

To: Devon Owners Association, Inc.

From: Board of Directors of Devon Owners Association, Inc.

Date: January 1, 2001

Re: Adopted ARCHITECTURAL CONTROL GUIDELINES

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The Board of Directors, with the assistance of a special subcommittee, has completed and approved the attached ARCHITECTURAL CONTROL GUIDELINES. These guidelines give you a consistent standard to follow as the foundation to planning any exterior changes to your property. These guidelines also address the steps necessary for all new home construction.

Please retain this copy as part of your permanent papers to refer to now and in the future. These guidelines should also be made available to prospective buyers of your home.

We request that you make copies of the application form attached with this package when you submit your requests for architectural approval. *No request for a change can be considered unless accompanied by the application form and appropriate exhibits.*

Return your completed applications to the Management Firm at the address shown on the application form. Provided you have no outstanding monetary obligations to the Association, the application will be accepted and stamped by the Management Firm as to the date received. The first day of the thirty-day review period will begin three days after the date received.

Please read and follow these guidelines because you **MUST** obtain approval **IN WRITING** from the Architectural Committee **BEFORE** the start of any exterior change. This written approval is also required by Wake County before any permits will be issued. Do not commit labor or materials until you have received approval. Your cooperation and adherence to these Guidelines will not only be appreciated, but will also be in the best interests of our community as a whole.

## I. INTRODUCTION

In a planned community such as Devon, the question naturally arises as to how to maintain a harmonious, quality development. The answer at Devon is the Architectural Control Guideline process outlined in these pages. This process provides a meeting ground between private interests and the broader interests of the community and adjacent property owners.

Basic control for maintaining the quality of design is provided through the Protective Covenants filed with the Register of Deeds in Wake County for each phase of the Devon subdivision. These Covenants run with the land, are binding on all homeowners and renters, and should be fully understood. Every homeowner is subject to the Covenants to assure all residents that standards of quality will be maintained to enhance the community's overall environment and protect property values.

The Protective Covenants establish an Architectural Committee made up of three or more representatives who are to be appointed by the Board. The Covenants require the Committee's prior written approval of any exterior change, addition or alteration to any property. Such changes include any building, fence, wall or other structure that may be added or altered. It requires that the plans and specifications showing the nature, kind, shape, height, materials and location of the same be submitted in writing so they may be reviewed as to harmony in external design and location in relation to surrounding structures and topography.

The Architectural Committee is charged with conducting the review of all applications for exterior changes and new home construction. The Committee must render its decision to the applicant, in writing, within *thirty days of receipt* of a **complete** Application for Approval for Exterior Design Change, containing all necessary information described herein. Incomplete applications will be returned to the applicant without action.

The Guidelines on these pages are the procedures and standards applied by the Committee and the Board to assist the Association and its members in the design review process. We hope that the Guidelines serve as a positive tool to assist you in the full and free use of your property in a manner that is consistent with the aesthetic and harmonious development of our community.

## II. REVIEW CRITERIA

The Architectural Committee evaluates each application on its individual merits. The Committee's decisions are based on the following standards as guidelines.

### Validity of Concept

The basic idea of the exterior change must be sound and appropriate to its surroundings.

### Landscaping and Environment

The exterior change must not adversely impact the natural landscape or the man-made environment.

### Relationship of Structures and Adjoining Property

The proposed change must relate harmoniously to its surroundings and to existing buildings and terrain that are visually related to the change.

### Protection of Neighbors

The interests of neighboring owners must be protected by making reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design which may have substantial effects on neighboring property.

### Design Compatibility

The proposed change must be compatible with the design characteristics of the applicant's home and the general neighborhood setting. Compatibility is defined as harmony in design, style, scale, materials, color and construction details.

- A) Scale: The three dimensional size of the proposed change must relate satisfactorily to adjacent structures and its surroundings.
- B) Materials: Continuity is established by use of the same or compatible materials as used in the home.
- C) Color: Color may be used to soften the design but must be consistent with the residence's color scheme.

### Workmanship

The quality of work must be equal to or better than that of existing structures. Poor practices may cause the owner problems and may be visually objectionable to others.

