Preserve at Lousibury

Architectural and Landscape Guidelines

(Adopted _____, 2023)

Preserve at Lousibury
Homeowners Association, Inc.

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INTRODUCTION

Preserve at Lousibury Homeowners Association, Inc. (the "Association") Architectural and Landscape Guidelines (the "Guidelines") are a supplement to the Preserve at Lousibury Subdivision recorded in the official records of the Durham County Register of Deeds (the "Declaration") and are not to be considered as the sole statement of regulations. Capitalized words used in these Guidelines shall have the meaning ascribed to them in the Declaration, unless expressly provided otherwise herein.

The primary purpose of the Guidelines is to preserve and maintain the property values and the natural beauty of the development. Section 3.4 of the Declaration establishes the Architectural Committee (the "Committee"). The Committee is responsible for reviewing requests, making site inspections, and approving or disapproving all architectural requests.

This document is not intended to be comprehensive; rather it is a guideline for Owners considering modification to their Lot or exterior of their dwelling unit. These Guidelines are subject to revision without notice. Unless otherwise defined herein, capitalized words and phrases used in these Guidelines shall have the meanings set forth in the Declaration. If there is any discrepancy between the Guidelines and Declaration, the Declaration shall prevail.

The Declaration and the provisions requiring Owners and other persons to obtain the approval of the Board or Committee with respect to certain actions specified in the Association documents are independent of the obligation of Owners and other persons to comply with all applicable laws, ordinances and regulations, and compliance with provisions of the Association documents shall not relieve Owners or other persons from the obligation to also comply with all applicable laws, ordinances and regulations.

A. DESIGN REVIEW PROCESS

1. Any change, addition, or modification to a site or a building exterior of a dwelling unit requires the prior written approval of the Committee. Owners with proposed changes should contact the management company, with whom the Association has contracted for full association management to obtain the necessary architectural guidelines and submittal documentation.

2. Simply stated, no improvements, alterations, repairs, additions, or other work, including changes in exterior color, is to occur on any Lot or exterior of any dwelling unit from its improved state existing on the date such property was first conveyed by Builder to a purchaser without prior approval of the Committee. The responsibility of the Committee is to ensure the harmonious, high quality image of Stillhouse Farms is implemented and maintained.

3. Any Owner requesting approval of any construction, installation, addition, alteration, repair, change or other work to their Lot or dwelling unit shall follow the application procedures listed in the Application Procedure Section below. Response to the submittals will be returned to the applicant within thirty (30) days of receipt. Please confirm that the management company has received your application.

4. If the Committee approves the Application, the Owner shall proceed with the work contemplated under the Application as soon as practicable and diligently pursue such work within thirty (30) days of issuance of the approval or such additional period of time as may be approved by the Committee. All work shall be completed within one (1) year of the approval date.

B. APPLICATION PROCEDURES

1. An Owner shall submit (i) a written request for approval to the Committee, which shall be in the form required by the committee, specifying in detail the nature and extent of the addition, alteration, repair, change or other work the Owner desires to perform, including, without limitation, the distance of such work from neighboring properties, if applicable, (ii) any additional information, plans and specifications which the Committee may request, (collectively, the "Application").

2. The approval of an Application by the Committee shall be in addition to and not in lieu of any approvals or permits which may be required under any federal, state or local law, statute, ordinance, rule or regulation.

3. The approval of an Application by the Committee shall not be deemed a warranty or representation by the Committee as to the quality of such construction, installation, addition, alteration, repair, change or other work or that such construction, installation, addition, alteration, repair, change or other work conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation.

4. **It is the Owner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all counties, local, state and federal government agencies. The Committee, the management company and the Association assume no responsibility for obtaining these reviews and approvals. An approval by the Committee does not indicate or imply the request complies with local zoning or building code requirements.**

C. DESIGN GUIDELINES

1. General Principles. The purpose of the Committee is to promote consistent application of the Guidelines. The Guidelines promote those qualities in Preserve at Lousibury that enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography and overall design of the community.

