

# **Architectural Guidelines**

For

## **HAYDEN PLACE Subdivision**

Onslow County, NC

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## ARTICLE 1: OVERVIEW

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Hayden Place Subdivision was designed to provide lasting community value and exceptional quality of life. To preserve these values, a set of standards was created to ensure consistency and quality.

These Architectural Guidelines (“Architectural Guidelines” or “Guidelines”) provide the adopted standards for the Hayden Place community. These standards are intended to serve as a consistent set of guidelines for new construction and exterior changes. When planning a new building, fence, landscaping, or exterior change, please refer to these Guidelines.

The Design Guidelines act as a supplement to the *Declaration of Covenants, Conditions, and Restrictions for Hayden Place Subdivision* (“Declaration”). Where conflict between the Guidelines and the Declaration may exist, the standards of the Declaration shall control. Please read the Declaration in addition to these Guidelines.

Owners are responsible for repairs to existing structures, landscape, paint, turf grass, additions, etc. **No application is needed to effect repairs and restoration to the original condition.** If you are unsure or have questions, please contact the Homeowner’s Association regarding whether an application is required.

Please retain these Architectural Guidelines as part of your permanent papers for reference and provide them to future owners of your home. Pursuant to the requirements set forth in the Declaration, you **MUST** obtain approval **IN WRITING** from the Architectural Review Committee **BEFORE** the start of any exterior change. Do not commit to labor or materials until you have received written approval.

## PROCESS

Planning a change to your home’s exterior? Building a new fence, or planting a new row of hedges? Adding a shed or trampoline? Most changes require approval by the Architectural Review Committee (“ARC”). The process is simple!

**Don’t buy any materials or make any changes until receiving written approval!**

**Step 1:** First, review “Article 3” to understand the Review Process.

**Step 2:** Head to the Table of Contents to find the Article and Section that best fits your project description. Read these standards carefully!

**Step 3:** Submit your application to the ARC as described in the Review Process. The ARC will review and provide written approval or denial, or let you know they need more information.

**Step 4:** Once you have written approval from the ARC and any other required agency approvals (such as building permits), you may begin!

## ARTICLE 2: RESPONSIBILITIES

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### 2.1 Homeowners

Each homeowner has the responsibility to read and understand the Architectural Guidelines and the Declaration or ask for clarification from the Architectural Review Committee (“ARC”) or the Board of Directors. Homeowners proposing to make external changes to their property shall complete and submit an Architectural Request Form to the Association in accordance with the standards set forth herein. Each homeowner is responsible for the adherence to the policies, standards, and control measures established by the Association and Board of Directors. Problems or violations should be reported to the Association.

### 2.2 Architectural Review Board

The Architectural Review Committee (or “ARC”) is responsible for reviewing architectural requests, making site inspections of requested modifications (before and after if required), and offering recommendations or changes to the Board of Directors regarding the Architectural Guidelines.

Per the Declaration, the Architectural Review Committee has up to forty-five (45) calendar days to officially respond to an Architectural Review Committee request. It is imperative that each homeowner plan to allow for the time required.

Each Architectural Review Committee request will be reviewed and approved on its individual merits. Previous approval of a similar request does not guarantee future approvals on current or additional properties. The Architectural Review Committee will notify the homeowner of the approval/rejection of the request. The Architectural Review Committee will provide completed and approved/rejected requests to the Board of Directors for inclusion in Board meeting minutes and for filing.

Pursuant to the Declaration, the Declarant or its designee(s) shall act as the Architectural Review Committee until such time that all dwellings have been constructed upon all of the Lots and conveyed to Owners other than Builders, or until such time the Declarant or its designee shall delegate such responsibility to Members of the Association.

***“Each homeowner is responsible for the adherence to the policies, standards, and control measures established by the Association and Board of Directors.”***

## ARTICLE 3: REVIEW PROCESS

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### 3.1 Approval Required

Written approval is required from the Architectural Review Committee for the following:

- New building or other structure, including garage, shed, or other accessory structure
- New location of a building or structure
- Alteration of a building or structure
- Site work (including staking, clearing, excavation, grading, and other site work, exterior alterations of existing improvements, or planting and removal of landscaping)
- Decks, patios, driveways, walkways
- Basketball hoops, swing sets and similar sports and play equipment
- Major landscaping
- Swimming pools (in ground)
- Walls
- Fences
- Alteration in the exterior appearance of any building or structure, including exterior color or finish
- Other site improvements or uses as determined by the Architectural Review Committee

*Applications may be acquired from the HOA / ARC.*

*The ARC has 45 calendar days to review a complete application.*

*Authorization is not official until a written approval is provided.*

Exempt from review:

- Repairs and restoration to the original condition
- North Carolina or United States flags, political signs, seasonal décor, and antennas which meet the standards set forth herein
- For Sale and Open House signs that meet the standards set forth in the Declaration
- Items as noted in these Guidelines as exempt from review or as determined by the Architectural Review Committee

*Please also review Article V of the Declaration for more details about the review process.*

### 3.2 Builder / New Home Construction Application Process

The information in this Section 3.2 is specific to builders developing new homes in Hayden Place. Homeowners seeking approval for modifications or additions to their property should review Section 3.3, below.