### Timing

An approved property change may be built or installed either by owners or by a contractor. However, projects that remain uncompleted for a long period of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must contain a proposed maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, the Committee may not approve the application.

DO NOT PURCHASE MATERIALS OR COMMIT TO ANY CONTRACTOR in anticipation of instant approval by the Committee. Wait until you have received written approval prior to purchasing or committing to such work. Remember many design changes require a permit and the County may not issue a permit without the written approval of the Committee. Please try to plan well in advance to allow time to have your application processed. Although the majority of applications are handled within two weeks *please allow up to thirty days*.

### III. DESIGN APPLICATION REVIEW PROCEDURES

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

#### Objectives:

The Architectural Committee, in examining each application for design approval, considers whether or not the exterior change is in compliance with the Protective Covenants and the Architectural Review Guidelines outlined herein and briefly described below:

- A. To preserve and enhance property values in the community, and;
- B. To maintain a harmonious relationship among structures, vegetation, topography and the overall design of the community.

#### Application Procedure:

Complete the Application form and attach all required exhibits. Include full details of the proposed change. If the change is structural, fencing, or grading, submit a sketch or plan and outline specifications. Talk to your neighbors about your change. They may be able to offer valuable input. Be sure to include such information as type of material, size, height, color, location, etc. Provide a sketch of the location of the improvement as it relates to your house and lot.

Mail or hand deliver the application to the Management Firm at the address on the application form. Incomplete applications will be returned and will cause further delay.

The Committee will review the application within thirty days and will respond to you in writing. If you do not hear from the Committee in that time, please call to follow up. **The thirty-day period does not begin until three days after the Management firm receives the application.**

Complete applications are considered on their own individual merit using these guidelines

outlined below:

### Review Procedures

During the Committee's consideration of an application, Committee member(s) may view the site, talk to the applicant or neighbors and verify from the neighbors that they are aware of the proposed change. While neighbor's views are very important to the Committee, neighbors do not have "veto" authority.

The Committee considers the application and any data or comments received from, or presented at the meeting by, immediate neighbors and other members. After discussion of the application as submitted, the Committee will vote on approving it, approving it conditionally, or disapproving it. If the change is conditionally approved or disapproved, the Committee must note in writing on the application the reason(s) why it was not approved as submitted. The Committee will give the applicant written notice by use of a duplicate copy of the application or by correspondence. The Committee records its action and the notification to the applicant by placing copies of the executed application and/or letters in the Committee's archives. Duplicate copies of all records will be forwarded to the Association's Management firm. Conditional approval means that work may proceed if the conditions are satisfied as agreed to by the Committee. The Committee will inspect work in progress and request (either orally or in writing) the applicant to correct any non-compliance with the approved design.

### Project Inspection or Walk-through

The Committee may conduct a walk-through to review the completed project.

### Appeal Procedure

If the applicant disagrees with the decision of the Committee in its review or inspection, the following process is noted for an appeal: 1) file a written appeal with the Board of Directors at the address of the Management Company within fifteen days after receipt of a notice of disapproval, 2) the date and time of the appeal is established by the Board of Directors; this is normally at the next scheduled Board meeting. A majority vote of the Board is required to reverse a Committee decision.

### Correction Procedure

Remedies: An exterior change made without the required approval of the Committee, or the Board on an appeal, constitutes a violation of the Protective Covenants. A violation requires removal or modification of the work at the expense of the property owner, or payment of damages incurred by the Association in an effort to have it removed or modified.

Reports: The Committee inspects authorized construction in progress and the community in general to identify violations. Additionally, all residents have the right and responsibility to bring to the attention of the Committee or Board any apparent violation of any provision of these Architectural Review Guidelines or Covenants.

The Committee investigates each reported violation and seeks the cooperation of the owner. Notification of a violation is made to the resident in order to identify the problem, and request a resolution. Should the owner fail to follow through on the Committee's proposed resolution or some other resolution which is acceptable to the owner and the Committee, the Committee will turn the problem over to the Board of Directors for continued resolution with the resident. This could lead to the Association filing legal action against the owner.

