

Anniston

Architectural and Landscaping Guidelines

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INTRODUCTION

Anniston is a planned community in which manmade improvements have been designed and installed in a manner in harmony with the natural environment. Care has been taken to respond to natural features and to create Homesites (“Lots”) which take maximum advantage of physical features of the development. Architectural Guidelines (“Guidelines”) are established and enforced so that similar care will be taken to assure that homes within Anniston will contribute to, rather than detract from, the attractiveness of Anniston. For additional information pertaining to specific issues contained in these Guidelines, please refer to the Declaration of Covenants, Conditions and Restrictions (“The Restrictions”) for Anniston as may be noted herein. If there arises any conflict between the Guidelines and Restrictions, it is The Restrictions that will prevail.

The Guidelines are intended as a guide for the Architectural Review Committee (“The Committee”) in reviewing plans and specifications for Improvements and shall not be binding. The Guidelines may be revised and amended at any time by The Committee, in its sole discretion.

ARCHITECTURAL REVIEW COMMITTEE (see Article VII of The Restrictions)

In accordance with The Restrictions which have been recorded in Book 1617 Page 1924 et seq., of the Iredell County Registry of Deeds, as it may be amended from time to time, and The Committee will review all plans for Homes and any other structures to be built in the residential community known as Anniston which is reflected on the present plat recorded in Plat Book 46 Page 61 of the Iredell County Registry of Deeds, and any subsequent residential phases of Anniston platted of record and submitted to the terms and conditions of The Declaration. The purpose of The Committee is not to restrict design freedom or to make design decisions, but to ensure that each of the Homes reflect the overall objectives of the entire community and that the unique natural setting of the community is preserved and enhanced.

PLAN SUBMISSION PROCEDURES (See Article VII of The Restrictions)

1. Meeting

The Committee may meet informally as a group or by telephone, written communication, facsimile transmissions or such other means as the members may agree upon and as may be sufficient to conscientiously, and fully, perform its duties.

2. Materials to be Submitted for Site Plan Approval

Before initiating any construction, alteration of existing improvements, grading or any site or structural work upon any Lot, the Owner must first submit an Application for Design Review, which includes construction, site and landscape plans, plus such other materials as The Committee may request. At a minimum, the plans shall show in detail:

- (a) The grading work to be performed on the Lot;
- (b) The nature, materials and location of all Improvements including buildings, septic systems, wells, paving, plantings and screening, etc.; and
- (c) Setback distances.

The plans shall provide specific detailed information concerning:

- (a) Landscaping for the Lot,
- (b) Exterior lighting, and

(c) Building elevation plans showing dimensions and materials.

3. **Filing Fee**

In order to defray expenses, The Committee will require a reasonable fee for review of plans. The initial filing fee shall be _____. The filing fee may be increased from time to time by The Committee and shall not exceed _____.

4. **Approval Criteria**

If plans and specifications or other submittals are not sufficiently complete or are otherwise inadequate, the Committee may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance.

5. **Time for Review**

Upon submission of all detail reasonably requested by The Committee (received in the office of the Declarant or other office as designated by Declarant), the submitting Owner shall receive, in writing, the decision of the Committee within thirty (30) business days. Failure of The Committee to render a written decision within thirty (30) business days shall be deemed approval of the submission.

6. **Approval - Not a Warranty**

Approval of the plans submitted by any Owner or other party to The Committee shall not be construed as a certification or warranty, by either Declarant or the Committee, that

- (a) the plans meet with any minimum standards of suitability for use,
- (b) are acceptable under any Applicable Laws,
- (c) conform to any other standards of quality or safety, or
- (d) describe structures or development, which would be safe, prudent or feasible.

Neither Declarant, The Committee, nor any member thereof shall be liable for any damage, loss or prejudice suffered or claimed by any person on account of the approval or disapproval of any preliminary plans, drawings or specifications, construction or performance of any work or the development of any Property within the Subdivision.

Approval shall not be construed as relieving owner from being responsible for obtaining any building, zoning or other governmental permits.

7. **Commencement of Work**

Beginning with the approval of The Committee as described herein, the Owner or other parties submitting shall, as soon as practical, satisfy all conditions of The Committee and proceed with all approved work described in the plans and such other work as may be necessary for improvement of the Lot in accordance with the Guidelines. Commencement of Construction must begin within one hundred eighty (180) days from the date of such approval or the approval of the Committee shall lapse. The Committee may, at its discretion and upon the request of Owner, extend the one hundred eighty (180) day period for Commencement of Construction in the event that good cause is shown for such extension.