#### 3.2.1 Required Materials

Architectural Review Committee approval is required prior to commencement of any new development within Hayden Place. The builder shall submit all required materials to demonstrate compliance with the Hayden Place Architectural Guidelines. The Builder Architectural Review Application, found on page 22 of these Architectural Guidelines is required to accompany all materials required for submission. The Architectural Review Committee review will cover elements relating to site planning, exterior design and landscape, and all other provisions covered in the Architectural Guidelines and any other applicable Governing Documents. In some circumstances, additional information may be required in order to fully describe proposed development.

### 3.2.2 *Modifications to Approved Plans*

All changes to an approved plan, including changes to landscaping, color, or architectural details, must be approved in writing by the ARC.

### 3.2.3 *Responsibility to Comply with Other Regulatory Agencies*

In addition to conforming with the principles of the Architectural Guidelines, it will be the responsibility of the builder to also meet all applicable local, state, and national regulations. This includes, but is not limited to, zoning, health and safety standards, building electrical, plumbing, mechanical, structural, accessibility, and fire codes.

## **3.3 Homeowner Application Process (Modifications / Improvements)**

All proposals not related to construction of a new home must follow this process.

### 3.3.1 *Process*

Approval from the Architectural Review Committee is required prior to commencement of any changes to Lots within Hayden Place, except as may be exempt within the Governing Documents. Applicant shall submit a completed Architectural Review Application and attach all required exhibits.

The process for review and approval is as set forth in Article V, Section 5.4 of the Declaration of Covenants, Conditions, Restrictions and Easements for Hayden Place Subdivision. Homeowners should review this Article. Per the Declaration, the Architectural Review Committee has up to forty-five (45) calendar days to officially respond to an Architectural Review Committee request. It is imperative that each homeowner plan to allow for the time required.

Each Architectural Review Committee request will be reviewed and approved on its individual merits. Previous approval of a similar request does not guarantee future approvals on current or additional properties. The Architectural Review Committee will notify the homeowner of the approval/rejection of the request.

Approval from the Architectural Review Committee shall be received PRIOR to applying for a building permit from Onslow County.

### 3.3.2 *Required Materials*

Items listed below may not be applicable to every project, and the Architectural Review Committee may require more or less information depending on the scope of the project.

In most cases, the documents need not be professionally prepared, but may be drawn as a sketch, photos provided, etc., so long as the scope and impact of the request is clearly depicted. Required materials include:

#### Completed Architectural Review Application

Applicant shall include a completed Architectural Review Application, which is available from the Architectural Review Committee.

#### Impervious Surface Calculations

Impervious surface calculations *should be* included on site plans for projects increasing the impervious surface on the Lot, to ensure maximum impervious surface area is not being exceeded. However, the Architectural Review Committee is not responsible for, and does not specifically review, impervious surface requirements. Such review is left to the jurisdiction of the County.

#### Site Plan / Plot Plan

Applicant shall include a site plan (may be hand-drawn, an aerial image, or professionally drawn so long as the extent of the request is clear) indicating proposed additions/alterations to anything within or on property boundaries and easements. Depending on the scope, this may include but is not limited to impervious surface limits (driveways, walks, patios, etc.), existing trees to remain (and any proposed to be removed), grading and drainage, house and garage or accessory building footprints and setbacks, garage and driveway locations, all porches, patios, decks, air conditioning, etc., the location, length, height, and design of all screen walls, retaining walls and/or fences, and the location, height, and design of any other features, including, but not limited to, satellite dishes and solar panels. Easements, septic systems, etc. should be considered and shown if work is taking place on or near such areas.

#### Landscape Plan

The Landscape Plan, if required, shall indicate impervious surface limits (driveways, walks, patios, etc.), location of all proposed planting areas, plant materials, and other proposed and existing improvements, such as patios, decks, retaining walls, walkways, fences, shade structures, irrigation systems, and drainage plan (in greater detail than site plan). If applicable, existing trees to remain on lot will also need to be shown. Easements, septic systems, etc. should be considered and shown if work is taking place on or near such areas. Refer to Section 4.13.6 for Initial planting plan for Builders.

#### Floor Plans (for additions, as applicable)

Floor plans shall include the existing house dimensions and footprint, including square footage, all proposed additions, room layout of addition, location and size of new doors and windows, and the square footage for each addition.