#### IV. DESIGN GUIDELINES

This section of the guidelines provides specific guidance regarding particular design situations frequently encountered in Devon. Generally acceptable methods for achieving the required objectives and standards are indicated below. These methods are suggested, not mandatory. Additionally, design methods that are generally not acceptable are also indicated for your guidance.

Please remember that these are only guidelines and, as such, they do change. Every effort will be made to re-issue these guidelines whenever significant changes do occur.

##### Repair

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

##### Fences/Walls

Fences will be allowed in rear yards but should not proceed further forward than the rear corners of the house. Fences are not permitted to extend to the front yard. Corner or minor decorative fencing treatments in the front of the property may be permitted depending on individual circumstances. Preferred fencing material is pressure treated lumber or iron estate-style fencing. The fence may be painted or stained to match the exterior of the house or left as is to blend with the natural surroundings, but in all cases must be properly maintained and kept in good repair. No chain link, chicken wire, barbed wire or any other fence constructed solely of freestanding wire is allowed. The only acceptable wire fencing material is wire mesh used as a backing on a wooden split rail fence for containment and protection of children, pets and property. When properly installed, the wire mesh backing should be virtually invisible from the curb in front of or alongside the dwelling. Wire mesh is to be a minimum of 2" by 2". Looped (ramped), 16 gauge wire is preferred for its low visibility and rust resistance compared to welded wire.

Rear yard fencing has a preferred height of four feet, but in no case will the height exceed six feet. If a fence is to exceed five feet in height, the top section (minimum 12 inches) of the fence must be finished in an "open" style (i.e. lattice work) or scalloped style. Whenever possible, the fence should have at least one inch of spacing between vertical boards.

Shrubbery planted in a row that creates a natural fencing or barrier between properties requires architectural approval.

### Satellite Dishes/Antennas:

- \* Minimum Street Setback: Front of House
- \* Minimum Side/Back Property Line Setback: 25'
- \* Appearance/Visual:
  1. Must not be visible from street
  2. Must be adequately screened from neighbors' views so that the satellite dish/antenna is not visible from any first floor window, door, attached deck, attached patio or attached porch of neighboring houses.

### Parking and Storage of Vehicles, Boats, Trailers, Etc.

Parking or storing of boats, marine craft, hovercraft, aircraft, recreational vehicles, pick-up campers, travel trailers, motor homes, camper bodies or similar vehicles or equipment in the driveway or front yard of any dwelling or on any public street in the Development is prohibited. Any such vehicle parked for storage in the side or rear yard of any residence must be completely concealed from public view. On street parking of automobiles is strongly discouraged, both for public safety and aesthetic reasons. Children walking, playing, skating or bicycling could easily be struck by a passing vehicle due to the limited visibility of both a child and other drivers around parked cars. Any homeowner who finds it necessary to park a car on the street (other than temporary parking by guests) must be sensitive to the concerns of their neighbors and prepared to relocate the vehicle if such parking creates a potentially hazardous situation.

### Clotheslines

Clotheslines are not permitted.

### Decks

Addition of a deck is considered a major design change to an existing dwelling, since a deck is nearly always physically connected to the house itself. As such, deck plans will always require the prior approval of the Architectural Committee. Multiple building permits may be required if the project calls for electrical installations such as lights, power outlets, covered gazebos with ceiling fans, hot tubs, etc. Only materials specifically designed for exterior applications, with weather and moisture resistant properties, such as pressure treated deck lumber or cedar decking material may be used. Placement of major weight-bearing posts or pilings in concrete is preferred both for strength and prolonged service life of the structure. The criteria for Design Compatibility and Workmanship (see Section II, page 3) apply to the review of all deck applications; whether or not the plans call for a gazebo or other covered, screened-in porch structures. Homeowners should also review applicable Covenants and Wake County Building Codes concerning boundary setbacks and utility easements *before* committing to any deck project

or construction contract.

