

HIGHGATE RESIDENTIAL DESIGN GUIDELINES

September 5, 2012

The following are the architectural and design criteria established by the Highgate Architectural Control Committee (HGACC) on behalf of Highgate Homeowners Association, Inc. (HGHOA) and, in accordance with the recorded “Declaration of Covenants, Conditions, Restrictions and Easements For Highgate Subdivision” (Declaration) all “Amendments to Declaration of Covenants, Conditions, Restrictions and Easements for Highgate Subdivision Pertaining to Signs and Garages” (Amendments) and all “Supplemental Declarations to Declaration of Covenants, Conditions, Restrictions and Easements for Highgate Subdivision” (Supplements).

ARTICLE 1 - STATEMENT OF PURPOSE & INTENT:

- 1.1 **Purpose:** These Highgate Residential Design Guidelines (Guidelines) provide an overall framework and comprehensive set of standards and procedures for the development and maintenance of the community in an orderly and cohesive manner. These Guidelines have been developed to provide direction for the planning, designing, constructing, landscaping, and modifying of all residences, buildings, and structures or improvements within the Highgate community. The Guidelines set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage, lighting and other structures. In addition, the Guidelines establish a process for review of all proposed construction and modifications to residences, buildings, and structures to ensure that all home sites within Highgate are developed with consistency and quality.
- 1.2 **Intent:** It is the intention of the HGACC that all structures and other improvements within the community be designed, planned and situated to be aesthetically and architecturally harmonious with one another and that the community has a consistent streetscape and quality of design (facade, materials, etc.).

ARTICLE 2 – APPLICABILITY, AUTHORITY & AMENDMENTS:

- 2.1 **Applicability:** The Guidelines shall govern all residences, buildings, and all other structures and improvements within the Highgate properties, which are or may be subject to the Declaration, Amendments and Supplements.
- 2.2 **Improvements:** The term “Improvements” shall mean and include all buildings, storage sheds or areas, roofed structures, parking areas, fences, walls, hedges, mass plantings, poles, driveways, changes in grade or slope, site preparation, swimming pools, tennis courts, signs, exterior illumination, changes in exterior color or shape and any new exterior construction of exterior Improvement exceeding One Thousand Dollars (\$1,000) in construction cost. The definition of Improvement does not include garden shrub or tree replacements or repair of any magnitude which ordinarily would be expensed in accounting practices and which does not change exterior color or appearances. The definition of Improvement does include both original Improvements and all later changes and repairs to Improvements.

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- 2.3 **Authority:** The HGACC has jurisdiction over all matters relating to construction, architecture and landscaping of new construction and modifications of the Properties (Improvements) as set forth in the Declaration. The HGACC reserves the right to reject any submission, and may disapprove plans, specifications or other materials, for any reason, including purely aesthetic reasons, which in the sole discretion of the HGACC shall be deemed sufficient. In order to preserve the aesthetic integrity of the community, the HGACC will review submissions with the primary intent of determining that they are in harmony and consistent with surrounding structures and topography.
- 2.4 **Governmental Permits and Conflict of Law:** Where the North Carolina State Building Code, Union County Ordinances, or any other government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Guidelines or the Declaration, the government standards shall prevail. Where any government standard is less restrictive, the Declaration, Amendments, Supplements and the Guidelines (in that order) shall prevail.
- 2.5 **Responsibility for Compliance:** It is the responsibility of the Owner and Builder to ensure that all Applications for Architectural Review and subsequent construction are in accordance with the applicable zoning requirements, building code requirements, and the requirements of any other applicable laws, regulations, ordinances, and deed Amendments and Supplements. The HGACC does not review submissions for compliance with such requirements. Approval of plans and specifications by the HGACC is limited to the plans' and/or specifications' compliance with the Guidelines and the other Governing Documents of the Association. Such approval shall not be deemed or construed to mean that improvements constructed in accordance with such plans comply with applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed Supplements. Moreover, such approval shall not be deemed or construed to endorse the structural soundness, quality, durability, suitability, fitness or proper functioning of such improvements. Therefore, The HGACC disclaims any and all responsibility or liability for any adverse consequences in these regards. IF YOU DO NOT UNDERSTAND THIS DISCLAIMER, PLEASE ASK A REPRESENTATIVE OF THE HGACC OR HIGHGATE HOMEOWNERS ASSOCIATION, INC. TO EXPLAIN IT TO YOU.
- Owners and Builders are further responsible for ensuring compliance with all standards and procedures within the Governing Documents of the Association and these Guidelines.
- 2.6 **Amendments:** These Guidelines may be revised and amended at any time by the HGACC.

