

Ivory Hills
Homeowners Association

Architectural Guidelines

September 2005

ARCHITECTURAL STANDARDS AND CONSTRUCTION SPECIFICATIONS

Adopted by the Board of Directors of the Ivory Hills Homeowner's Association

The Ivory Hills Developer & Architectural Review Board presents the following Standards to assist homeowners in complying with the Declaration of Covenants, Conditions and Restrictions (the covenants") of the Ivory Hills Community Association, Article V—Architectural Control. It is the intended effect that these Standards will result in equitable and consistent handling of all applications for Architectural Board review and approval so the necessary value judgments will be kept to a minimum. At some time in the future, the Developer will turn over responsibility for architectural review to the Ivory Hills Community Association.

I. INTRODUCTION

In a planned community such as Ivory Hills, 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 Ivory Hills Community as a whole.

Basic control for maintaining the quality of design is through the Declaration of Covenants, Conditions and Restrictions of the Ivory Hills Community Association. 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 should 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 an Architectural Review Board to be comprised of 3 or more representative appointed by the Developer/HOA Board. Article V of the Ivory Hills Declaration requires the Developer's/ Architectural Review Board's prior written approval of any exterior change, addition or alteration to any property. Such changes include any building, fence, wall or other structure that may be added or altered. It further requires that the plans, specifications 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 Architectural Review Board 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 Board fails to approve or disapprove a request for a change within 30 days after receipt of the application, then approval will not be required and Article V of the Declaration will be considered to have been waived.

The Standards which follow are the procedures and guidelines applied by the Architectural Review Board and the Developer 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 Ivory Hills Community.

II. WHAT MUST HAVE ARCHITECTURAL COMMITTEE APPROVAL

The Committee's prior approval is required for ANY CHANGE in the exterior of a property pursuant to Article V, Section 2, Controls subsection (a) & (b), as quoted below from Declaration:

“(a) No building, fence, or other structure shall be erected, placed, or altered, nor shall a building permit application for such improvement be made on any Lot in Properties until the proposed building location, specifications, exterior materials and color or finish, plot plan (showing the proposed location of such building or structure, drives, and parking areas, exterior shape, size and height) shall have been approved in writing by the Declarant, or by the Architectural Review Board of the Association if such review responsibility has been delegated to the Association by the Declarant. In addition, the Declarant may require prior written approval of a landscape plan. . The Declarant further reserves the right to promulgate and amend from time to time architectural standards and construction specifications (hereinafter referred to as the “Architectural Standards and Construction Specifications”) for specific neighborhoods and areas or for all Properties within the Properties and such Architectural Standards and Construction Specifications shall establish, define, and expressly limit those standards and specifications which will be approved in said neighborhoods and areas or within the Properties, including, but not limited to, architectural style, exterior color or finish, roofing material, siding material, driveway material, landscape design, and construction technique. Refusal or approval of plans, location, exterior color or finish, or specifications may be based by the Declarant upon any ground, including purely aesthetic considerations, which in the sole and uncontrolled discretion of the Declarant shall seem sufficient. No alteration in exterior appearance of any building or structure, including exterior color or finish, shall be made without like prior written approval by the Declarant. One (1) copy of all plans and related data shall be furnished to the Declarant for its records. In the event approval of such plans is neither granted nor denied within thirty (30) days following receipt by the Declarant of written demand for approval, the provisions of this paragraph shall be thereby waived.”

“(b) In order to assure that buildings and other structures will be located and staggered so that the maximum view, privacy, sunlight, and breeze will be available to each building or structure within the confines of the Lot, and to assure that structures will be located with regard to the topography of the Properties, taking into consideration the location of large trees and other aesthetic and environmental considerations, the Declarant reserves the right to control absolutely and solely to decide (subject to the provisions of the Zoning Ordinance of Wake County, North Carolina) the precise site and location of any building or structure on any Lot in the Properties for reasons which may in the sole and uncontrolled discretion and judgment of the Declarant seem sufficient. Such location shall be determined only after reasonable opportunity is afforded the Owner to recommend a specific site. The provisions of this paragraph shall in no way be construed as a guarantee that the view, privacy, sunlight, or breeze available to a building or structure on a given Lot shall not be affected by the location of a building or structure on any adjacent Lot.”

The above stated covenants apply to each lot in its entirety, without discretion between front, side, and back yards. This requirement applies to every homeowner's private property and any common areas.