### Dog Pens and Doghouses Require Committee Approval as Accessory Buildings.

Doghouses should be painted or stained and roofed to match the exterior of your home. Dog pens are to be made of either vinyl-coated black, dark green, dark brown chain link fence or pressure treated wood such that the animal can see out. The height of a chain link fence or wooden fence cannot exceed five feet.

The doghouse and/or pen should be located on the property in an area that is not visible from the street and must be positioned at least 25 feet from a neighbor's property line. The area surrounding the pen should be landscaped such that drainage is not a problem. It must be properly maintained, kept in good repair and free of materials that may create unpleasant odors.

### Grading

MAJOR changes to the topography of your lot could result in flooding or improper drainage into a neighbor's yard. Therefore, such changes require approval prior to being started. Neither the Board nor the Committee accepts any liability for any damage caused by such grading action, whether approved by the Committee or not.

### Plants and Gardens

Committee approval is not required for *most* plantings or biodegradable landscaping treatments. Before digging, please identify and locate all wires and/or cables that could get cut down so as not to electrocute yourself or interrupt any services to your house or your neighbor's. Brush clippings, mulch piles, firewood and the like should be stored toward the rear of your lot so as not to be visible from the street.

Large vegetable gardens and/or compost areas require architectural approval. Garden areas should be maintained in the rear yard not visible from the street

### Play Equipment

Any play equipment should be located at least 25 feet from the neighbor's property line. Such items include swing sets, sandboxes, or other more stationary equipment. Committee approval is not required for most play equipment as long as it is placed so that it is not easily visible from the street.

### Shed/Storage Buildings

Detached, freestanding storage sheds are discouraged. Where possible, storage sheds should be attached to the house. In most cases, this is less expensive than a freestanding structure and would be more aesthetically pleasing as well as more convenient. However, if an owner has inadequate storage and there is not a structural way to add a storage room to the house, the owner can apply for approval to erect a freestanding storage shed. Prefabricated structures of any kind,



to include those made of aluminum, steel, particleboard or other wood products are not acceptable. Whether attached or free-standing, all sheds must receive Committee approval and must meet the following criteria:

- 1) Siding: Must be quality materials finished to match the home.
- 2) Roof: Must be similar to the home in pitch, materials and color.
- 3) Base: Must have a poured concrete slab foundation.
- 4) Size: Minimum of 100 square feet; 300 square feet maximum.
- 5) Placement: Must be behind the house, at least 10 feet from neighboring property boundaries on the sides and at least 5 feet from the rear property boundary; and not in the side yard areas which are highly visible from the street. Homeowners may be restricted on placement if proposed shed encroaches into a designated conservation buffer zone.

### Signs

The following types of signs are permitted and are not considered a violation of the Covenants prohibiting signs and billboards:

#### A. PERMANENT SIGNS

- 1) Signs displaying house numbers, name of the resident(s) and/or name of the home, if any.
- 2) Signs affixed to a mail box post which carry the name of the Devon Homeowners Association Community Watch.

No other permanent signs should be displayed.

#### B. TEMPORARY SIGNS

- 1) A single real estate "For Sale" sign of not more than six square feet.
- 2) A contractor's or builder's sign during construction or approved alteration, (including landscaping) provided that the signs are removed within 30 days of the completion of construction, alteration, etc.
- 3) A "Parade of Homes" sign immediately prior, during and after the "Parade".
- 3) "Open House" signs are permitted only during the hours during which the premises are open. This includes all such signs anywhere within the borders of the Subdivision, its entrances and streets, but not located on the property of another homeowner without his/her permission.

No other temporary sign is permitted unless approved by the Architectural Committee.

#### C. "BILLBOARDS"

All "billboards" are prohibited [except as permitted in B(2) above]. A "billboard" is a sign of ANY size which carries the Name, Address and/or the telephone number of a business firm, including, but not limited to, burglar alarm or security companies, newspapers and magazines or other types of services.

#### E. PLACEMENT OF SIGNS

Except for signs described in A(1), A(2) or B(4) above, all permitted signs may not be placed forward of the front property line nor within 25 feet of any adjacent property line.