ARTICLE 3 – REVIEW PROCEDURES FOR NEW HOME CONSTRUCTION AND IMPROVEMENTS:

- 3.1 **Prior Approval:** Written approval of any construction plans or exterior improvements is required prior to commencement of any clearing, grading or construction related to said construction and/or improvement. HGACC dues and assessments must be current and all other fees must be paid before submissions will be considered by the HGACC.

Where more than one lot is controlled by a single entity, approvals to commence construction will not be granted when outstanding compliance issues exist for previously approved submissions.

- 3.2 **Required Submittals:** The Highgate Residential Architectural Review Process for new homes and exterior improvements requires the following submittals:

A. A completed **Architectural Review Application Form**.

B. **Floor Plans, Elevations and Specifications** Digital format is encouraged, however hard copies will be accepted if two (2) complete sets are submitted. Minimum scale: 1/4"=1'-0", minimum sheet size 24"x36":

- a. **Plans and Specifications** (including elevations, floor plans, typical wall sections and other details as needed to convey the design).

C. **Site Plan** Digital format is encouraged, however hard copies will be accepted if two (2) complete sets are submitted. Minimum scale: 1"=10'-0", minimum sheet size 24"x36":

- a. **Site Plan** (including proposed house placement, boundary lines, setbacks, easements, rights of way, driveways, retaining walls, decks, patios, pools and other recreational equipment, HVAC units, etc.) Include screening detail for HVAC units.

- b. **Tree Protection Plan** (including protection measures for trees greater than 6" in diameter measured 2 feet above ground to be preserved).

D. **Landscaping Plan** Digital format is encouraged, however hard copies will be accepted if two (2) complete sets are submitted. Minimum scale: 1/4"=1'-0" or 1"=10', minimum sheet size 24"x36"

- a. **Landscape Plan** submitted with a legend identifying all plants, shrubs, trees, etc. and other landscape elements. Also include hardscape elements such as driveway and walkway materials, retaining walls, pools, patios, fireplaces, outdoor grilles, kitchens or other entertaining areas and fences.

- b. **Landscape Plan Submission Deadline:** The Landscape Plan shall be submitted for approval prior to the completion of construction along with the required landscape escrow fees. In the event the landscape plan is not submitted, the road bond escrow fee may be forfeited at the recommendation of the HGACC and subject to the discretion of the HGHOA.

- E. **Drainage Plan** Digital format is encouraged, however hard copies will be accepted if two (2) complete sets are submitted. Minimum scale: 3/32"=1'-0" or 1"=10', minimum sheet size 24"x36", showing the location of erosion control devices and the direction of storm water flow.
- F. **Samples** (including all exterior materials and finishes, including paint colors, siding materials, roofing, etc. labeled on the back of each with the Lot # and Homeowner name.) If product samples are not available, websites, materials brochures or photographs may be acceptable subject to the approval of the HGACC. The HGACC reserves the right to require the submission of other information, data, drawings and samples as deemed necessary.
- G. **Digital Photos** of the site, labeled as to location and orientation of the view. Include at a minimum detailed photos along the entire portion of the lot abutting the street especially showing any pre-construction damage to the road surface, shoulder, drainage ditch, curbs..

CAUTION: No clearing, grading or construction should commence before written approval of the Architectural Review Application is obtained. Once submission is approved, the Owner shall rough stake the proposed new home or improvement indicating the driveway and property lines, clearly mark all areas that will be cleared and "flag" any trees over six (6") in diameter as measured 2 feet above the ground that are scheduled for removal before calling a representative of the Highgate Architectural Review Committee (HGACC) for a Pre-Construction Inspection. Owners are subject to a fine, after notice and an opportunity to be heard, of \$100.00 per occurrence for commencing any construction activities prior to the review and written approval of this Application and the Pre-Construction Inspection. An additional \$100.00 per day shall be assessed for continuing violations.

