

## **Architectural Guidelines**

The Kingsley Estates Homeowners Association (HOA) Board of Directors with the assistance of the Kingsley Estates Architectural Review Committee (the “ARC”), is pleased to present the Architectural Guidelines for consideration by the Kingsley Estates Community. These guidelines give residents a consistent standard to follow as the foundation to use in planning any exterior changes to your property.

We hope this document helps continue to build a community that will allow freedom for individual tastes, while maintaining the overall aesthetic tone of a vibrant, engaged, supportive and welcoming neighborhood.

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.

Please read and follow these guidelines. Written approval from the ARC is required prior to the start of any exterior changes and is also required by Durham County before any permits will be issued. Do not commit to labor or materials until you have received this written approval.

The Architectural Review Committee has the exclusive right to approve or deny plans, at its sole discretion. Absent an approval from the ARC the proposed alteration or improvement may not be commenced. Architectural Review Committee decisions may be appealed to the Board of Directors if a homeowner disagrees with an ARC decision.

Please direct your questions regarding these guidelines to The Kingsley Estates Homeowners Association (HOA) Board.

The Kingsley Estates Homeowners Association Board of Directors reserves the right to modify or amend these guidelines from time to time as it deems desirable or necessary.

Sincerely,

The Kingsley Estates Homeowners Association Board of Directors



# ARCHITECTURAL GUIDELINES

## For The Kingsley Estates Community

Durham, NC

Adopted X, 2014

By The Board of Directors for the Kingsley Estates  
Homeowners Association

## I. PURPOSE AND POLICY

In a planned community such as Kingsley Estates, the question naturally arises as to how to maintain a harmonious feel as the community matures. The following guidelines attempt to provide a meeting ground between private interests and the broader interest of the Kingsley Estates Community as a whole. As such, the Kingsley Estates Architectural Guidelines are intended to serve as a consistent set of guidelines and the foundation for planning exterior changes to the properties in Kingsley Estates. These guidelines are developed to better understand the Covenants, Conditions and Restrictions (CC&R) of Kingsley Estates. This document does not replace or supersede the CC&R. The Kingsley Estates CC&R are the legal and binding authority and take precedence over any of the following stated guidelines. For items not specifically mentioned in this document, please refer to the CC&R.

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 ARC or HOA Board of directors regarding whether or not an application is required.

The Declaration in the CC&R established an Architectural Review Committee to be composed of 3 or more volunteer Kingsley Estates Homeowner representatives appointed by the HOA Board. ARC members will serve in three year, overlapping, terms. Article VIII of the Kingsley Estates Covenants requires the Committee's prior written approval of any exterior change, addition or alteration to any property. Such changes include (but are not limited to) any building, fence, wall, structure, color change, landscape design, or lawn type change that may be added or altered. It further requires that the plans, specifications and location showing the nature, kind, shape, height, finish(es), colors, and/or materials be approved in writing as to the harmony in external design and location in relation to surrounding structures, topography and general plan of development for Kingsley Estates.

The ARC is charged with conducting the review of all applications for exterior changes, making site inspections of requested modifications (before and after if required), offering recommendations or changes to the Board of Directors with regard to the Architectural Guidelines, and with rendering a decision to the applicant in writing in a timely manner. Per the CC&R, the Committee is allowed up to 30 business days to act on an application; however, the majority of applications should be processed within 15 days of receipt. As fellow residents, the Committee understands the need to review and process applications in a time

efficient and professional manner. Homeowners are encouraged to plan for a 30 day review process and should not commit to labor or materials until they have received written approval.

Your cooperation and adherence to these guidelines is appreciated. It is imperative that each homeowner plan in advance to allow for the ARC to evaluate each application based on this timeline. The ARC will hold meetings as needed to review requests. The ARC board will communicate its decision and explanation via email or letter.

Each ARC 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 ARC will notify the homeowner of the approval or rejection of the request. The ARC will also provide completed and approved or rejected requests to the HOA Board for inclusion in Board meeting minutes and for filing.

## II. REVIEW CRITERIA

The intent of the ARC Board and these standards and guidelines is to continue to build a community that will allow freedom for individual tastes, while maintaining the overall aesthetic and cultural tone of a vibrant, engaged, supportive, welcoming neighborhood. Each application will be evaluated on its individual merits.

In general, the Committees decisions are based on the following standards as guidelines:

### Aesthetic Considerations

The color, form, shape, style, scale, size, material, will be included in consideration.

