

Southern Trace Homeowners Association Architectural Design Guidelines

P.O. Box 1502
Garner, NC 27529

board@southerntracenc.com

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Introduction

Purpose and Design

Southern Trace Planned Residential Development. Simply stated, means that the original tract of property was designed and approved as a self contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide and which would provide for the maintenance of all Common Areas and improvement thereof. Restrictions were established so that aesthetics, appearance, and congruity could be defined and written based on the covenants and on precedence established by the Board of Directors. Given the aforementioned, each homeowner would then have some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values. These Design Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the Community in an orderly and cohesive manner.

The architectural standards and use restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the Southern Trace Subdivision. In addition to setting standards, the Design Guidelines establish a process for review of proposed modifications to Lots and Dwellings to ensure that all sites within the Community are developed and maintained with the consistency and quality that attracted you to Southern Trace.

Government Permits

To the extent that City and County Ordinances or any local government ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Design Guidelines or the Declaration of Covenants, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Design Guidelines (in that order) shall prevail.

Design Review Process

Review of Modifications

The review of modifications shall require the submission of an application to the HOA Board. An application form can be found as APPENDIX A to this document. Additional application forms can be secured from the website or contacting the Board. Depending on the scope of the modification, the submission of all or some of the plans and specifications listed below may be required.

Application Process

Submit your Architectural Application to the following address:

Southern Trace HOA
P.O. Box 1502
Garner, NC 27529

Or

board@southerntracenc.com

Generally, drawings of the proposed change should be submitted (to scale) which show relationships to existing structures, landscaping, lot lines, setbacks (distance from property lines) for all proposed improvements. These drawings should include a “site plan” and an elevation plan along with any additional information, which could help visualize your project. For further descriptions of the six (6) elements that follow [floor plan, elevations, roof plan, exterior finishes, landscaping plan, and other], please refer to applicable sections of this document.

Floor Plan

Showing decks, patios, stoops, and retaining walls related to the residential dwelling, trash enclosures, HVAC equipment and utilities, and interior spacing of rooms and connections to driveways and walkways.

Elevations

Front, rear, and side exterior elevations (drawings) of improvements showing building materials and finishes and indicating the maximum height of the residential dwelling as necessary for the scope of the project.

Roof Plan

Showing slopes, pitches and gables unless reflected in the other plans.

Exterior Finishes

Showing the exterior color scheme (including two [2] samples and/or color chips), lighting scheme and other details affecting the exterior appearance of the proposed improvements.

Landscaping Plan

Showing location of trees, protection of existing vegetation, use of plants and other landscaping details. (For further information see “Landscaping and Site Standards” section of this document.)

Other

Such other information, data and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, landscaping, and other features that could affect the property values or well-being of the community.

Review Criteria: Recommendations/Variances

While the Design Guidelines are intended to provide a framework for modifications, they are not all inclusive. In its review process, the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography, and finish grade elevation among other factors may be considered.

Variations may be granted in some circumstances, which include, but are not limited to, topography, natural obstruction, hardship, or environmental considerations. A variance may be granted from the guidelines as long as the variance does not result in a material violation of the Declaration of Covenants. No variance shall be effective unless in writing.

Review Period

Each application and plan submittal shall be approved or disapproved within 30 days of receipt of all materials required.

- 1) "Approved"- The entire application as submitted is approved.
- 2) "Denied"- The entire application as submitted is rejected in total.
- 3) "Approved with Conditions"- The application is not approved as submitted, but suggestions for curing objectionable features or segments are noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.

If there is no response within 30 days, approval shall be deemed granted.

As a condition of approval under this section, each Owner and all successors-in-interest shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition or alteration.

Approval of plans for any proposed modification shall not set a precedent for future applications.

Garner City/Wake County Approval

The review and approval of plans and specifications by the ARC shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the Applicant to obtain any and all necessary permits and approvals.

Implementation of Approved Plans

All work must conform to approved plans. If it is determined that the work completed or in progress on any Dwelling or Lot is not in compliance with these Design Guidelines or any approval issued to Applicant will be notified in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration of Covenants and these Design Guidelines and the homeowner (property) shall be subject to a daily monetary fine.

Time to Commence

If construction does not commence on a modification for which plans have been approved within one year of approval, such approval shall be deemed withdrawn.

Changes after Approval

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing prior to implementation of such changes. Close cooperation and coordination between the Applicant and the management company will ensure that changes are approved within 30 days.

If Garner City or Wake County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the ARC, the Applicant must notify the ARC of such changes and receive approval from the ARC prior to implementing such changes.

Enforcement/Waiver

In the event of any violation of these Design Guidelines, the Board may take any action set forth in the by-laws or the Declaration. The Board may also remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Board shall be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Dwelling/Lot upon which such violation exists.