III. REVIEW CRITERIA

The Architectural Review Board evaluates each application on the individual merits of the application. The Committee's decisions are based upon the standards, including, but not limited to those in the following 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 interest of neighboring owners and renters should be protected 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 noise or infringe drastically on views of neighboring property. The Architectural Committee should consider the various and appropriate criteria and exercise discretion in determining which of these criteria will be governing in each specific application.

Design Compatibility The proposed change must be compatible with the design characteristics of the applicant's home the general neighborhood 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 the area in which it is intended 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 soften or intensify visual impact. For example, the color of a fence should blend in with the surrounding natural environment or be painted to be in continuity with the existing home. 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.

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, the Architectural Committee may disapprove the application.

IV. DESIGN APPLICATION REVIEW PROCEDURES

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

Objective

The Architectural Review Board, in examining each application for design approval, considers whether or not the exterior change conforms to Article V, Architectural Controls, Section 2, subsections (a) & (b). Controls of the covenants and the guidelines outlined herein and briefly outlined below:

- A. To create a community which is aesthetically pleasing and functionally convenient, and
- B. To maintain a harmonious relationship among structures, vegetation, topography and the overall design of the community.

Application Procedure

Complete the application form (one is included with these Standards) 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. Be sure to include such information as type of material, size, height, color, location, etc. Provide a plot plan of the lot and indicate the location of the building, pen, fence, etc., as it relates to the home and lot. Mail or deliver the application form to the Management Company whose address is shown on the application form.

Incomplete applications will be returned which may cause a delay in obtaining approval.

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 review of an application, the Ivory Hills Architectural Review Board members may visit the site and may talk to the applicant or neighbors.

The Architectural Review Board considers the application and any data or comments received from immediate neighbors. After discussion of the application as submitted, the Architectural Review Board will either approve conditionally, disapprove, or approve the application as submitted. In cases of conditional approvals, or disapproval's, the homeowner submitting the application will be provided, in writing, with the reason or reasons for such. Each applicant will be mailed written notice regarding the Board's decision.

The Architectural Review Board will record its action and the notification to the applicant by placing copies of the executed application and/or letters in the Ivory Hills HOA Board's archives. Duplicate copies of all records will be forwarded to the Association's Management Firm.

Conditional approval means that work may begin as contained in the application, subject to meeting the modification requirements put forth by the Architectural Review Board. The Architectural Review Board **will** inspect work in progress and request (either orally or in writing) that the applicant corrects any non-compliance with the approved design.

Final Approval and Walkthrough

A final walkthrough will be performed upon completion of an approved project & final approval will be given by the Architectural Review Board once the Board determines that the project has been completed according to plan & in accordance with the Ivory Hills Covenants, Conditions and Restrictions & the architectural guidelines stated above.

***** A final approval signature, by the head of the Architectural Review Board, and date will be placed on the original application & retained in the HOA Board's archives. A second copy of the original application with final approval signature and date will be mailed to the appropriate homeowner to retain for their records.**

Correction Procedures

Remedies: An exterior change made without the required approval of the Architectural Review Board constitutes a violation of the Declaration. A violation will require removal or modification of the work at the expense of the property owner or renter; or payment of damages incurred by the Association in having the work removed or modified; or fines assessed by the Ivory Hills Homeowner's Association Board.

Reports: The Architectural Review Board will inspect authorized construction in progress & upon completion, as well as the community in general to identify apparent and flagrant violations. Additionally, all homeowners have the right to notify the Committee or Developer of apparent violations of any provisions of these Architectural Standards and Construction Specifications.

Violations will be brought to the attention of the Ivory Hills Homeowner's Association Board for final resolution. This could lead to the Association assessing fines and/or filing legal action against the property owner.

Fines: Ivory Hills will enforce a fine system.

V. DESIGN GUIDELINES

This section of the Standards provides specific guidance regarding particular design situations frequently encountered in Ivory Hills. 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.

Repairs

Owners are responsible for repairs to existing structures, additions, etc. No application is necessary to affect repairs and restoration to original condition.

Shed/Storage Buildings

Please refer to Article VI, Section 1, Land Use Building and Type in the Ivory Hills Covenants, Conditions and Restrictions.

Doghouses

1. All doghouses must be approved by the Architectural Review Board.
2. Should be located on the property in an area that is not highly visible from the street and must be located 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. Exterior finish guidelines for dog houses are the same as the exterior specifications for sheds as stated in the Ivory Hills Covenants, Conditions and Restrictions, Article VI, Section 1, Land Use Building and Type.

Fences/Walls

All fences and/or walls require approval from the Ivory Hills Architectural Review Board.