#### V. BUILDER/DEVELOPER PROCEDURES

##### Conferences

A conference with the Architectural Committee may be arranged before project planning begins to obtain an early understanding of procedures and project objectives. A conference is recommended for any unusual or difficult single unit siting.

##### Plan Submission and Approval

Plans are submitted in duplicate for approval together with a Transmittal Form. One set of plans will be stamped "Approved - Devon Architectural Committee" and returned upon approval. The remaining set will be retained in the files of the Devon Owners Association, Inc. Notice of approval or disapproval will be available no later than 30 days after submission. Refusal to approve a part or all of any submission may be based upon any grounds including purely aesthetic considerations in accordance with the Declaration of Covenants, Conditions and Restrictions.

Applications will be submitted as described herein using the Devon Owners Association Application for Approval for Exterior Design Change included in this document. Incomplete applications will be returned by the Architectural Committee without action. The thirty-day approval period shall commence upon receipt of a complete application containing all information required by the Committee.

#### V. RESIDENTIAL SITE REQUIREMENTS

##### Clearing and Grading

Building and landscape elements shall be placed on a site so that the maximum number of desirable trees and other natural features are preserved. Materials resulting from clearing and grubbing and all other debris shall be removed from the site promptly. Finish grading shall be such to prevent ponding or erosion of soil on the site or adjacent property.

##### Tree Preservation

When clearing a lot for new construction, the builder will proceed with care so as to remove only

those trees which would be immediately affected by the ongoing construction (e.g. trees within 10' of the building). Every precaution shall be taken to preserve those trees remaining, including, but not limited to, prevention of heavy equipment from running over the root areas, no stockpiling of dirt or building materials around the base of the trees, tagging or barricading trees located in damage-proof areas, and repairing any tree damage immediately.

### Landscaping

Landscaping shall be in accordance with the plans and specifications approved by the Architectural Committee. All disturbed ground area shall be covered by grass, plants or landscape material and there will be no uncovered soil. All homesites will be landscaped and maintained consistent with the aesthetic quality of Devon. No changes or substitutions shall be made without prior architectural approval.

### Screening

Screening shall be provided, where required, to conceal unsightly appearances in accordance with any of the following methods:

- 1) A planting screen that will form an effective visual screen consistent with landscaping requirements.
- 2) A wall or fence of a material similar to or compatible with that of the building may be used for a screen adjacent to the building.
- 3) A wall or fence of a material specifically approved by the Architectural Committee may be used for a screen that is not adjacent to the building.

### Colors and Textures

Colors and textures shall be harmonious and compatible with colors of other buildings within the neighborhood. The general character shall emphasize muted tones of colors. Natural wood tones, gray and brown stone, brick, stucco, dark metal finishes or painted wood should be used for background colors with discreet accent colors where appropriate.

### Materials not Acceptable

Exposed standard concrete blocks, prefabricated storage structures of any kind, to include those made of aluminum, steel, particle board or other wood products, unnatural brick tones and bright finish metallic windows, doors and structures are not acceptable unless specifically approved by the Architectural Committee.

### Outdoor Structures

Any equipment in outdoor areas such as play structures, benches, planters, sculptures, etc., shall be compatible with and harmonious with the surroundings, hidden by approved screening, or approved by the Architectural Committee.

Prior Committee approval is required for any such structure bordering on or encroaching into a conservation buffer area.

### Roofs

No roofs with less than a 7/12 pitch will be allowed without specific permission of the Architectural Committee. Roofs that may be potentially seen from a street or adjoining site shall be of materials harmonious with the surroundings and of a muted color. All roof vents, ducts, fans, etc. shall be painted to match the roof shingle color. All flashing must be copper or a color consistent with the shingle or wall color. Visible bright metallic finish will not be permitted.

### Mailboxes

A decorative uniform black iron mailbox will be provided for use by each homeowner and may not be substituted with any other style box. It is the owner's responsibility to maintain the mailbox at all times. Planting around the box is permitted. The address numbers should be easily visible for mail delivery and in the event of or emergency situations.

### Garages

In order to maintain continuity throughout Devon, a minimum two car attached garage will be required with each home. New homes plans submitted without garages will automatically be rejected.