Design Standards

The following specific site criteria shall apply to all proposed modifications within Southern Trace unless a variance is granted. These guidelines may be modified from time to time and are not inclusive of all architectural standards, which may be adopted by the Southern Trace Homeowners Association, Inc.

Applicants are responsible for obtaining all necessary building permits.

Accessory Buildings

An accessory building must be of the same color, material, and architectural style as the main residence or of color, material and style that is generally recognized as complementary to that of the main residence. An accessory building's roofing materials shall match those of the main residence.

- 1) Any utilities servicing accessory buildings shall be installed underground.
- 2) Accessory buildings shall be located in the rear yard. The ARC reserves the right to make recommendations as necessary regarding this issue.
- 3) No contractor or builder shall erect, on any Lot, any temporary building for use in connection with construction on such Lot. However, the ARC may in its sole discretion, waive this requirement for temporary construction trailers during the construction of residential structures or improvements. Such temporary buildings shall be removed from the Lot within ten (10) days after a certificate of occupancy is issued for the residential structure or when the improvement has been completed.

Additions and Expansions

The approval of the ARC is required for any addition to or expansion of a residence. Materials as well as style shall match the existing residence.

Air Conditioning Equipment

Unless otherwise permitted by the ARC, no window air-conditioning unit shall be installed which faces the street.

Antennae and Communication Dishes

Any exterior antennae or sending/receiving devices mounted on the exterior of a dwelling and that are visible from the street requires approval of the ARC.

Satellite dishes of one (1) meter or less in diameter do not require an application to the ARC.

Awnings

The installation of awnings of the front of the residence or side(s) of the dwelling that faces the street requires ARC approval

Boats, Trailers, and Unlicensed, Unregistered or Inoperable Vehicles

No house trailers shall be permitted on any Lot. Boats and other water craft, towing trailers, RVs, campers, camper shells, and related leisure vehicles or attachments shall not be permitted on any Lot except inside the garage. Any unregistered, inoperable, and/or unlicensed vehicles must be kept in the garage of the residence.

Decks

Owners shall secure the approval of the ARC before installing decks. Decks must be constructed of wood and other materials similar to that of the residence and, if painted or stained, must be painted a color similar to or generally acceptable as complementary to the residence. Decks must be installed as an integral part of the residence or patio area. Any such deck must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Construction shall not occur over easements and must comply with the applicable County and City requirements.

Exterior Lighting

Except for seasonal holiday decorative lighting, all significant exterior lighting changes must be approved by the ARC. The ARC may take into consideration the visibility and style of the fixture and its location. Exterior lights shall be conservative in design and as small in size as practical. Lights shall be directed toward the house or ground and limited in wattage to 2,000 lumens. Low voltage (12 volt) lighting is preferred. Holiday lights should be removed no later than one (1) month after the holiday. Holiday displays, which, in the opinion of the ARC, create traffic congestion or become an annoyance to adjacent property owners, shall not be allowed.

Gazebos

The approval of the ARC is required prior to the construction or placement of any gazebo.

Hot Tubs and Saunas

The approval of the ARC is required for the installation of any hot tub, Jacuzzi, sauna or spa. Any hot tub, Jacuzzi, or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs, Jacuzzis or spas shall be located at the rear of the property and 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. Owners are required to install safety features such as locks or

covers for these items when such are not in use. Applicable City and County ordinances govern these requirements.

Paint

Owners may repaint in accordance with the original color scheme of any dwelling or improvement or from the original color palettes used by the builder without approval of the ARC. The approval of the ARC is required for all changes in exterior painting. Review criteria may include, but shall not be limited to, the sheen of paint, the home's architecture, any existing stone or brick accents, roof color, and neighboring properties' colors. Primary colors for all exterior building surfaces must complement the architectural theme of the house and must consider the continuity with surrounding houses while maintaining variety of exterior colors in the community.

Patios

The approval of the ARC is required for the construction of patio covers, open patios, and enclosed patios. Patio covers shall be constructed of wood or material generally recognized as complementary to the residence. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio color must be similar to or generally accepted as a color complementary to the design and color of the residence.

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

Pet Houses

No stable, poultry house, rabbit hut, or other similar yard structure, with the exception of a doghouse shall be constructed or allowed to remain on any Lot.

Any structure must be well maintained, located in the rear of the yard, and shall be of a reasonable size to accommodate your animal. These structures 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.

Dogs shall not be permitted to run free outside the confines of the owner's property line. Dogs being walked throughout the neighborhood must be on a leash. Animal waste shall not be permitted to be left on private property, public streets, sidewalks, or right of ways. Owners shall accept full responsibility for their animals and their animal's waste or be subject to a monetary fine.