2. Design Compatibility. The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the neighboring setting. Compatibility is defined as harmony in style, scale, material, color and construction details.

3. Workmanship. The quality of workmanship evidenced in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the Committee assume no responsibility for the safety or livability of the new construction by virtue of design and workmanship

4. Building Architecture. In general, any exterior addition or alteration to an existing dwelling unit shall be compatible with the design character of the original structure.

5. Building Repairs. No building or structure shall be permitted to fall into a state of disrepair. The owner of every dwelling unit or structure is responsible at all times for keeping the buildings in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the Owner is responsible for immediate repair or reconstruction. Roofs must also be kept in good repair at all times.

6. Antennas and Satellite Dishes. While the Association does not prohibit the use of antennas, satellite television dishes or other structures designed for the receipt or transmission of television, radio or other communication signals on any Lot, the Association does regulate the size and location. All antennas, satellite television dishes or other structures are to be located in the rear of house and not be visible from the road. However, corner Lots will be reviewed on an individual basis. All antennas, satellite television dishes or other structures are to be submitted to Committee with a diagram showing the location and size of the device to ensure that they do not negatively impact the general development scheme and appearance of Stillhouse Farms.

7. Awnings. Awnings are prohibited.

8. Basketball Goals. Basketball goals are permitted upon prior written approval from the Committee. A plot plan showing the location and pictures of the materials must be submitted for review. The basketball pole shall be black. Basketball goals or backboards shall not be attached to the dwelling unit, garage, or roof. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped and/ or peeling paint, etc. constitute grounds for fine and/or removal. Only nylon or similar cord nets are acceptable. Metal or chains are expressly prohibited. Courts may not be painted or permanently outlined on the driveway. Lighting for night use of equipment is prohibited. Portable basketball goals must be stored out of view when not in use.

9. Decks, Arbors/Ramada's, Patios and Gazebos. The Committee encourages creative designs and patterns for decks, arbors/ramadas, patios and gazebos particularly in replacement of existing builder-supplied components. However, plans for such improvements shall be submitted to the Committee for approval and must comply with all City, County and State ordinances.

   Ramadas and gazebos may be erected in rear yards only subject to prior review and approval by Committee, subject to the following guidelines:

   a. Maximum square footage (under roof area) is 120 square foot.
   b. Maximum roof height is 10 feet at the highest point.
   c. The structure must be set back a minimum of 10 feet from any property line. .
   d. The structure must be painted to match the dwelling unit color and be maintained in good condition.

e. Roof shingles must also match the shingles on the dwelling unit.
f. Lighting of the structure must be approved by the Committee prior to installation.
g. Only the following **Sherwin Williams SuperDeck Stains** may be used on wooden decks, back porches, and balconies in the Community:

Banyan Brown (Sherwin Williams #3522);
Charwood (Sherwin Williams #3542);
Moss Olive (Sherwin Williams #3530); and
Blue Shadow (Sherwin Williams #3531).

If not using Sherwin Williams SuperDeck Stains as listed above and Owner wishes to **use another brand of stain** on the wooden material with an equivalent color and equivalent transparency of an above-listed Sherwin Williams colors and stains, approval must be obtained from the ACC prior to the application of the stain.

A sample/swatch of the Sherwin Williams color **and** a sample/swatch of the requested color in another brand must accompany the Application.

10. Driveway Extensions. Driveway extensions will be reviewed for approval provided the following conditions are met:

    a. Only driveway extensions immediately adjacent to the existing driveway located in the side yard of the property will be considered.
    b. Submittals must include a plot plan with the following noted thereon: the location and dimensions of the proposed extension and the existing driveway dimensions
    c. Consideration must be given to the existing drainage and water run-off must not be compromised.

11. Fences. All fences and similar enclosures must be approved by the ACC as to style, location, size and materials. Fences should perform the functions of enclosing spaces and providing security with minimal visual impact, thus maintaining the sense of natural openness throughout the community. Additional fence setbacks or limitations may be imposed upon Lots abutting Common Open Space or other natural areas. See Exhibit A for Fence Guidelines.