### 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 water drainage, sound and sight buffers, privacy, 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, finish(es), 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: Must be consistent with the neighborhood's color scheme.

#### Workmanship

The quality of work must be equal to or better than that of existing structures.

#### Project Completion / Timing

An approved property change may be installed either by the owners or by a contractor. In the unlikely event that a project significantly exceeds the stated design, scope, or time period, the homeowner should communicate in writing to the ARC regarding these changes and provide additional information. Projects that remain uncompleted for a long period of time, are visually objectionable or can be a nuisance and safety hazard for neighbors and the community, may be subject to HOA Board action. 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 or recommend the project be broken up into phases or reject the application. When the work is complete, the home owner should notify the ARC or HOA Board. A follow up inspection may be performed.

### III. APPLICATION, REVIEW, APPEAL, and CORRECTION PROCEDURES

## Objectives

The Architectural Review Committee, in examining each application for design approval, considers whether or not the exterior change is in compliance with the Covenants, Conditions, and Restrictions for the Kingsley Estates Subdivision and the Architectural Review Guidelines outlined in this document.

The main objective of the Committee and these guidelines is to preserve and enhance property values in the community and to maintain a harmonious relationship among structures, vegetation, topography and the overall design of the community.

## APPLICATION PROCEDURES

As stated in the CC&R, the following procedures shall be utilized:

1. Complete the Application form and attach all required exhibits.
  - a. Obtain Application form from the community website maintained by the HOA Management Company, or contact the ARC.
  - b. Include full details of the proposed change. If the change is structural, fencing, or grading; submit a sketch or plan and outline specifications. Be sure to include such information as type of material, size, height, color, location, etc. The inclusion of color samples (e.g., paint chips) and relevant photographs/pictures are encouraged whenever possible.
  - c. Provide a sketch of the location of the improvement as it relates to your house and lot. Please provide a surveyed plot plan with exterior change clearly sketched onto it, and indicate the distance(s) of the exterior change(s) to the lot line of adjacent properties.
  - d. Notification of your *adjacent neighbors* is mandatory. Your neighbors will indicate their notification by physically signing your application (or emailing confirmation of notification). A neighbor's signature does not indicate their approval of the project, only that they have been shown the application. If a neighbor has concerns, they are encouraged to contact the ARC to articulate their concerns. For complex or large projects, it is highly encouraged to gain concurrence to the project plan with all neighbors that are immediately adjacent to the property.

Definition of *Adjacent Neighbors* – Any Kingsley Estates property owner with whom you share a boundary, as well as any Kingsley Estates property owner directly in front or behind your lot. The “facing neighbor” is the one most directly across the street in the front of your property; the “Rear neighbor” is the one most directly behind your property.

No application will be considered complete until there is evidence that the immediate neighbors and any neighbors who may be affected have been made aware of this application.

2. No application will be accepted for consideration if not submitted via the application form and accompanied by appropriate exhibits.

3. Email or hand-deliver the application to the HOA Board or ARC. Incomplete applications will require that you submit additional information before they are accepted and reviewed.

a. The first day of the 30 business day review period will begin three business days after the date the complete application is received, accepted, and confirmed by the ARC or the HOA Board.

b. Applications accepted by the HOA Board will be forwarded to the Kingsley Estates Architectural Review Committee for review.

4. It is the responsibility of the applicant to ensure the application is received by the ARC. If you do not receive a confirmation via email, please do not assume your application has been received. If the ARC has any questions, or needs clarification, the questions will be sent to you via email. When the final result has been determined, you will receive your official letter via e-mail.

#### REVIEW PROCEDURES

During the Committee's consideration of an application, Committee member(s) may wish to view the site and talk to the applicant or neighbors regarding the proposed change. Neighbors do not have "veto" authority but may provide any concerns or objections in writing to the HOA Board or ARC for consideration. The Committee may inspect work in progress and request (either orally or in writing) that the applicant correct any noncompliance.

The ARC will vote on applications, rendering one of three possible decisions: Approved, Approved with Conditions, or Declined.

If the application is "Approved with conditions" or "Declined", the Committee will provide, in writing, the reason(s) why the project was not approved as submitted. Applications that are "Approved with Conditions" may proceed only if the noted conditions are completed and addressed. All submitted applications and decision are to be retained and archived by the HOA Board.

