

## ARCHITECTURAL STANDARDS & CONSTRUCTION SPECIFICATIONS

Adopted by the Board of Directors of the Ashley Forest Homeowners Association on February 18, 2004.

The Ashley Forest Architectural Review Committee and Board of Directors presents the following Standards designed to assist homeowners in complying with the Declaration of Covenants, Conditions and Restrictions for Ashley Forest Subdivision ("Declaration"), regarding architectural control for obtaining prior approval for exterior changes on any property individually owned or on property owned in common by all property owners in Ashley Forest. These Standards are intended to result in equitable and consistent handling of all applications for Architectural Review Committee review and approval, so that the necessary value judgments will be kept to a minimum.

### I. INTRODUCTION

In a planned community such as Ashley Forest, the question naturally arises as to how to maintain a harmonious, quality development as the community matures. The following Standards attempt to provide a meeting ground between private interests and the broader interest of the Ashley Forest Community as a whole.

Basic control for maintaining the quality of design is through the Declaration. The Covenants run with the land and are binding on all homeowners and renters and should be fully understood. The fact that each homeowner is subject to these Covenants will assure all homeowners that the standards of design quality will be maintained in order to enhance the community's overall environment and to protect property values.

The Declaration established, in Article VII, an Architectural Review Committee ("Committee"), to be appointed by the Board of Directors. The Committee's prior written approval is required for any exterior change, addition or alteration to any property. Such changes include any improvement, building, fence, wall or other structure that may be added or altered. It further requires that the plans, specification and location showing the nature, kind, shape, height, and/or materials be approved in writing as to the harmony in external design and location in relation to surrounding structures and topography. Each property owner should read the Declaration to obtain a full understanding of the Architectural Control requirements.

The Committee is charged with conducting the review of all applications for exterior changes and with rendering a decision to the applicant, in writing, within 30 days of receipt of the application. If the Committee fails to approve or reject a request for a change within 30 days after receipt of the application, then approval will not be required and this requirement will be considered to have been waived. Submission of architectural requests to the Architectural Review Committee, and notifying the homeowner of the Committee's decision, is done through our management company.

The Standards that follow are the procedures and guidelines applied by the Committee to assist the Association and its members in the design review process. It is hoped that these Standards will serve as a positive tool to assist in the full and free use of each homeowner's property in a manner that is consistent with the aesthetic and harmonious development of the Ashley Forest Community.

## II. WHAT MUST HAVE ARCHITECTURAL REVIEW COMMITTEE APPROVAL?

The Committee's prior approval is required for ANY CHANGE in the exterior of a property, pursuant to Article VII of the Declaration, as quoted in part below:

"After the issuance of a Certificate of Occupancy by the appropriate municipality, no subsequent alteration or modification of any existing improvements nor construction, erection, or installation of additional improvements, including, but not limited to, residences, outbuildings, fences, walls, signs, antennas, clotheslines and other structures, except by Declarant, shall be undertaken upon the properties...without the prior review and express written approval of the Board of Directors of the Association, or by an architectural committee comprised of three (3) or more representatives appointed by the Board.

In the event that the Association, fails to approve or disapprove the site or design of any proposed improvements within thirty (30) days after plans and specifications therefore have been submitted and received, approval will not be required, and the requirements of this Article will be deemed to have been fully met; provided, that the plans and specifications required to be submitted shall not be deemed to have been received by the Association if they contain erroneous data or fail to present adequate information upon which the Association can arrive at a decision. For a request to be considered as received by the Association, it must be logged as received by the Management Company, it must be deemed to contain adequate information upon which the Association can arrive at a decision, and it can not contain erroneous or incomplete data.

The Association shall have the right, at its election to enter upon any of the properties during site preparation or construction, erection or installation of improvements to inspect the work being undertaken and to determine that such work is being performed in conformity with the approved plans and specifications and in a good and workmanlike manner, utilizing approved methods and good quality materials."

This requirement applies to every homeowner's private property and any common areas.

## III. REVIEW CRITERIA

The Committee evaluates each application on the individual merits of the application. The Committee's decisions are based upon the standards in the following sections (specific requirements are listed in later sections):

Validity of Concept: The basic idea of the exterior change must be sound and appropriate to its surroundings.

Landscape and Environment: The exterior change must not unnecessarily destroy or blight the natural landscape or the achieved man-made environment.