12. Flags. The official flag of the United States and/or the State of North Carolina may be displayed on any Lot provided (i) such flag is displayed in the manner required under the federal flag code from a pole attached to a dwelling unit on the Lot, (ii) the pole is no higher than the top of the dwelling unit, (iii) the pole is no longer than ten feet in length and does not extend more than ten feet from the edge of the dwelling unit, (iv) the flag is no more than twenty four square feet in size, (v) any flag lighting does not violate Section 5.29 of this Declaration, and (vi) the flag is maintained in good condition. The flag of another nation may be displayed in lieu of the United States Flag on national holidays of such nation provided such display complies with the requirements for displaying the United States Flag.

13. Gutters and Downspouts. Gutters and downspouts require the prior written approval of the Committee and will be considered if the finish matches the color of the dwelling unit. The Committee strongly recommends the use of high-quality materials that offer long life. The gutter must be maintained in good condition.

14. HVAC. Except as initially installed by the Declarant or a builder and except for replacement units as described below, no heating or air conditioning unit shall be placed, constructed or

maintained upon any Lot without the prior written approval of the Committee. In the event a heating or air conditioning unit needs to be replaced, an Owner may install a replacement unit in the same or substantially same location as the original unit without the approval of the Committee.

15. Outdoor Lighting. Any outdoor lighting installed on a Lot or dwelling unit, subsequent to initial lighting installed by the builder, require the prior written approval from the Committee. Permanent lighting sources shall not be directed towards streets, common areas or neighboring property. Low voltage accent lighting is encouraged.

16. Patio Covers. Roofing materials should match the roofing materials that were installed by the builder on the original roof of the dwelling unit or that were offered as an option by the builder for a patio cover. Color of supports and material should match the color of the body or trim of the dwelling unit All patio covers not installed by builder will need to be reviewed by the Committee on an individual basis prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood. The patio covers must comply with all City, County and State ordinances.

17. Play Structures. No jungle gyms, swing sets or similar playground equipment that would be visible from neighboring property shall be erected or installed on any Lot without the prior written approval of the Committee.

18. Pools and Spas. Pools and spas require prior written approval of the Committee prior to the commencement of any construction. Except for whirlpool spas, above-ground pools are not permitted. All pool and spa submissions must include the plans and specifications, as prepared by the pool or spa contractor, and must include the location of equipment, size of pool and spa, size of deck, setbacks and any proposed safety fencing. Runoff from pool drainage must be considered in overall landscape plan. In addition to the Committee approval, pools and spas must be installed according to all City, County and State requirements.

19. Security and Screen Doors. All screen and/or security doors must be submitted for approval by the Committee and should be painted to match the exterior body color or trim of the dwelling unit, or the color of the exterior door. Silver-colored aluminum screen doors are prohibited.

20. Signage. No signs of any kind shall be installed or displayed on any Lot or Common Area without the prior written approval of the Committee as to its size, color, design, message content, number and location except:

    a. Such signs as may be used by Declarant or a builder in connection with the development and sale of Lots and/or dwelling units or Common Area in the Project;
    b. Such Signs as may be desired by Declarant or a builder or required for traffic control, construction job identification, builder identification, and subdivision identification as are in conformance with the requirements of the City;
    c. One temporary sign no larger than 30" x 24" used exclusively to advertise the Lot for sale, lease or rent, HOWEVER, a rental or lease sign may not be posted within 24 months of the initial conveyance from a Declarant or builder;
    d. Such signs as may be required by legal proceedings, or which by law, may not be prohibited; and
    e. All other signs approved in advance in writing by the Committee.

An Owner may display an indoor or outdoor political sign on a Lot not more than forty-five (45) days prior to an election day or later than seven (7) days after an election day. The Owner shall comply with any applicable municipal ordinance regulating the size and number of political signs permitted to be displayed on a Lot. If no such ordinance exists, then an Owner shall be permitted to display one (1) political sign with maximum dimensions of twenty-four (24) inches by twenty-four (24) inches.