#### Elevations (for accessory buildings, additions, or changes to the exterior architecture)

Elevations shall include views of all sides which show the architectural style of the proposed addition, new building, or existing home with proposed changes clearly called out. Elevations may be a sketch, photo, or professional drawing. Details may include but are not limited to the following depending on the scope of the project: materials, placement of windows and doors, trim details, eave and fascia details, chimneys and flue cap details, entry and garage doors and trim, existing and proposed grades, decks, columns, posts and railings, vent locations, gutter and downspout style and locations, and a description of all exterior materials, finishes and colors, exterior lighting fixtures, roofing, chimneys, skylights and solar panels. It should be remembered that the design of all elevations, not just the front, are important.

#### Finishes

Specific colors to be used shall be submitted along with list of materials for exterior walls, trim, doors, windows, and roof, including the name, color and number of the material. Include detailed information on chimney caps, any solar panels and skylights, exterior fixtures, etc.

#### *3.3.3 Responsibility to Comply with Other Regulatory Agencies*

In addition to conforming with the principles of the guidelines, it will be the responsibility of the homeowner to also meet all applicable local, state, and national regulations. This includes, but is not limited to, zoning, health and safety standards, building electrical, plumbing, mechanical, structural, accessibility, and fire codes.

#### *3.3.4 Site Visits*

The Architectural Review Committee reserves the right to conduct periodic site visits to ensure consistency between what is built with what was originally submitted. Any visible deficiencies or deviations in construction from the approved plans which are considered to be not in compliance with the Architectural

Guidelines will be reported in writing to the homeowner. The homeowner will respond in writing within ten (10) days of notification of their intention to rectify the problem.

### **3.4 Governmental Agency Approvals**

Approval from the Architectural Review Committee does NOT constitute or replace approval by Onslow County or any other governmental entities or agencies. Please contact appropriate entities for approval (including but not limited to building permits, zoning permits, septic permits, and similar approvals).

## ARTICLE 4: DESIGN AND USE STANDARDS

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### 4.1 Land Use and Building Type

No Lot shall be used except for single-family residential purposes; provided, however, Builders may use any Lot owned by Builders as a temporary sales office and/or model for the purposes of carrying on business related to the development, improvement and sale of properties within the community.

No structures shall be erected or allowed to remain on any Lot except one detached single-family dwelling, a private (enclosed) garage, and any such accessory buildings as may be approved in writing by the Declarant or the Architectural Review Committee, as the case may be.

Lots may be leased only for residential purposes only. All leases shall be in writing and have a minimum duration of six (6) months. All leases shall require that the tenant acknowledge receipt of a copy of the Declaration, Architectural Review Guidelines and Rules and Regulations of the Association. The lease shall also obligate the tenant to comply with the foregoing documents and provide that the violation of any provision of those documents shall be a breach of said lease subjecting the tenant to termination of the lease and eviction. No Lot or dwelling located thereon may be used for transient housing; for hotel purposes; for Airbnb, VRBO, or other short-term rental; or as a bed and breakfast.

### 4.2 Lot Design

#### 4.2.1 Impervious Surface

Each lot shall be limited to the amount of impervious surface as approved by the North Carolina Department of Environmental Quality (“NCDEQ”). The maximum allowable built-upon area per lot is 3,500 square feet. Each builder will be required to submit impervious surface calculations with each building plan, and homeowners are required to submit impervious surface calculations for projects which increase impervious surface on the Lot. This limit will include the building envelope and any accessory building or hardscape, so all must be considered in the overall lot layout. Methods for calculating impervious surface shall be consistent with those used by NCDEQ.

#### 4.2.2 Natural Features

Trees and landforms should be preserved whenever possible. The Architectural Review Committee shall consider preservation of existing trees when reviewing builder and homeowner architectural review applications.

#### 4.2.3 Building Setback

Any house, garage or other approved building constructed on any Lot shall be constructed with the minimum front of 20’ as set forth in Section 4.2.6 of these Guidelines. .

#### 4.2.4 Porches, Stoops, Balconies, and Decks

Porches, stoops, balconies, and decks shall be required to adhere to setback requirements as listed on the approved subdivision plans.

*Article 4 is divided into multiple sections and most questions about what is or isn’t allowed can be answered here.*

*Please review Article 4 in its entirety, as there may be multiple factors that affect the allowed design (for example, 4.2.5 describes where accessory buildings may be located, but 4.3 explains the allowed materials).*

#### 4.2.5 *Accessory Buildings*

No accessory building of any nature whatsoever (including, but not limited to, detached garages and storage buildings) shall be placed on any Lot without the prior written approval of the Declarant or the Architectural Review Committee, either of which shall have sole discretion relating to the location and type of accessory building which shall be permitted on any Lot. All accessory buildings must be located in the rear yard.