Relationship of Structures and Adjoining Property: The proposed change should relate harmoniously among its surroundings and to existing buildings and terrain that have a visual relationship to the change.

Protection of Neighbors: The Committee should make reasonable efforts to protect the interests of neighboring owners and renters by making provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design which may have substantial effects on neighboring property. For example, fences may obstruct views, breezes or access to neighboring property; dog pens may cause undesirable noises or infringe drastically on views of neighboring property. The Committee should consider the various and appropriate criteria and exercise discretion in determining which of these criteria will be governing in each specific application. It should be noted, however, that neither the Committee nor the Association is an insurer against problems which may result from the alteration of existing improvements or installation of new improvements on a lot. The homeowner making the change ultimately bears responsibility for any adverse conditions which may be created by that change, whether those conditions affect the subject lot or any neighboring lots or common areas. The Committee specifically does not hold itself out to be an expert in the areas of engineering, architecture or landscape architecture or design, and each homeowner should consult such professionals as may be necessary in that regard on a given project.

Design Compatibility: The proposed change must be compatible with the design characteristics of the applicant's home and the general neighboring setting. Compatibility is defined as harmony in style, scale, materials, color, and construction details.

A. Scale: The three-dimensional size of the proposed change must relate satisfactorily to adjacent structures and their surroundings. For example, a detached storage shed of a disproportionate size to be placed would not be satisfactory.

B. Materials: Continuity is established by use of the same or compatible materials as are used in the existing home. For example, an added storage shed should be made of the same or similar material as the home; likewise, the shingles should be the same or similar.

C. Color: Color may be used to intensify visual impact. For example, the color of a fence should blend in with the surrounding natural environment. A storm door should

be painted to match the entrance door or the house trim color. A shed should be painted to match the existing home.

D. Workmanship: The quality of work must be equal to or better than that of any existing structures. Poor practices may cause the owner problems and may be visually objectionable, and can be a nuisance and safety hazard for neighbors and the community. All applications must contain a proposed maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, then the Committee may reject the application. In addition, if the actual completion date is longer than 3 months past the original estimated completion date, the Association's Board of Directors may elect to hold the homeowner in violation of the original conditions for approval of the architectural request and may take action to remedy such violation.

#### IV. DESIGN APPLICATION REVIEW PROCEDURES

The procedures for application, review, inspection, and enforcement of design review are outlined in this section.

##### Objective

The Committee, in examining each application for design approval, considers whether or not the change is in conformance with the Declaration and the guidelines outlined in this document.

##### Application Procedure

Complete the Architectural Request Form ("Form") and attach all required exhibits. Include full details of the proposed change. If the change is structural, fencing or grading submit a sketch or plan and outline specifications. Talk to your neighbors about your change, they may be able to offer valuable input. In addition, have your three nearest neighbors sign the Form, indicating their awareness (not necessarily approval) of your plans. Be sure to include such information as type of material, size, height, color, location, etc. Provide a plat plan of the lot and indicate the location of building, pen, fence, etc., as it relates to the home and lot. Mail or deliver the application form to our management company. Incomplete applications will be returned, which will cause a further delay in obtaining approval.

The Committee will review all architectural change requests. The application review process will be completed within 30 days; please call to follow up. Occasionally items get lost in the mail and the 30-day review period does not start until the completed application is received by the management company.

An application with all necessary information will be considered on each application's individual merit, using these Standards as a basis for making a decision. The review process is outlined below.

### Review Procedures

During the consideration of an application, the Committee members may view the site and may talk to the applicant or neighbors.

The Committee considers the application and any data or comments received from immediate neighbors. After discussion of the application as submitted, the Committee will reject or approve the application as submitted. In the case of a rejection, homeowner applicants will be provided in writing with the reason or reasons for such.

The Architectural Review Committee will record its action and the notification to the applicant by placing copies of the executed application and/or letters in the Committee's archives. Each applicant will receive notice regarding the Committee's decision via a written confirmation from the management company.

The Committee may inspect work in progress and request (either orally or in writing) that the applicant corrects any non-compliances with the approved design.

### Correction Procedures

Remedies: An exterior change made without the required approval of the Committee constitutes a violation of the Declaration. A violation may result in the Association filing legal action against the owner for the removal or modification of the unapproved work.