3.3 Required Fees and Escrows:

- A. **Architectural Review Fee:** A non refundable review fee will be assessed by the HGACC for the review of required submissions as outlined below:
 - a. \$1,500 flat onetime fee for new home construction review by a design professional.
 - b. Reference attached Application for Architectural Changes. Review fee for improvements to existing properties varies based on the value of project.

Payment in full (checks made payable to Highgate Homeowners Association, Inc.) must accompany the Architectural Review Application and be mailed to the address on the application form. This fee entitles the lot Owner up to four (4) reviews as applicable (one (1) preliminary review if requested, one (1) improvement review, one (1) landscaping review and one (1) re-submission review) as well as up to three (3) on site visits as applicable (Pre-construction Inspection, Observation at Frame and Final Completion following the installation of Landscaping). Any re-submission review required beyond those stated shall be \$200.00 per review and any site visit required beyond those stated shall be \$150.00 per visit. Notwithstanding the foregoing, if nonconforming plans and specifications are submitted, for any reason, the Association Board may impose, in addition to the above

described fees, an additional fee of \$100.00, for submitting nonconforming plans and specifications.

- B. Construction Escrows:** For new home construction, a \$3,000 Construction Escrow is required. For improvement projects on existing homes requiring structural modifications or heavy machinery, a \$1,500 Construction Escrow is required. Payment for the Construction Escrow, in full, (checks payable to Highgate Homeowners Association, Inc.) must accompany the Architectural Review Application and be received prior to the commencement of the review process. The bond is intended to protect the Highgate Homeowners' Association from the costs resulting from careless and/or negligent construction practices by the Builder or Owner. The bond is noninterest bearing and is refundable upon completion of construction subject to the following:

a. Construction Activities that may reduce the Construction Escrow refund:

- i. To pay the cost of repair for any damage to the Roadways or Common Areas in Highgate caused by the Builder/Owner and subcontractors and not repaired by the responsible Builder/Owner.
- ii. To pay for fines associated with failure to comply with the approved architectural plans.
- iii. To pay for the cost of restoring or replacing any trees, vegetation, grades or other natural features improperly removed, altered or destroyed by the Builder/Owner in violation of the Guidelines, Declaration, Amendments and Supplements.
- iv. To reimburse the HGACC for the Builder/Owner's street cleaning costs during construction.
- v. It is understood and agreed that the Builder/Owner is responsible for maintaining sufficient erosion control methods at all times. Expenses, if any, paid by the HGACC to correct insufficient erosion control, to provide or maintain a crushed stone temporary construction drive and/or damage in the subdivision caused by the Builder/Owner or subcontractors of same, will be deducted from this reserve/escrow account.
- vi. To reimburse the HGACC for the cost of cleaning any significant amount of dirt, cement, or debris left by the Builder/Owner or their subcontractors on any street and to the extent that such materials and/or debris is not immediately removed by the Builder/Owner or their subcontractors.
- vii. Any actions and/or conditions resulting in the HGHOA having to reseed, clean up, etc. the road or rights-of-way; to repair road pavement, road shoulders, drainage swales near and in front of the subject lot; or to perform maintenance on utility services damaged by construction activities
- viii. To pay for the cost of enforcing and of the Builder/Owner's other obligations under the Guidelines, Declaration, Amendments and Supplements.

- ix. To pay for any other costs, fines or expenses which, by the express terms of the Guidelines may be deducted from the escrow fee deposit.

The HGACC shall give the Builder/Owner prior notice that the HGACC intends to use the Builder/Owner's escrow fee for a particular purpose. The Builder/Owner shall have five (5) business days from the date of the notice to complete the performance that is required. If not completed within the specified period, the HGACC may have the work completed to satisfy the requirements of the notice and deduct the cost from this reserve/escrow account. Upon the completion of all Improvements and the performance of all other obligations by the Builder/Owner pursuant to the terms of the Guidelines, Declaration, Amendments and Supplements, the HGACC shall return to such Builder/Owner the unused portion (if any) of such E

- b. **Construction Site Maintenance:** Construction sites are to be maintained at all times to keep all debris, construction and otherwise, contained within approved containers. Temporary toilet facilities must be cleaned regularly. All debris, construction and otherwise, shall be properly disposed of to minimize disruption to adjacent neighbors. Additionally, all construction materials and equipment are to be neatly arranged and/or stored within the limits of the lot under construction and shall not utilize any other lot, sidewalk or roadway. .