8. **Completion of Work**

All improvements upon the Lot, including alteration, construction, and landscaping shall be completed within twelve (12) months after the Commencement of Construction upon the Lot. This time period may be extended in the event that work or completion is rendered impossible due to strikes, fires, national emergencies, or other supervening forces beyond the control of Owner, lessee, licensee, Occupant or their agents. Installation of large items of shrubbery or trees may be delayed beyond the 12-month completion period in order to plant during the best seasons for such

plantings. Installation of sod and seeding of rear yards shall, however, be completed within the 12-month period.

BUILDING RESTRICTIONS (see Article VI of the Restrictions)

These policies concern all new construction, additions and/or modifications of existing homes, structures and other improvements in the community.

1. DWELLING SIZE

Any dwelling unit erected upon any Lot shall contain not less than 2,400 square feet of heated floor area for a one-story unit and 2,600 square feet of heated floor area for a two-story unit. No dwelling may be more than two and a half stories as viewed from the front elevation.

2. EXTERIOR MATERIALS, COLORS AND FINISHES

Materials and color constitute a dominant visual element of the community and require careful attention. The exterior surface of any building shall not be of asbestos shingle siding, aluminum siding, imitation brick or stoneroll siding, exposed concrete or cement blocks or logs. Vinyl siding is discouraged, but may be allowed by The Committee if of a top quality vinyl. Vinyl siding will only be considered if used as an accent, covering no more that twenty five percent (25%) of the front face of the building.

The exterior materials and colors used on a Home should blend together to create a harmonious whole. To this end, it is recommended that samples of proposed exterior materials and colors of paints and stains be submitted to The Committee.

Houses with a brick exterior only on the front of the house will not be allowed. The structure must have a major material to be used on all sides. Multiple accent materials are acceptable.

The exterior surface of any garage or outbuilding erected on any Lot shall be architecturally compatible with, and if the material and construction comparable in costs and design to, the exterior surface of the dwelling unit located on said Lot. The garage or outbuilding shall have a brick foundation and be permanently attached to the ground. The shutters and shingles of the building shall match that of the dwelling unit and meet all of the guidelines set forth in the The Restrictions.

No wooden steps or stoops shall be allowed in the front or side of any dwelling unit, unless approved by The Committee.

3. FOUNDATIONS

All finish floor elevations shall be the minimum required by local authorities. If the aesthetics of the lot warrant, The Committee may require the contractor to establish a higher finished floor elevation. Slab on grade foundations are prohibited except for basements.

Crawl space foundation ventilation openings shall be covered with the appropriate metal grading, wood louvers or lattice or vinyl louvers. All concrete block foundation walls shall be covered with brick or material compatible with other exterior materials.

Exposed concrete masonry or block is not permitted.

4. DOORS, WINDOWS AND SHUTTERS

Doors and windows should be carefully proportioned and located to enhance the exterior appearance of the Home while taking advantage of opportunities for special views and natural lighted ventilation. Large windows should be divided with mutins or grilles unless this is incompatible with the architectural design. If window mutins or grilles are used in one elevation, they should be used consistently on all elevations.

Windows and doorframes may have anodized aluminum, vinyl, or painted or stained wood finishes.

5. **ROOFS**

Roof and roof pitches should be in proportion to the overall size and shape of the Home. A minimum roof slope of eight in twelve (8/12) is required with not less than 12" overhang. Acceptable materials are as follows:

- Architectural Shingles
- Slate
- Cedar Shingles or Shakes

All vent stacks and roof vents shall either be painted to match the roof color or placed in the rear area of the roof. Copper flashing may be permitted to weather to a natural patina. All other flashing shall be painted to match or blend with the shingle color as approved by The Committee.

Covered porches and other structures on the Lot (e.g. detached garages or other accessory structures permitted by The Committee) should have the same roofing material and color as the main dwelling.

6. **CHIMNEYS**

Exterior chimneys should be full foundation based and made of brick, stone or other material approved by The Committee, and of a design, location and material appropriate to the house. No cantilevered chimneys or chimneys with siding shall be permitted. Exposed metal flues are not permitted. All chimney caps should be finished in a finish blending with the colors of the Home.

7. **GARAGES**

Garages may be attached or detached. Garages must be fully enclosed and have consistent architectural design and detailing. Detached garages may only be placed in the established rear yard. A minimum two (2) car garage is required. Side entry garages shall be recommended for all homes with attached garages. No carports are permitted.

8. **DECKS AND PORCHES**

Decks and porches should be designed with substantial, well-proportioned railings, flooring, and support posts meeting the building code requirements. The space below the decks should be screened with lattice, shrubbery or other means appropriate to the design of the Home.

9. **MAILBOXES**

Mailboxes and supports will be specified by The Committee and shall be uniform throughout the community.