- NOTE: Please note that some fences may require the approval of Wake County, North Carolina. Please inquire as to whether this approval is necessary prior to your submission of an application for design change pertaining to a fence/wall. If required, please include any necessary approvals with your application.

Decks & Patios

All decks must be approved by the Ivory Hills Architectural Review Board.

Lamps & Yard Lights

All lamps/yard lights, etc. must be approved by the Ivory Hills Architectural Review Board.

Clotheslines

Clotheslines are not permitted in the Ivory Hills Community.

Play Equipment/Tree Houses

1. All movable & permanent play equipment/tree houses must be approved by the Ivory Hills Architectural Review Board
2. Play equipment should be located at least 5' from property lines. If intent to make this a permanent structure exists, the Architectural Review Board will determine an acceptable Distance 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. Recommend only one (1) per house.

Drives and Parking Areas

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

Trees, Plants and Gardens

1. Prior to submitting an application for approval for exterior design change pertaining to the above listed items, please contact Kohn-Ell Association Management to discuss guidelines for these items.
2. All specimen trees (i.e. Magnolia, etc.) require Architectural Review Board approval
3. Any tree that will reach the height of 4 feet and above and over one (1) in quantity must be approved by the Architectural Review Board.
4. Small scale flower beds (not to exceed 100 square feet) require no written approval.
5. Vegetable gardens must be located in the rear yard. Any gardens exceeding 10 x 10 sizes must be approved by the Architectural Review Board.
6. Caution should be exercised in digging deep holes so as not to cut into any electric cable, etc.

It is suggested that prior to digging, homeowners contact the appropriate utility company.

GENERAL COMMUNITY GUIDELINES

Dues

1. Homeowner's Association Dues are due on the first day of each quarter (i.e. January, April, July, & November). They are considered late if not received within thirty (30) days. Dues not received within thirty days are delinquent and the owner will be notified & fined as follows. The following fine structure for late dues was adopted by the Ivory Hills HOA Board, a ten percent (10%) charge will be assessed on the unpaid balance 30 days past the first due date and accruing monthly thereafter on the open balance

Street Parking

1. No overnight street parking allowed by residents or guests. Please also refer to Article V, Section 2, subsection © & Article VI, Section 8 of the Ivory Hills Covenants, Conditions and Restrictions. Any deviations will be subject to penalties/fines assessed by the Ivory Hills Homeowner's Association.

Uniform Sign Regulations

1. Please refer to Article V, Section 2, and subsection (d) of the Ivory Hills Covenants, Conditions and Restrictions.

Mailboxes

1. Must meet the "Uniform Mailbox Regulations" for Ivory Hills according to Article V, Section 2, subsection (f) of the Covenants, Conditions and Restrictions. All mailboxes must be identical.

Antennas /Satellite Dishes

1. No antenna or dish shall be placed or erected upon any property within Ivory Hills except with prior written approval of the Architectural Review Board as stated in Article VI, Section 4, of the Ivory Hills Covenants, Conditions and Restrictions.

Outside radio antennas are allowed only with permission of the Ivory Hills Architectural Review Board. Antennas or satellite dishes for television reception, do not need prior approval, but are to be located in the rear yard so as not to be visible from the street. Should rear yard placement cause a signal reception problem or undue expense, please contact the Ivory Hills Board or the Management Company.

Tree Cutting

1. No trees measuring six (6) inches or more in diameter at a point two feet above ground level may be removed without the prior written approval of the Ivory Hills

Architectural Review Board as stated in Article V, Section 2, subsection G) of the Ivory Hills Covenants, Conditions and Restrictions.

Boats, Trailers, etc.

1. Please refer to Article VI, Section 8 of the Ivory Hills Covenants, Conditions and Restrictions.
2. Temporary parking of trailers, recreational vehicles, campers, boats, jet skis and/or other like vehicles is not to exceed 4 days over a 30-day period

Trash Can Removal

1. All trash containers and recycle bins provided are to be placed at the curb of your home (the evening prior to your designated pick up day. The containers and bins are to be returned to your home within 24 hours after trash removal.
2. All trash cans should be stored in a manner where they are not in view from the street or neighboring homes.

The Ivory Hills Covenants, Conditions and Restrictions can be accessed at the following website:

[http://rodweb01.co.wake.nc.us/books_igenext_igenextimages.asp?docid= 105355013.](http://rodweb01.co.wake.nc.us/books_igenext_igenextimages.asp?docid=105355013)

It is recommended that all homeowner's take the opportunity to review them. Hard copies of the Ivory Hills Covenants, Conditions and Restrictions can be obtained from Kohn-Ell Association Management for a fee of \$10.