Acceptable accessory building uses include:

- Workshop
- Storage
- Garden Shed

Smaller accessory structures, such as playhouses and doghouses are permitted without written approval of the Architectural Review Board. Landscape screening may be required. Such structures must be located in the rear yard.

Temporary structures are prohibited.

#### 4.2.6 *Driveways and Walks*

Driveways shall extend at least 20 feet from the front property line to prevent vehicle overhang.

### **4.3 Building Specifications, Architecture and Materials**

Architectural and material requirements are outlined below. Changes to colors of buildings or architectural elements must be approved by the Architectural Review Committee.

#### 4.3.1 *Dwelling Size and Height*

No dwelling shall be erected or allowed to remain on a Lot, having an area of the main structure, exclusive of open or screened porches, breezeways, carports, steps, garages and decks as follows:

Lots 60' wide -- not less than 1,600 square feet (heated and cooled).

Lots 80' wide – not less than 1,800 square feet (heated and cooled).

Dwellings shall not exceed three (3) stories in height, exclusive of basement.

#### 4.3.2 *Architectural Diversity*

To provide visual interest in the community, no home architectural design or primary color shall be replicated within the house on either side of the subject house, on the same side of the street. However, because some lots may be larger or have natural vegetation such that visual interest is naturally created, this requirement may be waived by the Architectural Review Committee on a case by case basis.

#### 4.3.3 *Siding Materials*

Wall materials allowed will include: Vinyl siding is permitted but must be at least .042 inches thick. With optional standard-size brick, natural stone and synthetic stone accents.

Other materials must be approved in writing by the Declarant or the Architectural Review Committee, as the case may be.

#### 4.3.4 *Corner Lots*

Corner lots shall pay attention to detailing on elevations facing the street. Wraparound porches are encouraged. If possible, the garage and driveway shall be placed away from the intersection.

#### 4.3.5 *Porches, Stoops, Balconies, and Decks*

All porches, stoops, balconies and decks should be integrated into the overall design of the house and scaled appropriately.

Detailing should match the architectural style chosen and also add visual interest to the building.

Two-story porches are permitted.

Rail, balusters, and spindles allowed for all front applications will include painted or stained wood, brick, and metal. In addition to the materials previously listed, synthetic materials from manufacturers will also be allowed under Architectural Review Board approval. All materials shall be consistent with the architectural styling of the house.

Landscape screening will be required under any deck that exceeds two (2) feet in height above ground.

#### 4.3.6 *Garages*

Attached garages are required and shall be capable of containing not less than two (2) nor more than three (3) mid-sized cars.

Garages shall be constructed of the same materials and colors as the main building.

The color of the doors should match the primary or trim color of the house, or otherwise be complementary to the colors of the home.

#### 4.3.7 *Accessory Buildings*

Acceptable accessory buildings include:

- Workshop
- Storage
- Garden Shed

Accessory buildings shall be constructed of the same materials and colors as the main building. Materials that mimic the main building materials are permitted.

Accessory buildings shall not exceed 180 square feet.

Very small structures such as dog houses do not require approval provided they are constructed of high quality materials and are screened from view from the road. Structures which violate the intent and standards of these Guidelines may require removal at the discretion of the Architectural Review Committee.

Accessory buildings may not exceed the height of the dwelling.

Manufactured homes are not permitted as accessory buildings.

#### 4.3.8 *Roofing*

The standard material shall Architectural/Dimensional roof shingles with a minimum of 25-year warranty,. Standing seam metal roofing will be allowed as a secondary/accent roofing material.

All vent stacks, gas flues, and roof vents should be located on the rear slope of the roof wherever possible. Homeowners should consider prefinished materials to match the roof color but this is not a requirement.

#### 4.3.9 Gutters

Gutters, downspouts, and flashing shall complement the architecture and colors of the home. Alternative materials such as copper will be allowed if architecturally appropriate.

#### 4.4 Swimming Pools, Hot Tubs, and Spas

All proposed swimming pools, hot tubs or spas must be submitted to the Architectural Review Committee for review and action prior to construction. No above ground swimming pools are permitted on any lot. Submittals should also include the deck, fencing design and layout, materials and equipment. Landscape screening and enhancement of the pool and equipment area should also be included.

All swimming pools must be located to provide minimal visual impact to surrounding property and streets. All pumps, filters and equipment must be screened from street and adjacent property view. Any swimming pool shall be an integral part of the deck or patio area and/or the rear yard landscaping. Any pool shall be located in the fenced rear yard.