10. **IRRIGATION**

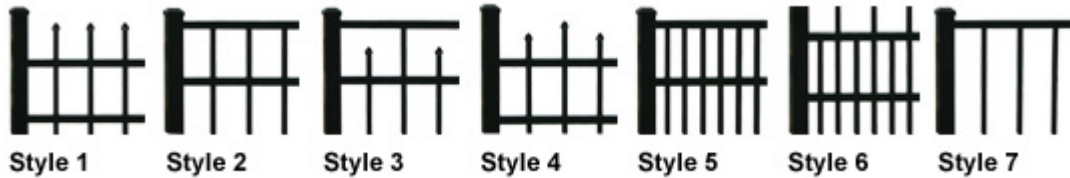
All new irrigation systems shall contain automatic controls to conserve water and shall not be located within the road right-of-way, which extends approximately fifteen feet from the edge of pavement.

11. **FENCES**

All fences, existing or new, **must** be approved by The Committee. Installation of an unapproved fence may result in removal at the Owner's expense.

Fence material will be black or brown residential-grade aluminum. **No vinyl, wood, chain link or other types of wire fences are allowed.**

Acceptable design examples:



Maximum height is 6 feet. Fencing must be the same height on all sides.

Gates are to be constructed of the same material as the fence and must be at least 36 inches wide.

Fences for homes on corner lots cannot be within the 25 ft. side yard setback on the street side of the lot. This will place the fence approximately 40 ft. from the edge of the roadway pavement.

Finished side of fence must face to the outside. All support posts must be constructed of the same material as the fencing or upgraded to match the brick or stone of the main dwelling.

A new fence is not allowed to be attached to a neighboring fence.

Access to gas and electric meters must not be restricted. Homes that have utility meters within the fenced area must have a gated access to that side of the property for utility workers. Homes are allowed a maximum of three gates.

All underground utilities need to be located and clearly marked by the proper authorities prior to fence installation. There are many buried digging hazards such as electric, water, gas, sewer, septic, telephone, cable and irrigation wires and piping.

All property lines must be marked prior to fence construction.

The Anniston Homeowners Association will have no responsibility for any maintenance, repair, or replacement costs for a Owner's fence.

All fences must be maintained in good condition by the homeowner, Fences that become dilapidated and in disrepair will be removed at the Owner's expense.

Fences shall also comply with Article VI, Section 5 of the Declarations.

SITE STANDARDS (see Article VI of the Restrictions)

These policies concern any clearing, grading, filling or alteration to any Lot.

1. GRADING AND EROSION AND SEDIMENTATION CONTROL

Plans for any grading, excavation, or filling of Lots must be approved in writing by The Committee before any site work can begin. During any clearing, grading and construction activities on a Lot, all run-off, erosion, and sediment beyond that which occurs in the natural, undisturbed condition of the Lot must be contained within the perimeter of the Lot.

Grading must be designed as much as possible to conform to the natural site contours. Excessive grading should not be necessary and will be viewed as undesirable by The Committee. Final grading should produce gently rounded contours rather than sharp changes in slope and should allow for transition at the head and toe of slopes.

The creation of fill section to artificially elevate Homes will generally be disallowed. In the event of particularly low-lying Lots, or in areas where artificial elevations will not adversely affect views from surrounding Lots, filling to provide elevation may be approved by The Committee.

Grading along the shoulder of the roadway should allow adequate slope for drainage from the pavement to a swale in the road right-of-way or on to the lot. The flow line of drainage pipes under driveways should be a minimum of 1.5 feet below the existing edge of pavement.

2. LANDSCAPING

Plans for any landscaping, grading, excavation or filling of Lots must be approved by The Committee before any site work can begin.

All landscaping plans including (without limitations) all structures, driveways, mailboxes terraces, patios, walkways, outdoor lighting fixtures, walls, fences, pools, decks, and screens are to be shown on the plan submitted to The Committee and are subject to approval by the Committee.

The owner of each Lot is responsible for maintaining in a healthy condition all natural and introduced vegetation on the Lot. Removal of dead or diseased plant material must be done on a regular basis in accordance with the best practices for the plant material involved. Maintenance of plant materials and landscaping required of the Owner includes all planting beds, trees, shrubs, flowers, ground cover and lawn areas, including nay areas with pine needles, pine bark nuggets or other materials.

The fundamental design of the landscaping should harmonize with the native vegetation, terrain and natural beauty of the community. Plants native to or traditional in North Carolina are encouraged.

VARIANCES (see Article VII of the Restrictions)

The Committee is hereby authorized and empowered to grant reasonable variances from the provisions of the Guidelines in order to overcome specific development problems or hardships cause by the strict application of the provisions. Such variances, however, must not materially injure any of the Property, amenities or Improvements in the subdivision and must be made in furtherance of the spirit and purpose of this Declaration. The Committee will not, however, grant a variance that does not meet applicable zoning ordinances unless the Owner also obtains a variance from the appropriate governmental authority empowered to grant such variances. A granted variance does not set any precedent and all requests shall be reviewed on an individual case-by-case basis.