C. **Landscape Plan Submission Pertaining to New Home Construction :** In the event the landscape plans are not submitted prior to the completion of new home construction along with the required landscape escrow fees, the Construction Escrow may be forfeited at the recommendation of the HGACC and subject to the discretion of the HGHOA.

- a. **Landscape Plans for Approval:** Detailed landscaping plans must include at a minimum, the plant type, size and location. The front elevation must be landscaped and plantings installed before the final inspection is requested and approval is granted. A waiver of up to 90 days may be granted by the HGACC if weather conditions warrant.
- b. **Landscape Escrow Fee:** A Landscape Escrow in the amount of \$1,500 is required for new home construction only. Payment for the Landscape Escrow in full (checks payable to Highgate Homeowners Association, Inc.) must be submitted prior to the final construction phase and as part of the Landscape Improvements Application for Approval. The Escrow will be held until such time as all required landscaping improvements are completed and will be refunded upon final inspection and approval of the project.

- i. The escrow may be reduced by the HGHOA for fines associated with failure to comply with the approved landscaping plans.

D. **Approval of Final Amounts of Refund:** All reductions in Construction and Landscape Bond refunds will be approved by the HGHOA at a regularly scheduled meeting, providing that the Builder or Owner notifies the Board of completion of the project a minimum of five business days prior to the Board meeting. Owners or Builders may attend and have an opportunity to present their objections to any withholding of their full refund.

- 3.4 **Review Period:** Applications complete with all required submissions, fees and escrows will be reviewed by the HGACC within 30 calendar days of receipt. Also, within that 30 day period the HGACC will prepare a written response to the application with its recommendation regarding the application.
- “Approved” – The entire submission is approved as submitted.
 - “Approved With Conditions” – The submission is not approved as submitted, but approved with the HGACC’s suggestions for curing objectionable features or segments noted. The Owner must correct the plan’s objectionable features or segments, and the Owner may be required to resubmit in order to receive approval prior to commencing the construction or alteration.
 - “Disapproved” – The submission is rejected. The HGACC will provide reasons for denial and good faith suggestions on how to modify the application to improve chances of success for a future submission.
- 3.5 **Submissions Retained:** All approved submission items shall be retained by the HGACC for inspection & record purposes.
- 3.6 **Variances:** Variances may be granted, in some extenuating circumstances, including, but not limited to, odd shaped lots or parcels, topography, natural obstructions, hardship, or environmental considerations. All variance requests must be submitted, in writing, as part of the review submission. The Owner must state the reason for the requested variance, and propose mitigation of the requested variance where applicable. The HGACC shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration, Amendments, Supplements or governmental regulations. No variance shall be effective unless in writing and signed by a representative of the HGACC.
- 3.7 **Implementation of Approved Plans:** All work must conform to approved plans. If it is determined by the HGACC or the HGHOA that work completed or in progress on any site/parcel is not in compliance with these Guidelines or any approval issued by the HGACC, the HGACC shall notify the Owner and Builder 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 and shall specify the time period in which such remediation shall occur. 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 in violation of the Declaration, Amendments, Supplements and these Guidelines.
- 3.8 **Inspections:** Each lot Owner is required to notify the HGACC and obtain three separate inspections as set out below:
- A. **Pre-Construction:** Prior to commencement of clearing, grading or construction the Builder/Owner shall: stake-off the location of the home site and driveway or other exterior improvement; clearly mark all areas to be cleared, including flagging all trees to be removed that are larger than six inches (6”) in diameter, as measured 2 feet from the ground, for inspection/approval by the HGACC. Call a representative of the HGACC to schedule the inspection. Allow a minimum (5) business days notice. . If any trees greater than six inches (6”) in diameter that were designated and agreed by the HGACC and Owner and Builder to

be preserved have been removed then, at the discretion of the HGACC, large caliper trees (four inches (4”) in diameter) beyond the guideline requirements may be required.

- B. **Observation at Frame:** Once the home or other exterior improvement has been framed and prior to the completion of exterior materials, windows and doors, the Owner shall notify a representative of the HGACC for a site visit. This observation shall serve as confirmation of the approved elevations / materials prior to the installation of such materials that could make compliance adjustments cost prohibitive. The HGACC may not modify or alter the approved plans at this time. Its sole purpose is to confirm the intent of the approved plans is being implemented.
- C. **Construction Completion:** Once the home or other exterior improvement is complete and landscaping is installed, the Owner shall notify a representative of the HGACC for a final site visit. Allow a minimum of (5) business days notice.