Playhouses & Tree Houses

A playhouse or tree house shall be considered an accessory building and the applicable standards apply.

Pools

The approval of the ARC is required for the construction or installation of in-ground pools. Above ground pools are prohibited. Pools shall be an integral part of the deck or patio area and/or rear yard landscaping. A pool shall be located at the rear of the property, shall be installed in such a way that it is not immediately visible to adjacent property owners, and shall not create an unreasonable level or noise

for adjacent property owners. Pools shall be fenced for safety purposes and owners are required to install safety features such as locks or covers for these items when not in use.

Recreational Equipment

Basketball goals must be maintained and remain intact. Broken rims, shattered backboards or damaged equipment shall not be permitted. Basketball goals may not be attached or installed on the front of the dwelling or garage. Freestanding pole-mounted backboards are permissible whether permanent or sleeve-set. The review of yard pole-mounted backboards shall be based upon, but not limited to the following considerations: proximity of goal to property lines and streets and proximity of goals to neighbors' living areas, landscaping and vehicles. Ten-foot portable basketball goals may be permitted provided such goals are stored out of view when not in extended use. Any such equipment shall be set back a reasonable distance from adjacent property lines so as to avoid disturbances of neighbors and shall not obstruct neighbor's views of open spaces. No basketball goal either permanent or portable shall be allowed in the street or right of way.

Roofing

The approval of the ARC is required for a roof material, style, or color change.

Rooftop Equipment

The approval of the ARC is required for all rooftop equipment and accessories, unless specifically excepted in this section.

Siding

Owners shall seek the approval of the ARC before installing or replacing siding, which differs from original material and style.

Signs

No sign whatsoever shall, without the ARC's written approval of plans and specifications, be installed, altered, or maintained on any property or on any portion of a structure visible from the street, except one temporary sign per dwelling that advertises property for sale, rent, or lease. The maximum face area of sign cannot exceed 2 feet by 3 feet and shall be conservative in color and style.

Temporary Structures

Temporary structures are prohibited. Approval by the ARC is not required to temporary canopies that are erected for special occasions.

Trash Containers

The above mentioned shall not be stored in front of the residence or visible from any street except on the appropriate day of trash or yard waste collection.

Utilities

Pipes, wires, and other utility facilities shall be kept and maintained underground. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

Landscaping and Site Standards

Landscaping is an essential element of design in the neighborhood and is also an integral part of maintaining property value and neighborhood continuity. Preservation of existing vegetation must be considered in establishing and maintaining the landscape design.

General Considerations

In order to maintain the continuity of the neighborhood, twenty five percent (25%) of the yard must be maintained as a grassy area. The ARC reserves the right to grant a variance to this requirement in cases where drainage or topography considerations are evident.

Grassy areas, trees, planting beds, and the overall yard must be maintained. The turf shall be maintained in such a fashion as to look healthy and green in appearance. In addition to the owner keeping the lawn mowed, the grass shall also be neatly trimmed around the dwelling's foundation, trees, fences, utility poles, fire hydrants, utility boxes, mailboxes, and other structures or elements located in the yard or adjacent easement. Areas layered with mulch (i.e. wood or pine straw mulch) shall also not be allowed to take on an unmaintained character.

Mailboxes

As the mailbox tends to be the first visible aesthetic element to the visitors of our community, the ARC has selected the following standard: All mailboxes shall be metal, green in color, with a red flag. They shall be situated upon a wooden or vinyl post that is white, straight, and consistent with the post style within the development. The box itself shall be non-rusty, non-discolored, non-dented and intact. Numbering of the post is permitted but is subject to review by the ARC.

Drainage

Drainage of the property must conform to all City and County requirements. All drainage and grading must be indicated on the proposed plans submitted to the ARC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ARC. The established drainage pattern is defined as the drainage pattern engineered and constructed by the original builder prior to (or in some cases, immediately following) conveyance of title from the builder to the individual homeowner.

Landscaping shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under, pounding near, or against the foundation of the dwelling. Water should flow fully over walkways, sidewalks, or driveways into the street.

Fences

No fence or wall of any kind shall be erected, maintained, or altered on any property without prior written approval of the ARC. Approval is not required for the installation of underground electric dog fencing; however, the absence of this requirement does not supersede any requirements of the city or county in this matter. Absent a specific written waiver from the ARC, all wood fences must be installed with the finished side of the fence facing outward from the Owner's dwelling/property. The support

structure side of the fence should face the owners dwelling. All fences are subject to a maximum height of 6' (six feet) with posts extending no more than 6" (six inches) above the top of the fence.

Location

Fences may not be placed forward of the rear line of the dwelling without special consideration by the ARC.