#### 4.5 Easements

Each Lot may have utility, drainage, and planting easements as shown on the recorded plat or as described in the Governing Documents. Fences may be placed in utility and planting easements so long as drainage, required landscaping, and other features are not adversely impacted. Fences in drainage easements must be set a minimum of 6" above grade as to not impede drainage.

#### 4.6 Nuisance

No noxious or offensive activity shall be conducted upon any Lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood including, without limitation, the storing or parking of inoperative motor vehicles or the maintenance of or repair to motor vehicles except within completely enclosed garages constructed in conformity with these covenants and applicable laws and ordinances.

#### 4.7 Mechanical Equipment

##### 4.7.1 Screening and Placement

All exterior mechanical equipment shall be screened from exposure to streets or adjoining lots. This includes HVAC units, condensers, meters, satellite dishes, etc. Equipment shall be placed in low-visibility areas. Approval from the ARC shall include approval of a specific location and screening material.

Screening of free-standing equipment such as HVAC units need not provide 100% screening but must soften the visual impact of the equipment and may consist of landscaping materials such as shrubs.

All meters shall be located on the least visible side or rear of the house.

Dryer vents shall be on the side or rear of the house.

##### 4.7.2 Antennas

###### Permitted Antennas

No rule shall regulate or prohibit:

- (1) an antenna that is one meter or less in diameter and used to receive direct broadcast satellite services, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite; or

- (2) an antenna that is one meter or less in diameter or diagonal measurement and designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite; or
- (3) an antenna that is designed to receive television broadcast signals.

Requirements as to location and screening may be set forth in these Guidelines below, in order to minimize obtrusiveness as viewed from streets and adjacent property, consistent with the Federal Communications Commission's Over-the-Air Reception Devices rule, 47 C.F.R. 1.4000 adopted pursuant to the Telecommunications Act of 1996, as amended from time to time.

#### Declarant or Association Rights

Declarant and/or the Association shall have the right, without obligation, to erect an aerial, satellite dish, or other apparatus for a master antenna, cable, or other communication system for the benefit of all or a portion of the Properties, should any master system or systems be utilized by the Association and require such exterior apparatus.

#### Antenna Size and Location

No satellite dish shall be installed which exceeds 40 inches in diameter.

A satellite dish or antenna otherwise permissible under these Guidelines may be installed without the written approval of the Architectural Review Committee provided that such antenna or satellite dish is installed on the roof of the house and is invisible from any adjacent street.

Antennas or satellite dishes shall be placed in such a way as to minimize visual disturbance from adjacent streets or neighboring properties. Residents seeking to install a satellite dish or antenna at some location other than the roof of the house and/or is visible from an adjacent street but otherwise permissible under these guidelines must seek Architectural Review Board approval. Such requests shall include a description of screening by materials such as lattice or landscaping and shall be installed at the location least visible from any adjacent street necessary to receive or transmit acceptable quality signal.

#### Number of Antennas

No more than one satellite dish or antenna may be installed unless more than one satellite dish or antenna is necessary to receive the desired service(s), the basis for the necessity of multiple satellite dishes or antennas is confirmed in writing to the Architectural Review Board, and one or more satellite dishes or antennas are removed as soon as the applicable service(s) are terminated.

#### *4.7.3 Solar Collectors*

All solar collectors require Architectural Review Committee approval. A drawing showing location of the unit on the roof must be submitted to the Architectural Review Committee. Solar collectors shall be located as inconspicuously as possible. Whenever possible, collectors should be placed on the rear of the home or on the side that has the least public exposure. If collectors will be placed on front of the home, a higher standard architectural panel may be required. Collectors shall be attached only to the roof, not free standing or ground mounted. If possible, the plumbing and supports for the collectors should be camouflaged and all metal parts painted to match the roof color. There shall be a minimum exposure of piping. The ideal installation is one that is laid flat on the roof. No topping or removal of trees on association common areas or within planting easements shall be allowed.

#### *4.7.4 Exterior Lighting*

Security lighting is permitted if it conforms to the overall design of the house. It should be attached and directed in such a way to avoid unwanted illumination carrying over to adjacent lots.

Lighting must be uniform in color around the perimeter of the home.

Lamps must be shielded and directed to prevent glare or spill-over of light onto neighboring properties.

Solar and outer landscape lighting will be reviewed and approved by the Architectural Review Committee on a case-by-case basis.

## **4.8 Landscaping**

### *4.8.1 Generally*

Native and drought-tolerant species are encouraged to conserve water, reduce or eliminate the need for pesticides and fertilizers, and minimize maintenance.

Development should preserve existing vegetation and minimize disturbance and compaction of existing soil structure wherever feasible.

### *4.8.2 Review Required*

Approval by the Architectural Review Committee is required for all plantings associated with new construction of a home, as well as planting of large trees or major landscaping projects by homeowners.