- 3.9 **Change After Approval:** All proposed changes to structures, including changes that effect the exterior of any building, colors, windows, doors, grading, paving, utilities, landscaping, or signage, made after the final approval of plans must be submitted to, and approved in writing by, the HGACC prior to implementation. Close cooperation and coordination between the Builder/Owner and the HGACC will ensure that changes are approved in a timely manner. If Union County or any other authority having jurisdiction over the project, requires that changes be made to final construction plans previously approved by the HGACC, the Owner must notify the HGACC of such changes and receive approval from the HGACC prior to implementing such changes.

ARTICLE 4 – SITE REQUIREMENTS FOR NEW CONSTRUCTION, EXTERIOR IMPROVEMENTS OR POOL/SPA ADDITION:

- 4.1 **Setbacks:** All homes must meet minimum setback requirements, as set forth in the recorded plat, deed Supplements, the Declaration, Amendments, Supplements and governmental regulations:
- 4.2 **Construction Fencing:** Before beginning construction, silt fencing, must be installed to contain erosion and to prevent damage to the road right of way. This fencing must be maintained throughout the construction period and removed at the appropriate time prior to Final Inspection.
- 4.3 **Construction Entrance:** The Builder/Owner is responsible for placing and maintaining a stone driveway. A crushed stone base, minimum of 5 inches of #5 crushed stone, must be provided to facilitate the delivery and distribution of materials from the paved street to a central staging area on the subject lot. No materials of any nature are to be unloaded or stored in the road or road rights-of-way..
- 4.4 **Material Storage:** All construction materials must be kept within the property lines and street rights-of-way must be kept open for vehicular access to all sites. Temporary storage structures must receive approval by the HGACC prior to their use. Storage structures may not be used as living or office quarters. Building or landscaping materials stored on the street or sidewalk must comply with provisions of the Union County ordinances and be cleaned up the same day.

- 4.5 **Vegetation Protection:** All existing trees or other vegetation shown on the plans, or required by the HGACC, to be preserved must be left undisturbed during construction. It will be the financial responsibility of the Owner to mitigate or restore any disturbed areas and to keep the barriers in good repair during construction.
- 4.6 **Dumpster:** A commercial dumpster is required on site to keep a neat and clean construction site. At the end of each work day all construction materials must be stored neatly and trash placed in the dumpster. Fabricated wood or wire bins will not be permitted.
- 4.7 **Toilet Facilities:** Each construction site is required to have a job toilet and it must be placed inside the home site area.
- 4.8 **Drainage:** Water runoff for each individual building site must be handled by adequately sloping all areas so that runoff is directed to the natural drainage areas or storm drainage facilities of each lot Owner.
- 4.9 **Street Cleaning:** Streets subject to construction traffic will be cleaned on an as-needed basis by the Builder/Owner, as determined by the HGACC. Escrow funds may be used to clean streets in the event the Builder/Owner fails to do so.
- 4.10 **Mailbox:** Only the mailbox type, size and color approved by the HGACC may be used and must be installed according to US Postal regulations. Information on the correct mailbox can be obtained by contacting Signs Etc. at 704.522-8860. Additional mailboxes are not permitted.
- 4.11 **Driveways/Walkways:** Driveway materials must be approved by the HGACC and must comport with the style, colors and textures of the approved materials for the residence and with the existing neighborhood homes. Driveways shall be constructed and maintained in accordance with the rules, regulations, and specifications approved by the HGACC.
- Walkways or patio materials shall be selected to match the appearance and style of the residence.
- 4.12 **Walls & Fencing:** Walls and fencing should reflect the architecture of the residence. Special consideration should be given to the design and placement of the wall or fence from neighboring home sites. No fencing will be erected or permitted to remain between the street right-of-way and the applicable minimum building setback line, as approved by the HGACC. NO chain link fence will be allowed. All walls and fences, including description of materials, must be approved by the HGACC prior to installation. Any fencing and/or walls to be installed shall be shown on the site or landscape plan. NO double fencing will be allowed. Fencing samples must be submitted to and approved by the HGACC. Approved fencing must be finished on both sides.
- 4.13 **Patios & Decks:** Patios, decks, deck railings, and deck supports shall be substantial in appearance, and reflect the style and architectural detail of the residence. Decks and patios shall be constructed of materials that are generally acceptable as complementary to the residence. Decks and Deck supports should use materials that relate to the residence. Wood support columns will be a minimum of 6" x 6" and masonry or stucco supports columns will be a minimum of 12" x 12". The deck railing design should reflect creative

detail. The floor (walking surface) should use materials that relate to the residence. Decks and patios shall be designed and 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 unless specifically approved by the utility company having jurisdiction and must comply with the applicable governmental requirements.