Materials

Stand-alone metal wiring shall also not be permitted including wire mesh or proverbial "chicken wire" or barbed wire. Stained (transparent or opaque) fencing shall be consistent and complementary to the dwelling. Metal or chain-link dog runs or fences shall be permitted if they are not visible from any street.

Maintenance

All fences or walls shall be well repaired and maintained. In the event a fence or wall is damaged or destroyed, the Owner shall repair or recondition.

Paving: Driveways

Owners shall secure the approval of the ARC prior to extending, expanding, or repaving any driveway. Only concrete paving materials shall be permitted unless otherwise allowed by the covenants.

Retaining Walls

All retaining walls require approval by the ARC. Such walls shall be properly anchored to withstand overturning forces. Stonewalls shall be made thicker at the bottom than at the top to achieve stability. All retaining walls shall incorporate weep holes into the wall design to permit water trapped behind them to be released. Timbers for walls or other landscape use should be treated to resist decay. Walls shall not be located so as to alter the existing drainage patterns. Retaining walls must be repaired and maintained. In the event a retaining wall is damaged or destroyed, the owner shall repair or recondition.

Construction Guidelines

Inspections

The ARC may perform periodic informal inspections to ensure that work is being performed in conformance with approved plans and the design guidelines. All inspections are observations only and will not relieve the owner's obligation to obtain inspection approvals from City and/or County and other organizations having jurisdiction.

Job sites not in compliance with these Design Guidelines or approved plans will be issued a Notice of Violation. Further construction is prohibited until the homeowner addresses the violations.

Construction Damages

Any damage to vegetation or common area facilities caused by the applicant, their contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the ARC and

the owner of the damaged property. If the damage is not corrected, the Association may repair such damage and assess the costs of repair to the Applicant.

Conduct

The applicant must ensure that all contractors and subcontractors control the conduct of its employees while working in Southern Trace. Loud music, profanity and other behavior that is unbecoming will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future access to Southern Trace.

Site Cleanliness

All work sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site, and stored neatly and orderly. All construction debris shall be cleared on a regular basis.

Changes and Amendments to the Design Guidelines

These Design Guidelines may be amended only upon the affirmative vote of two-thirds of the members of the ARC and the consent of a majority vote of the Board. Such amendments shall be communicated to homeowners from time to time.

All amendments shall become effective upon adoption. Such amendments shall not be retroactive and will not apply to previously APPROVED work or APPROVED work in progress.

Limitation of Liability

Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications, neither the ARC, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Association the ARC nor the officers, directors, members, employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications.

Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against the Association, the ARC, or the officers, directors, members employees, and agents of any of them to recover any damages.

Appendix A

Southern Trace Homeowner's Association, Inc. Architectural Change Request Form

Southern Trace HOA

PO Box 1502

Garner, NC 27529

Email: *board@southerntrace.com*

Please complete this form in its entirety and mail/email it to the address shown above for consideration by the architectural committee. Please allow for up to 30 days for a response. No work should begin without written approval. Please refer to the Architectural Guidelines posted on www.southerntracenc.com prior to submitting a request.

Date of Request: _____

Owner Name: _____

Property Address: _____

Best Contact Phone #: _____

Email Address: _____

Desired State Date of Project: _____

Expected Completion Date of Project: _____

Provide a narrative description of the proposed home and/or landscaping improvement, change, or addition. Please list the materials and colors to be used including similarity to existing structures in the community as appropriate. Please include a photo or sketch and attach a separate sheet of paper if necessary.

In the case of an addition or alteration to the exterior of the property, please indicate sizes, height, and description of materials, etc. Provide as much information as possible. Attach a copy of your plot plan and indicate the location of the proposed exterior change. Include specifications, relationship to existing structures, plans, sketches, pictures, and any information that will assist in reviewing this request. Plot plans can be obtained online from Wake County or, for basic projects, a hand-drawn diagram of your lot, home, and proposed changes may be sufficient.

Architectural Change Request Form, continued

- A permit and inspections by Wake County may be required. This is the property owner's responsibility to research and adhere to.
- Should the Board of Directors and Architectural Committee deny your request, you may appeal their decision in writing. Please send your appeal via mail/email to the board at the address above and it will reviewed at the next Board of Directors meeting.
- You will be notified in writing of the Board's decision to approve, conditionally approve, or deny your request. No work should be done without written approval.
- The Association reserves the authority to require owners who have completed projects that were not approved to return the property back to its original state before the unapproved project was done.

For Architectural Committee Use

Approved

Denied

Reasons: _____

Approved with Conditions

Conditions: _____

Additional Information or Variance: _____

Signature of Architectural Chairperson _____ Date: _____