All signs shall conform to applicable municipal ordinances and other governmental requirements. Illegal signs will be removed and a fine may be levied against the responsible Lot Owner.

21. Seasonal Decorations/Yard Decorations. Seasonal decorations and yard decorations include, but are not limited to, statues, sculptures, artifacts, inflatable decorations, signs, flags, lighting, artificial vegetation and florals, wind chimes, plaques, wreaths, potted plants, and other decorative items installed or displayed on the Lot or exterior of the house. Owners are expected to only install yard decorations that are in good harmony with the Community. The Association reserves the right to request removal and/or submission of an Application for yard decorations in the front, side, or back yard. Not more than one (1) sculpture/statue allowed in the front yard, not more than two (2) sculpture/statue allowed in the side yards, and not more than one (1) birdbath or fountain of each, of any size, are allowed on any Lot and all must be confined to the rear yard.

22. Solar Panels. Except as may be initially installed by the Declarant or builder and if permitted by applicable state regulations or other laws, no solar energy collecting unit or panels shall be placed, installed, constructed or maintained upon any Lot without prior written approval of the Committee. All solar panels will be flush mounted if visible from neighboring property.

23. Storage Sheds. Storage sheds require prior written approval of the Committee and are subject to the following guidelines:

    a. Sheds are subject to minimum rear setbacks of seven (7) feet.
    b. Sheds may not exceed ten (10) feet in height from ground to peak.
    c. Quality materials and construction shall be required.
    d. Sheds must be in harmony with the exterior of the dwelling unit including siding, color, and roofing materials.
    e. Temporary storage of materials for modification projects shall be discreetly placed and maintained in an orderly manner and condition.

24. Trash Can Enclosures. shall be comprised of permanently installed screens. Garbage can area screens, aka trash can screens, shall be no taller than 4 ½ feet, no wider than 3 ½ feet, and no longer than 8 feet, and must be fully enclosed on no less than three sides (two sides of screen plus the original garage side wall). One gate no wider than 3 ½ feet may be installed in manner such that the gate is facing the side or rear Lot line when closed. If installed, the gate must be kept closed at all times. Garbage can areas must be kept neat; no loose debris shall be allowed in the Garbage can area.

Allowed Garbage Can Area Screen designs:



D. LANDSCAPE GUIDELINES

1. Landscaping. landscaping improvements shall require prior written approval and must be installed in accordance with plans approved in writing by the Committee.

2. Trees. The removal of a live tree shall require prior written approval unless the tree is less than two (2) inches in diameter at a height above the ground of two (2) feet. Removal of dead trees does not require approval, regardless of size. It is the Owner's responsibility to provide documentation that the tree is dead, if required.

3. Fine Grading and Mounding. Fine grading is a critical aspect of landscaping. Each Lot has been graded in such that all storm water will drain away from the dwelling unit. It is important that this drainage pattern is maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the city grading and drainage plan. Every effort should be made to make mounding appear natural.

4. Hardscape. The Committee must approve any hardscape items proposed for front yard installation. Hardscape items which will be visible from neighboring property in the rear yard will also require approval. Materials included in hardscape are concrete, brick, tile, wood, and etc. Examples of hardscape items are patios, planters, walkways, retaining walls, decorative walls, outdoor living spaces, fountains, etc...

5. Lighting. Except as initially installed by the builder, no spotlights, floodlights or other high intensity lighting shall be placed or utilized upon any Lot or any structure erected thereon with in any manner will allow light to be directed or reflected on any other property except as approved by the Committee.

6. Maintenance. All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash.
7. Mulch. Only brown and black mulch are allowed.

8. Rock/Gravel. Not allowed to replace mulch or sit on top of mulch. Only allowed when gravel/rocks are contained by metal edging like in the example below. Please mark the location of edging on the plot plan when submitting the application.



E. ASSOCIATION RULES

The following Association rules summarize some of the common provisions found in the Declaration as well as rules established by the Board of Directors. Cooperation on the part of all Owners in following these rules will make living at Stillhouse Farms an enjoyable experience for everyone.