- 4.14 **Pools:** Pools must be located in the rear yard and must be an integral part of the residence and landscape. Landscaping shall be provided around any retaining wall and such wall and landscaping must be an integral part of the overall landscape plan. All mechanical equipment necessary for the operation of any pool must be located in the rear or side yard and shall be screened from the street and neighboring residences/buildings by a fence, wall, or landscaping. All such screening is also subject to approval by the HGACC. Above-ground pools are strictly prohibited.
- 4.15 **Hot Tubs and Saunas:** A hot tub, Jacuzzi, or spa shall be located in the rear or side yard, shall be installed in such a way that is not immediately visible to adjacent property owners, and shall not create an unreasonable level of noise for adjacent property owners. All mechanical equipment necessary for the operation of any hot tub or sauna must be located in the rear or side yard and shall be screened from the street and neighboring units by a fence, wall, or landscaping, such screening to be in accordance with these Guidelines and approved by the HGACC.
- 4.16 **Screen Porches/Patios & Other Enclosures:** HGACC approval is required for the construction of covered porches, patios, and other enclosures. Such structures and their supports shall be substantial in appearance, and reflect the style and architectural detail of the residence. Such structures shall be constructed of materials that are generally acceptable as complementary to the residence and be designed and installed as an integral part of the residence with rooflines that complement that of the principle structure. Any such structure must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Such structures are not permitted on the street façade. Construction shall not occur over easements unless specifically approved by the utility company having jurisdiction and must comply with the applicable governmental requirements.
- 4.17 **Accessory Buildings:** Owners shall obtain HGACC approval prior to construction of any accessory building. Accessory buildings shall meet the following criteria:
- A. 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.
 - B. Any utilities servicing accessory buildings shall be installed underground.
 - C. Accessory buildings generally shall be located in the rear one third of the yard as long as it does not front onto a street, shall be incorporated as an integral part of the landscape plan and shall not unreasonably obstruct any adjacent neighbor's view, open areas or other amenities.
 - D. Freestanding metal utility sheds or storage sheds are not permitted.

- 4.18 **Recreational Equipment:** All recreational equipment, including, but not limited to, basketball hoops, tennis courts, and playgrounds must be approved by the HGACC prior to installation on any lot. The HGACC may require photographs or other means of illustrating the appearance of equipment. Recreational Equipment may not be located forward of the front set back. No equipment may be placed less than 25' from any property line, unless screened from view of adjacent properties.

ARTICLE 4 – ADDITIONAL SITE REQUIREMENTS FOR IMPROVEMENTS

- 4.19 **Exterior Lighting:** Exterior lighting requires HGACC approval. It shall directed toward the house and be of low wattage (limited to 2,000 lumens) to minimize glare sources to neighbors and other Homeowners. Lighting for walkways generally must be directed toward the ground. Lighting fixtures shall be dark colored so as to be less obtrusive. Low voltage (12 volts) lighting is preferable to conventional house-voltage systems because of its safety advantages. The use of high-wattage, spotlights, floodlights, or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc) are discouraged, but will be reviewed on a case by case basis. The HGACC may take into consideration the visibility and style of the fixture and on the home. Light fixtures must complement the architectural style of Highgate and the specific home and landscaping. Lighting of walls can be achieved by use of eave or ground recessed fixtures. Landscape lighting should be concealed where possible by ground recessing or placing in shrub beds. Colored lights are prohibited, except as temporary holiday decorations. Post mounted light fixtures will be considered on an individual basis. Spillover of light on to neighboring property should be avoided and lights should be shielded where necessary.

Exterior holiday lighting shall not require approval so long as it is installed no earlier than 30 days prior to the holiday and remains on the property no longer than 20 days after the holiday.