Reports: The Committee may inspect authorized construction in progress as well as the community in general to identify apparent and flagrant violations. Additionally, all homeowners have the right to notify the Association's Board of Directors or management company of apparent violations of any provision of these Architectural Standards and Construction Specifications.

Violations not resolved: This could lead to the Association filing legal action against the owner.

## **V. DESIGN GUIDELINES**

This section of the Standards provides specific guidance regarding particular design situations frequently encountered in Ashley Forest. Generally acceptable methods for achieving the required objectives and standards are indicated below. These are suggested methods rather than mandatory methods. Additionally, design methods that are generally not acceptable are also included. Merely following these guidelines does not guarantee approval; all requests must follow the stated approval process.

In general, any permanent structure needs a Form and approval. Any non-permanent structure also needs to conform to these guidelines. We cannot envision everything that could be put on a home or in a backyard, such as a swimming pool, garden pool, fountains, driveway, etc. Unless specifically indicated otherwise, a Form should always be submitted, even if you are fairly certain it will be approved. If the structure is put up and deemed unacceptable, corrective measures will be taken.

## NOTES

- Some lots in Ashley Forest may be subject to additional regulations as determined by governmental authorities.
- The Association may disapprove some requests, or require some type of landscaping, in order to maintain the aesthetics of the neighborhood.
- All construction must conform to local building codes. Exterior should be constructed of the same materials, and painted the same color, as existing structure(s).
- Homeowner assumes responsibility for all improvements made to his or her property. In some cases, a building permit and/or building inspection by the City of Durham may be required. All improvements must comply with applicable State, County and City building and zoning codes, and homeowner assumes responsibility for compliance therewith. Failure to do so renders any approval null and void.

## Repairs

Owners are responsible for repairs to existing structures, additions, etc. No Form or approval is necessary to effect repairs and restoration to original condition.

## Stand-Alone Structures (shed, playhouse, tree house, etc.)

Stand-alone structures should be located in the least conspicuous location possible, either in the rear or most obscure side of the residence. Easements and rights of ways must be observed. Detached, freestanding storage sheds are discouraged. Where possible, storage sheds should be attached to the house. In most cases, this is less expensive than a freestanding structure and would be more aesthetically pleasing as well as more convenient. However, if an owner feels he has inadequate storage and there is no structural way to add a storage shed attached to the house, the following minimum criteria apply to freestanding sheds:

1. Siding material must be the same color and composition as the home. Metal sheds are not permitted.
2. Roof should have the same pitch and must use the same materials and the same color as that of the home.
3. Sheds must have a suitably constructed floor system and/or foundations.
4. **Maximum size of any storage shed is 144 square feet (i.e., 12' x 12') with no one side exceeding 12 feet.**
5. Where possible, placement of a detached shed in relation to the house should be to the rear of each lot and not in the side yard areas that are highly visible from the street. All easement and encroachment regulations must be followed. Attach a plat plan clearly indicating location of the shed.
6. Front, back, and both side views of the shed must be included in the application.

### Dog Houses

1. Exterior finish with the exception of brick should match the house, i.e., siding roof shingles, color, etc.
2. Location on the property should be in an area that is not highly visible from the street and must be at least ten (10) feet from a neighbor's property line (not located in side yard areas that are visible from the street). They must be properly maintained and kept in good repair and free of material that may create unpleasant odors.
3. Only one (1) dog house per yard.
4. Attach a plat plan clearly indicating location of the house.

### Fences/Walls

Fence additions should be one of the following styles:

1. French Gothic or Dog Ear Vertical Stockade (butted flat boards with maximum width of six inches)
2. Vertical Shadowline (alternating boards with maximum width of six inches)
3. Rustic Rail (posts with three or four horizontal members)
4. Deck Rail (top and bottom supports with 2x2 vertical members spaced every six inches)

The fence itself should be constructed of wood – either cedar, spruce, redwood or treated pine. Metal fences are not permitted. While painting is allowed, a stained or natural finish is recommended. Fence styles 1 and 2 should not exceed six feet in height, styles 3 and 4 should not exceed four feet six inches in height. Fence styles 1, 2 and 4 should not extend beyond the front lines of the dwelling. Fence additions should be wholly located on the homeowner's property with easements and rights of way observed. Attach a plat plan with the fence's location clearly marked.