1. General Property Restrictions. Owners may rent only the entire Lot or dwelling unit. Rental must be made only to a single family. No gainful occupation, trade or other non-residential use may be conducted on the property for the purpose of receiving products or services related to such usage. Owners must receive Board of Directors permission to apply for any rezoning, variances or use permit.

2. Trash and Recycling Containers; Collection. Covered trash or recyclable material containers may be placed in designated locations for pickup not earlier than 5:00 p.m. on the day before a scheduled pickup is to occur and may remain at such designated locations until not later than 9:00 p.m. on the day of the scheduled pickup. At all other times, the containers must be stored out of sight.

3. Machinery and Equipment. No machinery or equipment of any kind shall be placed, operated or maintained upon or adjacent to any Lot except such machinery or equipment as is usual and customary in connection with the use or maintenance of improvements unless approved by the Committee.

4. Materials and Colors (Houses, Garages, other Structures).

a. Periodic repainting and restaining with the existing color for maintenance does not require approval from the Committee.
b. Roof replacement with the same color and style roofing (i.e., replace with same as existing color and materials) does not require approval from the Committee.
c. Exterior materials compatible with the architectural character of the Stillhouse Farms neighborhood shall be used.
d. Brick and/or stone shall remain unpainted, unless painted as part of the original, approved construction.
e. Exterior Color changes (Siding, trim, doors, roofs):

    i. Keep all colors low in intensity (saturation or chroma).
    ii. Color changes from existing require Committee approval.
    iii. Colors must blend with the colors of the dwelling units in the immediate vicinity.
    iv. Actual color samples must be included with a request for a color change.

5. Window Coverings. No outside or inside of any window shall at any time be covered with aluminum foil, bed sheets, newspapers or any other like materials.

F. CONSTRUCTION REQUIREMENTS

1. Maintenance of Property. Owner shall maintain or cause to be maintained, all portions of Owner's Lot in good, healthy and sightly order, condition and repair. Without limiting the generality of the foregoing, Owner shall, during the period of construction, maintain within Owner's Lot one adequately sized trash bin. Owner shall be responsible for assuring that all paper and trash on the Lot shall be placed in such bins and that such bins shall be emptied and such paper and trash removed therefrom when such bins become full. Additionally, and without limiting the generality of the foregoing, Owner shall be responsible for erosion control and weed mowing on Owner's Lot. Owner shall not clean or wash concrete trucks or other equipment used for the delivery and installation of concrete within the Stillhouse Farms community. Additionally, and without limiting the generality of the foregoing, Owner agrees to obtain and maintain any and all required permits, licenses and approvals from any governmental authority having jurisdiction concerning storm water runoff, sediment or erosion control, storm drainage, or any other water or sediment discharge ("**Storm Water Permit**") which relate to Owner's Lot, and comply with any and all requirements, conditions, restrictions or other terms contained in any such Storm Water Permit, including, but not limited to, treatment requirements and discharge limitations.

2. Protection of Streets and Property. Each Owner shall be responsible for keeping all roads and streets adjacent to the Owner's Lot free of the dirt, mud and debris that results from any pre-construction and construction activities by or on behalf of the Owner. Without limiting the generality of the foregoing, the Owner shall be responsible for the costs of repairing any damage to roads and streets adjacent to the Owner's Lot, other than ordinary wear and tear, to the extent such damages result from pre-construction and construction activities on the Owner's Lot.

EXHIBIT A

FENCE GUIDELINES

Fence heights: 4-feet to 5-feet, for aluminum, or 5-feet to 6-feet for privacy fences.

Fence color: Treated lumber fences may be left natural with clear fence sealer or stained with approval from the Committee. Red colored stains are not allowed. Ornamental aluminum fences shall be black, or other approved dark finish.