- 4.20 **Fountains:** HGACC approval is required for all fountains.
- 4.21 **Ornaments and Statues:** Residences are to use common courtesy and common sense.
- 4.22 **Antennae & Satellite Dishes:** Installation of antennae and satellite dishes are subject to the Federal Communications Commission Over-the-Air Reception Devices Rule and the Second Amendment to Declaration, Restrictions and Easements for HighGate Subdivision Pertaining to Signs and Garages.
- 4.23 **Exterior Wires & Cables:** No exposed exterior wires or cables are permitted.
- 4.24 **Recreational Vehicles:** All boats and recreational vehicles (i.e. campers, motor homes, etc.) should be kept in a garage or other structure in keeping with the architecture of the residence. No outside storage will be allowed.
- 4.25 **Clotheslines:** No clotheslines are permitted.

- 4.26 **Signs:** All signage must be in accordance with the Highgate Signage Guidelines below. One 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.

Guidelines: One Builder sign and permit board shall be allowed, however, no subcontractor or trade signs shall be permitted. The Builder sign shall be erected on the lot/parcel prior to the commencement of any work, including clearing or grading. The Builder sign shall be securely erected and no signs or permits shall be placed in trees. The Builder sign shall be removed immediately upon the issuance of a Certificate of Occupancy unless a longer period is granted in advance by the HGACC. Only the sign approved by the HGACC will be permitted. Only one Builder sign or one "For Sale" or Realtor sign will be permitted.

ARTICLE 5 – BUILDING REQUIREMENTS:

- 5.1 **Architectural Standards:** The exteriors of all buildings must be designed to be compatible with the natural site features and landscaping of the residence/building and to be in harmony with their surroundings. The landforms, the natural contours, local climate, vegetation, and views should dictate the building location, the building form, and the architectural style. The HGACC may disapprove plans if in its judgment the massing, architectural style, roofline, exterior materials, colors or other features of the building do not meet these standards. No factory-built modular or mobile home type construction shall be permitted. No slab-on-grade construction shall be permitted for the main residence. Garages, patios, unheated porches, basement and storage areas may be constructed at grade.
- 5.2 **Minimum Area Requirement:** Square footage shall be measured in accordance with the definition stated in the International Building Code (IBC) with North Carolina amendments, to the inside of the finished walls of the home, which is the painted side of sheetrock or finished side of wall paneling or tile.
- a. Single story – minimum area of heated space is 2,500 square feet
 - b. Two story – minimum area of heated space is 3,000 square feet
 - c. One and a half story - minimum area of heated space is 3,000 square feet
- 5.3 **Ceiling Height:** Minimum of 9 feet on all floors, unless specifically waived by the HGACC
- 5.4 **Chimneys:** Exposed metal flues and wood chases shall not be used. Chimney cap covers are required for prefabricated metal flues. Direct vent fireplaces are discouraged if the location is a side elevation, and direct vent fireplaces shall not be permitted on front elevations.
- 5.5 **Roof Slope:** The minimum roof slope over the main residence structure shall be at least eight (8) vertical to (12) horizontal inches.
- 5.6 **Exterior Wall Treatments:** The materials listed below are acceptable exterior wall treatments for vertical and horizontal surfaces. When used in combination, transitions from one material to another shall be made in an aesthetically sensitive manner such that the appearance and style of the home is consistent on all sides.