Modification of any plantings within the planting easements requires architectural review.

Major landscaping is defined as any of the following, and must be submitted for architectural review:

- a) Landscaping that changes topography or impacts the grading
- b) Mass plantings and/or hedges
- c) Retaining walls, stonework or fencing
- d) Large Landscaping borders
- e) Significant landscape lighting and yard lamps
- f) Large “Yard Art” (statuary, benches, fountains, arches, banners, etc.) (also see Section 4.19)

Minor landscaping activities, such as naturalization of an area of the yard, planting trees, shrubs (except mass plantings) and flowers, and modifying planting beds, do not require approval, unless they involve changes to the contour of the land.

As noted above, large-scale plantings and planting of hedges must be submitted as a landscaping plan to the Architectural Review Committee. Individual plantings generally do not require approval.

If cumulative individual plantings over a period of time result in a yard becoming overplanted and overgrown in the opinion of the Board, the homeowner in question may be required to remove some trees or shrubs to create a more properly scaled landscape.

### *4.8.3 Lot Development / New Home Construction*

Approval by the Architectural Review Committee is required for all plantings associated with new construction of a home.

### *4.8.4 Required Planting Areas*

Foundation plantings are required along the face of any structure oriented toward a street. The extension of additional plantings is encouraged. Landscape beds consisting of foundation, shrubs and groundcover plantings around the entire perimeter of all structures are encouraged.

The entire area of the lot not occupied by structures or paving shall be landscaped with plants or lawn grasses unless within the drip line of a tree preservation area (these areas must be mulched as a minimum).

Plantings required as part of the Onslow County approval of the subdivision shall be installed using the specifications on the approved Landscape Plan for the subdivision.

#### *4.8.5 Species*

Initial plantings associated with new construction shall follow any applicable approved landscape plans. When species are not listed, builders may choose species, though final decision shall be that of the Declarant or Architectural Review Committee. Native or native-friendly species are recommended.

Non-required planting species may be selected by the homeowner. Native plant species are encouraged.

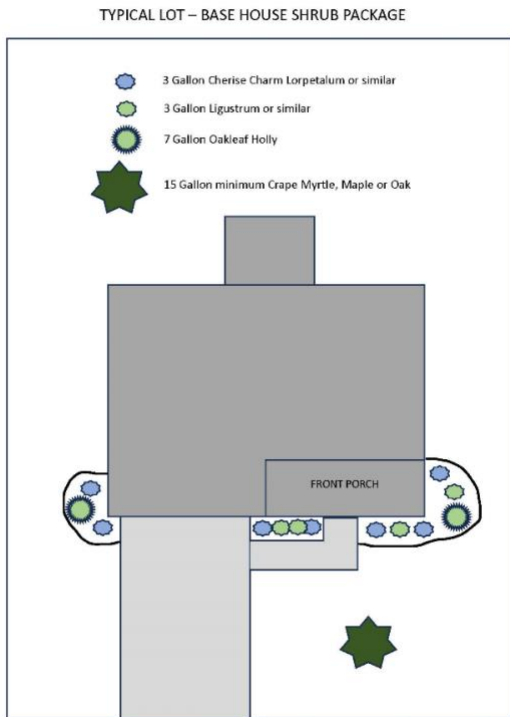
Invasive species as identified as “Rank 1” or “Rank 2” by the North Carolina Native Plant Society are prohibited and must be removed if planted. (See <http://www.ncwildflower.org/invasives/list.htm>)

#### *4.8.6 Planting Size Requirements*

Plants and trees required as part of the approved Landscape Plan shall be planted at the size specifications as shown on the approved Plan.

Replacements of damaged or dead required plants (those shown on the initial approved Landscape Plan) shall be at a minimum the initial required planting size.

Initial Plantings: Required plants installed by the builder, Association, declarant, or other entity at the initial site or Lot development shall meet the following size requirements for all plantings. Residents providing additional non-required plantings on their Lot shall not be required to meet these requirements unless part of a screening requirement, which may carry its own size requirements. At a minimum, sod shall be installed in the front and side yards.



#### 4.8.7 Drainage and Grading

There shall be no interference with the established drainage pattern over any property except as approved in writing.

Owners may make minor drainage modifications to their lots provided they do not alter the established drainage pattern.

The routing of all underground piping as it relates to gutter and downspout locations on the primary residence and any accessory building must be submitted for review.

#### 4.8.8 Planting in Utility Easements

No trees shall be planted within this easement.

Shrub and groundcover beds may extend into this area. However, if utility maintenance and/or access is required, replacement of any damaged plant material will be the responsibility of the homeowner.

