birdhouses and Birdfeeders.**

Birdbaths, birdhouses and birdfeeders require ARC approval. The installation of such in front or side yards is generally discouraged. Approval for rear yard installations of any birdbath is limited to those with a height of three (3) feet or less, including any pedestal.

10. **Mail and Newspaper Boxes.**

The ARC shall adopt a standard design for approved mailboxes and newspaper boxes and no mailbox, newspaper or news box shall be erected or maintained on any Lot or within any street right-of-way unless of the standard design.

11. **Clothes Line.**

No clothes line of any description or type, or the drying of clothes, shall be allowed on the outside of any Structure on any Lot.

12. **Signs.**

All signs are subject to the Initial Use Restrictions of the Declaration.

Trade signs may not be displayed on any Lot at any time.

One (1) security sign may be permitted in the front yard located either adjacent to the driveway or in close proximity to the front entrance of the main dwelling. The ARC may impose size, shape and color restrictions on security signs.

**ARCHITECTURAL GUIDELINES
[COMMUNITY]
APRIL 2002
ADDENDUM "A"**

LANDSCAPE GUIDELINES

1. **Landscaping.**

Landscaping is an essential element of design at Cureton. Preservation of existing vegetation in addition to the introduction of plants native to the area must be considered in establishing the landscape design.

Owners shall comply with all Town of Waxhaw and Union County ordinances which establish landscape buffers and landscape easements.

The ARC reserves the right to amend, from time to time, these LANDSCAPE GUIDELINES which shall establish approved standards, methods and procedures for landscape management in the Community. The ARC may also adopt one (1) or more landscape plans consistent with the LANDSCAPE GUIDELINES that may be selected by an Owner. Unless otherwise set out, such authorized standards, methods and procedures may be used by the Owners without prior written approval by the ARC.

A written landscape plan must be submitted to the ARC as part of the initial plan submitted for the residence as previously set out in the ARCHITECTURAL GUIDELINES. Landscaping shall be completed in accordance with approved plans not later than thirty (30) days after occupancy of a residential structure.

In the case of existing homes, proposed changes and additions in landscaping must be submitted in detail as set out in the ARCHITECTURAL GUIDELINES. A time frame for completion shall be agreed upon between the ARC and the Owner.

Except for building pad, driveways, alleys and sidewalks on each Lot, the surface of each Lot shall be of grass or other live foliage and/or ground cover and such grass, foliage and ground cover shall be neatly maintained at all times.

Except for removal of dead trees, no trees measuring four inches (4") or more in diameter at a point three feet (3') above ground level nor any arbors, trellises or gazebos may be removed without the prior written approval of the Association and the Association may require the replacement, at the Owner's sole cost and expense, of any trees, arbors, trellises or gazebos removed without the permission of the ARC. Approval for the removal of trees located within ten feet (10') of the approved site for such building will be granted unless such removal will substantially decrease the attractiveness of the Community.

2. **Fences and Screening.**

Screening may be used within the Community:

- to define private spaces or to attract or divert attention to or from particular views.
- in connection with free standing utility apparatus, such as transformers and switching equipment.

- in connection with exterior, ground-level machinery, such as air conditioning and heating equipment.
- in connection with outside storage and service areas for equipment and supplies.
- in connection with refuse containers and related storage areas.

Depending on circumstances, fences, walls and landscaping are an acceptable method of screening. The ARC reserves the absolute right to determine which method is most appropriate.

Berms or banks are not permitted.

The location, color, size and design of all fences, screening and walls must be approved in advance in writing by the ARC prior to installation.

All fences to be installed in the Community must be made of wrought iron or metal material. No other material will be considered by the ARC.

All walls must be of the masonry material used on the main structure of the house (i.e.: if brick is used as the masonry material on the main structure, any walls must be brick).

The species and layout design of plant screens and hedges must be approved by the ARC.

Once an approved fence or wall has been erected on a side Lot boundary line which is a common boundary line with another Lot, that approved fence or wall design will be the only approved fence or wall design that may be erected on the common Lot line.

No double fencing will be allowed on side or rear Lot lines.

The maximum height of all fences, screening and walls shall be as follows:

- No fence, wall or screening shall exceed six feet (6') in height.
- More restrictive requirements may be imposed, from time to time, in the sole discretion of the ARC.
- Side and front yard fences must be made of metal in black or white wood picket. No fence shall exceed forty-eight (48") inches in height.
- There shall be no exceptions to these height restrictions.
- No chain link fences are allowed.

All fence and wall installations shall include and incorporate compatible landscape planning as an integral part of its design. The ARC shall prepare a landscape plan that must be complied with as a requirement for the approval of all fence and wall installations. The costs of preparing the landscape plan shall be borne by the Owner requesting approval of the fence or wall installation.

No fence, screening or wall (including for this purpose densely planted hedges, rows or similar landscape barriers) shall be erected, placed or maintained on an Lot nearer to any roadway fronting such Lot than the rear building corner of the main Structure constructed on such Lot unless otherwise approved in advance in writing by the ARC.

All fences, screening or walls, whether constructed by the Owner or a Builder, shall be kept well repaired and maintained consistent with the Community-Wide Standard. In the event a fence or wall is damaged or destroyed, the Owner shall immediately repair or replace the same at the Owner's expense.

3. **Retaining Walls.**

All retaining walls require approval by the ARC.

Such walls shall be properly anchored to withstand overturning forces. Stone walls shall be made thicker at the bottom than at the top to achieve stability.

All retaining walls shall incorporate weep holes into the wall design to permit water trapped behind them to be released. Timbers for walls or other landscape use should be treated to resist decay.

Walls shall not be located so as to alter the existing drainage patterns.

Neither the Declarant, the Association nor the ARC shall be responsible for ensuring the structural integrity or soundness of any approved retaining wall.