- Traditional portland cement stucco in muted colors, natural, tinted or painted.
 - Cast stone, stone or brick veneer. Masonry or stone facing in combination as a veneer material on the front of a residence should return around a corner to a logical point of termination, such as an inside corner.
 - Wood or composite material such as shakes or Hardiplank horizontal siding. The use of wood and composite materials shall be limited to trim and accent materials or may be permissible when used in combination of brick, stucco, stone with the prior approval of the HGACC.
 - The main entry should contain more detail than other openings but remain consistent in styling.
 - Anodized, copper or paint finishes are required on all metal surfaces including windows, flashing, drips, and caps, in colors matching or complementing the approved trim colors.
 - Soffits must be of wood, stucco or cementitious materials.
 - Aluminum and vinyl soffits are prohibited.
 - Synthetic/foam products used on the exterior of buildings are prohibited.
 - Gutters and downspouts shall be used at all eave lines unless deemed inappropriate and should be either aluminum or copper. Galvanized material is NOT permitted. Gutter color, if aluminum, should match or complement the trim color.
 - No vinyl or Aluminum siding will be approved.
- 5.7 **Exterior Colors:** Owners must submit color samples of all exterior surfaces to the HGACC for review and approval.
- 5.8 **Roofing:** Architectural shingles are required unless otherwise approved. No form of roof venting shall be located or placed on the front elevation.
- 5.9 **Solar Panels:** The use of solar panels is prohibited.
- 5.10 **Roof Accessories and Equipment:** HGACC approval is required for all roof top equipment and accessories. All roof top equipment must match roofing colors or be a color that complements the house and must be placed as inconspicuously as possible. No exposed attachment straps will be allowed.
- 5.11 **Vents:** Plumbing vents, mechanical vents and fans, turbine type attic vents and other similar types of vents must be painted to match the roof/wall. No vents shall be located on the front elevation.
- 5.12 **Skylights:** Skylights must be painted to match roof color. No skylights shall be located on the front elevation.
- 5.13 **Garages:** All residences shall have a fully enclosed attached garage designed to accommodate at least two vehicles when garage doors are in the closed position and shall be finished inside. Such garages shall be compatible with and complementary to the main residence in architectural style, material, color. Generally, “sideload” or “rearload” garages are recommended and front entry garages are discouraged. Front entry garages may be permissible if certain conditions as outlined in recorded documents are met.

- 5.14 **Additions, Modifications & Expansions:** Any addition, modification, expansion or similar alteration, including changes to the color scheme, of a previously approved residence, whether before or after the initial construction, is subject to the requirements of these Guidelines and must be submitted to the HGACC for approval.

ARTICLE 6 – LANDSCAPING REQUIREMENTS:

- 6.1 **Purpose:** These landscape requirements have been established to reflect the community's emphasis regarding the value of open spaces, natural land forms, and landscapes. Such requirements and guidelines help assure a positive impact in property values, quality of life, and the overall enjoyment and benefits of outdoor living. Special consideration should be given to the following aspects of landscape plantings.

- 6.2 **Shade & Canopy Trees:** The establishment of trees in open areas & the re-vegetation of wooded home-sites will be required to restore, over time, the natural forest canopy lost during construction. Specific requirements will be reviewed on a lot-by-lot basis. The following additional Landscape Improvements must be installed as part of the initial Landscape Improvements and are in addition to the minimum requirements.

Reforestation of Lots:

Partially wooded lots 3 shade trees

Unwooded lots 6 shade trees

- 6.3 **Minimum Landscape Contract Value:** A minimum of \$10,000 must be spent on plant material, including trees, shrubs, ground cover plants, annual flowers, perennials, and lawn grass sod and or seed, topsoil and three (3) inches of mulch or pine needles on all disturbed areas not receiving seed or sod, in the Initial Landscape Improvements installation for each lot. However, corner lots require a minimum of \$10,500 minimum expenditure.

- 6.4 **Evergreens, Accent Trees, and Shrubs:** The following minimum Landscape Improvements Per Non – Corner Lot Apply:

Plant Type	Quantity	Size
Evergreen or Accent Tree	2	7 – 8 ft. height
Evergreen Shrubs	18	5-7 gallon
Small Shrubs	16	3 gallon

The following minimum Landscape Improvements Per Corner Lot Apply:

Plant Type	Quantity	Size
Evergreen or Accent Tree	2	7 – 8 ft. height
Evergreen Shrubs	22	5-7 gallon
Small Shrubs	20	3 gallon

- 6.5 **Waiver / Postponement of Planting:** Under circumstances of extreme weather conditions or other extenuating circumstances, the HGACC may, in its sole discretion, grant a Lot Owner a postponement of the initial Landscape plantings. The request for such

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postponement must be in writing with the final Landscape Plan submission and the Landscape Escrow Fee. Generally, postponement of the Landscaping plantings will be considered only for the hotter summer months between July 1 and August 30 and for prolonged periods of frozen weather forecasted during the winter months. Such a postponement, when granted, in no way releases the Lot Owner from the obligation to install the Landscape plantings in accordance with the approved Landscape Plans and Specifications at the earliest time the weather permits and in all events not later than the timetable set forth in the HGACC's written postponement.

END OF DOCUMENT.

Attachments: Architectural Review Application