### Exterior Painting

1. No Form or approval are required if you are painting the house the same as the original color (this falls under the category of "repairs").
2. Approval is required if the paint color is changing. Side, trim, shutters, doors, etc. require a paint chip of the proposed color. A new color scheme must be different than that of adjacent residences.
3. Approval is also required for a change in the siding material, regardless of the color (for example, changing from fiberboard to vinyl siding).

### Decks, Patios and Walkways

1. A deck should not extend past the side of the house. If the house has a side entrance toward the back of the house immediately adjacent to the deck, then a four foot extension expressly for the purpose of allowing a stairway to the side entrance will be allowed. All decks should be on the rear of the house (no side or front decks).
2. All construction must conform to applicable building codes (i.e., step tread/height, loading, railing height, etc.). Decking and railing materials should be cedar, redwood or treated pine. Foundation materials may be brick or concrete. While painting is allowed, a stained or natural finish is recommended.

3. Include a rear view and both side views showing style, type of railings, stairs, etc. with your request, as well as a plat plan showing the deck's location.

#### Lamps & Yard Lights

1. One walkway/entrance light on post allowed not exceeding six feet in height to base of light fixture.
2. **High-powered lamps which are so bright as to be a disruption are not in keeping with the character of the neighborhood and will not be allowed.**
3. The post shall be wood or metal painted black or house trim color.
4. The lamp should be similar to, or should match, existing house exterior lights (such as those on front porch/stoop, not floodlights).

#### Clotheslines

Clotheslines are not permitted.

#### Play Equipment

1. All play equipment should be in rear of house, nor on side or front.
2. No single unit should exceed 18 feet by 10 feet by 15 feet high.
3. Typically, one constructed unit per house (small, low items such as sandboxes are excluded).
4. Tree houses are discouraged, but individual plans may be considered.
5. Play equipment should be located at least 5' from property lines.

#### Basketball Goals

1. Basketball goal should be installed on the rear third (toward house) of the driveway or parking pad.
2. All goals should be mounted on a single pole.
3. The backboard should be predominantly white, clear, or gray in color.
4. One (1) per house.

#### Drives and Parking Areas

Proposed changes in drives or parking pad additions must be submitted for Architectural Review.

#### Plants and Gardens

1. Committee approval is not required for most planting or landscaping treatments that are biodegradable. However, if any planting in hedge or row being considered for the front or side/front yards will act as a "fence", then approval is required.
2. Caution should be exercised in digging deep holes so as not to cut into any electric cable, water pipe, etc. It is suggested that before digging, homeowners contact the appropriate utility company.
3. Garden plots contained on the homeowner's property will not require Committee approval, unless unusual or potentially hazardous materials are involved. Gardens should be located in the rear of the property.

### Lawn Ornaments

1. All lawn decorations are discouraged in the front and side of the house unless a live growing entity. This is in addition to the existing guidelines regarding hedge row planting, etc.
2. Certain lawn ornamentation (e.g., bird baths) that is appropriate will be permitted on an individual basis provided they do not detract from the appearance of the neighborhood.

### Grading and Landscaping

1. Major changes to the topography of a lot could result in flooding due to improper drainage into a neighbor's yard. Therefore, approval is required prior to beginning such changes. The Homeowner is responsible for conducting any studies, surveys, etc. necessary to ascertain that the proposed grading will not adversely affect the neighborhood. The Association does not accept any liability for any damage caused by such grading action, whether approved by the Committee or not.
2. Committee approval is only required when significant landscape changes are planned. This would include removal of multiple trees, shrubs or trees for screening, hedge or drainage changes, or other material alterations.
3. No trees measuring six (6) inches or more in diameter at a point **four feet** above ground level may be removed without approval **unless dead, diseased or posing an imminent threat or danger to persons or property.**

### Uniform Sign Regulations

1. No sign of any kind shall be displayed on any lot except "for sale" or "for rent" signs of not more than **five (5)** square feet in size and signs of **five (5)** square feet expressing support for or opposition to political candidates or referendum issues. Such political signs shall not be placed on a lot earlier than sixty (60) days before the election and shall be removed with two (2) days after the election is held.
2. Temporary signs advertising a contractor who is performing work on the property are allowed, but must be removed upon completion of the work.

### Antennas

1. No antenna shall be placed or erected upon any property within Ashley Forest except with prior written approval of the Committee.