Recommended:

- All fasteners are to be galvanized.
- Wooden fencing shall be constructed of #2 or better pressure treated yellow pine. Any other material needs to be approved by the ACC
- Charleston/Cannonball, 6-feet maximum height without ornamental top or 4-feet maximum height with 1-foot ornamental top.
- Standard (open) ornamental aluminum picket fence, 4-feet to 5-feet in height.
- Vinyl Privacy Fencing, 5-feet to 6-feet in height
- Brick wall/columns (Brick color must match house, if applicable).
- There may be only two gates per Lot.
- A single gate may have the maximum width of 5-feet and a double gate may have a maximum width of 8-feet. There may only be one double gate per Lot.
- Fences may be designed with brick columns and/or walls.
- **Fences must start from the rear corners of the home or up to 10 Ft up the side of the home from rear corners.**
- All four sections of fence shall match (unless connecting with an adjacent, existing fence or rear Lot line is adjacent to the open space).
- Fences shall be constructed with the decorative side facing out (if applicable).
- Fence must be installed with 2-inch clearance at bottom from subgrade (or 1-inch above sod) for drainage.
- Wire mesh (2-inch x 2-inch min.) may be installed with rail type fences for purposes of containment.
- Only the following Sherwin Williams **Transparent or Semi-Transparent Stains** be used on wooden fences in the Community:
  - Banyan Brown (Sherwin Williams #3522);
  - Charwood (Sherwin Williams #3542);
  - Moss Olive (Sherwin Williams #3530); and
  - Blue Shadow (Sherwin Williams #3531).

If not using Sherwin Williams Stains as listed above and Owner wishes to use another brand of stain on the wooden material with an equivalent color and equivalent transparency of an above-listed Sherwin Williams colors and stains, approval must be obtained from the ACC prior to the application of the stain. A sample/swatch of the Sherwin Williams color and a sample/swatch of the requested color in another brand must accompany the Application.

Underground "invisible" fencing does not require approval, as long as all removed grass is replaced, landscaping is returned to its original state, and the wires are installed as to not encroach upon property owned by others.

Prohibited:

- Front yard fences.
- Electric or barbed wire fences.
- Chain link fences.
- Dog ear picket style fences
- Painted wood fences (other than approved natural stain).
- Bright colored fences
- Dog runs or pens.

Fence locations: Rear/Side Yard – **Corner Lots Only**

- Fences must be located within 12-inches of the side and rear property lines shared by adjoining Lots to allow for connection of (future) fences. New fences must maintain a 6-foot minimum offset from existing fences oriented along a similar line (no fence to fence conditions).
- Fences located in the side yard may only extend as close to the front of the Lot as the mid-point of the side of the house. Exception: A fence may be located within 10-feet of the front of the house only for the purpose of containing a side entry service door to the garage.
- Side yards fences cannot be installed less than 5 feet from the inside edge of a sidewalk (must be 15 feet from curb)
- Side yard fences at corner Lots must align with and may not extend beyond the rear corner of the house.
- Fences located over utility easements are subject to removal as may be necessary for access or maintenance as allowed by the easement.

Screening:

- All sections of fence that front a street shall have a landscape buffer/screen installed on the street side of the fence. The minimum buffer/screen shall consist of a single row of evergreen shrubs planted at a spacing of 4-feet on center with an installed height of 24-inches above grade and are to have a minimum mature height of 4-feet. It is recommended that a mixture of evergreen and deciduous shrubs and trees be used for screening purposes. Existing plants may be applied to the screening requirements.

- No trees with a trunk caliper greater than 3-inches may be removed during construction without Committee approval. Fines or other remediation may be assessed to the homeowner for trees removed without approval. Caliper measurements shall be taken from 6-inches above the top of the ground.

Debris: All construction debris shall be collected on a daily basis and placed in appropriate containers or hauled off. Debris may only be placed at curb for pick-up for a period not exceeding 24 hours. Hazardous, toxic and similar materials must be secured at all times.

Submittal: Please submit a Request for Architectural Committee Approval Form, a fence layout drawn on your Lot survey indicating the location of the fence, gate(s) and screen plantings on the property (include adjacent existing fences), a photo/sketch of the proposed fence, and a list of materials to be used for your landscape buffer/screening requirements (plant name, installed size, number & location, mulch type, edging/borders and/or existing trees/shrubs).