#### 4.8.9 Vegetable Gardens

Vegetable gardens must be located wholly in the back portion of the lot. Maintenance of the garden is required, and excess debris and dead plant material must be removed at the end of the growing season.

Vegetable gardens that comply with these guidelines do not require architectural review.

4.8.10 *Street Trees and Buffer Areas*

Street trees within the planting easement and buffer plantings shall not be removed or replaced without approval of the Architectural Review Committee.

Buffer areas as shown on the approved plans are common areas and shall be maintained by the Association.

**4.9 Fences**

4.9.1 *Fences - Generally*

No fence shall be erected or maintained on any Lot until the proposed fence design, color, and location have been approved in writing by the Architectural Review Committee. Refusal, or approval, of design, color, or location may be based by the Declarant or the Architectural Review Committee upon any ground(s), including purely aesthetic considerations, which is the sole and uncontrolled discretion of the Architectural Review Committee. No alteration to the exterior appearance of any fence shall be made without like prior written approval by the Architectural Review Committee.

4.9.2 *Fence Construction and Materials*

Allowed materials:

- Wood
- Vinyl fencing is permitted on a case by case basis

Wood fences must be stained or sealed. The color, stain or seal should match, complement, or contrast the home's color scheme in an aesthetically pleasing fashion.

Chain link and roll wire fencing are not permitted.

Construction

Fences shall run with the slope by means of a sloped frame. Stepped fences are prohibited.

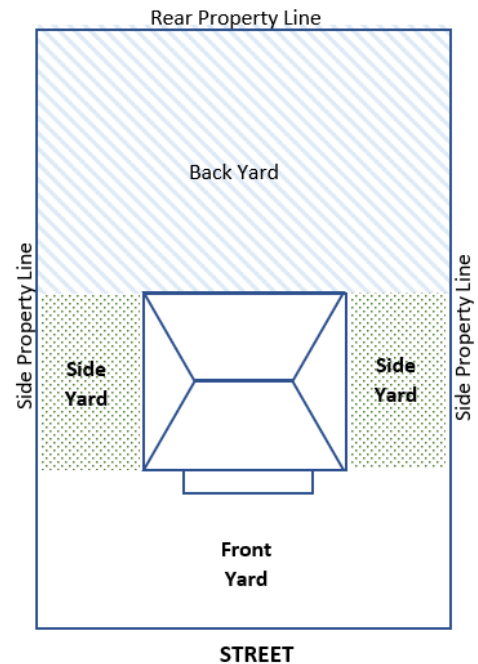
Wood fences shall be constructed on site and shall not be constructed of pre-made “panels.”

Fences shall not impede stormwater flow.

Fences shall be of a high quality construction and portray a sense of permanence.

Height

Privacy fences shall be a maximum of six (6) feet in height and shall be located in the back yard. Privacy fences should tie into the back corner of the house.



#### 4.9.3 *Fence Location*

##### Distance from Property Line

Fences are permitted along property lines.

Fences must be located along side and rear property lines with the following exceptions:

- If a drainage easement exists between lots, see Section 4.5 herein.
- Fences on corner lots have increased setback requirements (see below)

##### Tie-Ins and Distance Between Fences

No double fencing between Lots shall be permitted; and each Lot Owner shall have the right and easement to extend his or her fence to the fence erected on the adjacent Lot; which right and easement is hereby reserved and conveyed for the benefit of all such Lots.

Such common use fences shall be maintained by the original installer/lot owner.

##### Fences on Corner Lots

Fences located adjacent to a street on a side property line shall be required to follow minimum building setback requirements.

##### Fences in Easements

Fences may be placed within planting/utility easements pursuant to Section 4.5. However, if fences are removed due to work being executed in the easements the cost and act of replacement of the fence shall be the homeowner's responsibility.

#### 4.9.4 *Fence Gates*

Gates shall match or complement adjoining fences in design, materials, and construction.

#### 4.9.5 *Maintenance*

It shall be the homeowner's responsibility to maintain the fence and repair damaged areas in a timely fashion. Maintenance includes regular inspection and staining, washing, and repairing as needed.

#### **4.10 Hardscape Design - Walks**

All walks must be paved with concrete, brick pavers or such other material as may be approved in writing by the Architectural Review Committee. Asphalt walks are prohibited.

#### **4.11 Hardscape Design – Driveways**

Driveway piping and temporary gravel driveways must be installed before any type of construction is commenced on any Lot to minimize erosion and tracking of mud onto streets.

Driveways must extend at least 20 feet from the back of the front property line to prevent vehicle overhang.

Every driveway shall provide positive drainage away from the house and garage.

Architectural Review Committee approval is required before extending or expanding any driveway.

All driveways must be paved with concrete, brick pavers or such other material as may be approved in writing by the Architectural Review Committee. Asphalt and gravel driveways are prohibited.