## APPEAL PROCEDURE

If the applicant disagrees with the decision of the Committee, the follow appeal process is to be followed:

- a. A written appeal to the HOA Board within fifteen days after receipt of a notice of disapproval
- b. Date and time of the appeal is established by the HOA Board, this is normally the next scheduled Board meeting. A majority decision 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.

**Reports:** The Committee may inspect projects in process and/or the community in general to identify violations although they are not required to do so. All Kingsley Estates residents have the right and responsibility to bring to the attention of the ARC or HOA Board any apparent violation of any provision of these guidelines or the CC&R. When the ARC or HOA Board receives a violation report, a notification of a violation is made to the resident in order to identify the problem and work towards a resolution.

**Failure to Comply:** Should a homeowner fail to follow through on the agreed resolution, the homeowner may be requested to attend a Due Process Hearing with the HOA Board in order to determine the final resolution. Due process hearings may result in fines and/or the HOA Board may take action on the homeowner's behalf, for which the homeowner would be financially responsible.

In the unlikely event a homeowner chooses, after sufficient warning, to ignore the Guidelines or CC&R and refuses to pay any associated fines, legal action may be undertaken to force that homeowner's compliance. These are very serious steps, not to be taken lightly or ignored, and will be entered into only in the most extreme cases.

## IV. DESIGN AND CONSTRUCTION GUIDELINES

This section of the guidelines provides specific guidance regarding particular design situations that have been or may be encountered in Kingsley Estates. These guidelines are not meant to be exhaustive or all inclusive. They represent generally acceptable methods for achieving the required objectives and standards necessary

for project approval. For items not specifically referenced, please refer to the CC&R. Homeowners are encouraged to use and develop their properties for their own personal enjoyment.

#### Antennas and Satellite Dishes

Dishes are encouraged to be placed at the rear of the home so as not to be seen from the street. If reception is not available when the dish is placed out of view from the street, the homeowner must contact the ARC and propose an acceptable location and screening to soften the visual impact. Locations for satellite dishes and other electronic devices and wires need to be approved by the Committee.

#### Basketball Goals

Basketball goals shall not be mounted on the house. Permanent basketball goals must be installed on the rear third of the driveway or parking pad. The goal shall be placed so that the street is not the intended playing surface. All goals must be mounted on a single pole painted black and backboards must be clear. Only one goal per house is permitted. Locations for basketball goals need to be approved by the Committee. Portable goals are not allowed.

#### Decks & Patios

Deck and Patio plans require the prior approval of the Committee. Decks may not exceed with width of the house. The structure should be consistent with the size of your home and yard and must not be unduly out of proportion with the rest of your home. A survey must be submitted with the application.

#### Animals, Habitats and Structures

Dog pens and dog runs are not permitted. Dog houses are discouraged within Kingsley Estates and will be considered for approval on a case-by-case basis. Unattended dogs may not be left chained or tethered for long periods of time. Invisible Fences are encouraged to keep dogs and community members safe. It is requested that all pet owners, out of respect for their neighbors (and to follow municipal laws), be responsible to pick up their pet's waste and walk their pet on a leash when off of their property.

#### Exterior Painting

All exterior painting projects that include a change from existing colors require approval from the committee. On the application, explain (in detail) for each paint color: the manufacturer, the sheen and the location where the color will be applied. Paint swatches (paint chips) must be included with the application. The committee reserves the right to further designate an official color palette and color scheme for

the neighborhood. Primary and trim colors should be consistent with the community and homeowners may not repeat color schemes of adjacent homes.

#### Fences/Retaining Walls/Hardscape Borders

Both black metal fences and wood privacy fences are allowed within the given guidelines. Chain Link and vinyl fencing are not permitted. Fences will be allowed on any lot no closer to any street than the side building setback line and no closer than ten feet from the front corner of the dwelling. All fence materials must be approved by the ARC. Additionally:

- a. The fence cannot have pre-fabricated sections.
- b. Maximum height of the fence is 6'-0".
- c. If horizontal supports are used, they must be on the inside of the fence (attractive side out).
- d. If fencing is to be placed on the property lines, it must be contiguous to your neighbors if a fence already exists, no double fencing between homes is allowed.
- e. Fencing is recommended to be at least 6" inside of the property line.
- f. Wood fences must be treated and stained a color compatible with the house.
- g. Application must include plot plan showing fence location, attachment to your home and your neighbor's fence if one exists.
- h. Shrubbery planted in a row which creates a natural fencing or barrier between properties requires architectural approval. The applicant is responsible for the maintenance and encroachment of live shrubbery.
- i. Retaining walls, hardscape borders, and patios require approval of the Committee.
- j. Exceptions to height and/or fencing materials requirements may be submitted to the Committee which may grant a variance from these guidelines, in its sole discretion.