#### **4.12 Hardscape Design – Retaining Walls**

Retaining walls can be effectively used to preserve existing vegetation, take up steep grade, and create flat usable spaces while also creating an ornamental accent to the landscape. Retaining walls should relate to both the context of the house as well as the overall context of the materials in Hayden Place.

Retaining walls may be pressure treated lumber, be made of unit masonry materials (keystone or equal), in addition to brick or stone. Railroad tie retaining walls are not permitted.

Retaining walls shall be constructed to fit the slope, to the minimum height needed.

Retaining walls shall be a maximum of six (6) feet in height. Lower walls are preferred.

Where walls exceed three (3) feet in height, the top of the wall shall be kept level, and the wall stepped at intervals along slopes.

Safety rails may be required by building codes. Every effort shall be made to reduce or eliminate the need for guardrails. Where safety rails cannot be avoided; they must be consistent in design with the architectural design of the associated structures and per code requirements.

Retaining walls greater than four (4) feet shall be approved, signed, and sealed by structural engineer.

#### **4.13 Trash and Waste Containers**

All trash and recycle containers must be kept within a garage or in a screened or landscaped area. They shall not be visible from the street or from other houses. Any method of screening other than landscaping must be approved. Trash and recycle containers must be kept in the screened area except on the day that the garbage is picked up.

#### **4.14 Barbecue and Outdoor Kitchen Areas**

Permanent barbecues and outdoor kitchens shall be located only in rear yards and require Architectural Review Committee approval. Portable fire pits and barbecues are allowed in rear yard without approval.

#### **4.15 Recreation Items**

Play equipment shall be located in the rear yard except that basketball goals are permitted in the front or side yards on a case-by-case basis (see below). No approval is required from the Architectural Review Committee for play equipment in the rear yard unless it is associated with a new impervious patio/area.

No play equipment may be higher than ten (10) feet in height, except that tree houses may be permitted on a case-by-case basis. Trampolines and such large play structures may be permitted only in rear yards and must not be highly visible from the front of house, streets, or public areas.

Basketball goals are to be as unobtrusive as possible and shall not be permanently mounted to the house. Free standing portable basketball goals and permanent goals mounted in the ground are permitted as long as the goal post is located within the private property boundaries at least ten (10) feet from the front property line and at least six (6) feet inside the side property line. The post, padding, etc. and all other metal shall be black (or other dark color such as dark green).

Homeowners are required to perform periodic maintenance as necessary to keep equipment and landscaping in good aesthetic and functional condition.

# Builder Architectural Review Application

# HAYDEN PLACE

Builder: \_\_\_\_\_ Date: \_\_\_\_\_

Contact #: \_\_\_\_\_ Name: \_\_\_\_\_ Email: \_\_\_\_\_

Lots may be approved either on a single “per-lot” basis or multiple lots at one time.

Submit via email to: Hayden Place ARC; C/O Les Basnight; 8756 Trade Street, Suite 5; Leland, NC 28451.

## Single Lot Approval:

Lot Number: \_\_\_\_\_

House Plan Used (supply Marketing Cut Sheet if not previously provided): \_\_\_\_\_

Primary Color: \_\_\_\_\_

Is a fence proposed?  Yes\*  No \*If Yes, provide sketch or written explanation of location and specify fence materials

Description: \_\_\_\_\_

Is any major variation from the Landscaping requirements, Street Tree plan, or other required specifications proposed?

Yes  No

*If yes, provide alternative proposal (written or sketch).*

## Multiple Lot Approval:

Provide a document (spreadsheet or similar) which lists each lot # along with the all of the items required for single lot approval as listed above.

*Notes for all submittals:*

- 1) Impervious surface is limited to \_\_\_\_\_ feet per lot. If additional impervious is required, please let us know.
- 2) Landscaping and street trees shall meet the standards and locations as noted in Builder Agreement/Design Guidelines.
- 3) Houses should not be the same elevation OR primary color as any house within 1 house on the same side of the street. However, because of the variability within the subdivision, this requirement may be waived.
- 4) Mechanical Equipment such as HVAC units shall be hidden from view as able by landscaping (or other screening of choice). Screening need not entirely hide equipment from view but should soften the view from the street. This need not be shown on the plans for this request
- 5) Changes to approved house plans, colors, or major landscaping must be submitted to the Declarant.
- 6) Declarant shall review all applications upon receipt and will communicate with applicant within one week

**This Review is only for conformance with the Hayden Place Design Guidelines/Builder Agreement. Review comments/conditions of approval, if any, will be attached to the response.**

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DECLARANT USE ONLY:  Approved

Approved as Noted

Not Approved

Resubmit

Reviewed by:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date