All of the above mentioned modifications require a survey. The survey must be submitted with the application.

Fences must be maintained regularly and replaced as necessary.

#### Flagpoles, Lamp Posts, and Exterior Lighting

Flags, not to exceed approximately 2' x 4', are allowed only when flown from holders attached to the front of the house. Free standing flagpoles either alone or part of a monument are not allowed anywhere on the property. Lawn flags are allowed but may not be excessive in number, and must be appropriate to their

surroundings. Under no circumstances are flags with obscene or inappropriate wording or images allowed. Flags displayed must be maintained and worn flags should be disposed of properly.

Lamp posts, exterior, and pathway lighting must be approved by the ARC.

When submitting your application please include details regarding the materials of construction, height, and approximate location on lot plan.

### Garage Doors

Homeowners are discouraged from having doors open for long periods of time for safety and aesthetic considerations.

### Grading

Major changes to the topography of your lot, including but not limited to: lot clearing, tree removal, addition or removal of fill, etc. require approval prior to being started. Neither the Board nor the Committee accepts any liability for any damaged caused by such grading action, whether approved by the Committee or not.

### Holiday Decorations

Consideration of neighbors should be exercised when decorating for any occasion. All holiday lighting should be considered temporary and may not be installed prior to (45) forty five days before the holiday and must be removed within 14 days after the holiday. Decorations with sound must be turned off at a reasonable time (9:00 PM) and must not be so loud as to disturb your neighbors. While holiday decorations do not have to be approved, the ARC reserves the right to take action listed in Article IX in the CC&R.

### Landscaping

Committee approval is not required for most plantings or biodegradable landscaping treatments (ie., mulch) as long as the existing landscape scheme is maintained. In the case of mulch, only natural colors are permitted (i.e. brown or black dyed mulch is OK, but bright red is not). If in doubt, please submit an application for review by the Committee.

- a. Gardens - Homeowners must submit an application to the ARC for vegetable or other specialty gardens. Homeowners are encouraged to keep all gardens well maintained. Vegetable gardens should be confined to the rear of the home.

- b. Renovation or replacement of turf grass with same type/variety of grass does not require committee approval. Homeowners are prohibited from using invasive types of grasses (such as Bermuda or Zoysia). Homeowners are expected to use Fescue type grasses for their yards as it fits the current style of the community.
- c. A “from seed” replacement of your entire front yard grass is not allowed. Replacing your entire front yard grass requires sod planting.
- d. Significant changes to the existing landscape scheme such as building of mulch beds, retaining walls, etc. will require ARC approval.

#### Lawn Art (Water Features, etc.)

Permanent (or semi-permanent – “lasting longer than 30 days”) yard features must be submitted for ARC approval.

#### Mailboxes

One uniform mailbox was provided to each homeowner within the Kingsley Estates community when the home was first constructed. It is the responsibility of the homeowner to maintain the integrity of the mailbox and structure. No alteration in the exterior appearance of any mailbox shall be made without written approval of the ARC.

#### Noise

Out of consideration of your neighbors, it is requested whenever possible not to have loud noises (lawn equipment, music, etc.) earlier than 9:00 a.m. or after 9:00 p.m. Exceptions are made for outdoor parties with prior notification of neighbors.

#### Play Equipment

All stationary play equipment (i.e. swing sets, play structures, play houses, sandboxes, trampolines, etc.) must be submitted for approval by the Committee to include appearance, size, height, and location. Such items shall be located in the rear yard behind the house and at least 15 feet from any neighbor’s property line. Metal play structures or structures of bright or fluorescent colors are prohibited. All play equipment must be kept in good condition or must be removed.

Slides and tube slides shall be dark green in color whenever practical.

All wooden play structures shall be stained with a tinted sealant in order to preserve the appearance/finish and to minimize the visual prominence of the structure.

Permanent skateboard, bike, and other types of recreational ramps are not allowed.

### Rain Barrels

Rain barrels require Committee approval. Rain barrels must be black, brown, gray, or dark green in color, and made of plastic or wood (no metal containers permitted). It is preferred to locate rain barrels at the rear of a dwelling or along the side of a dwelling with minimal visibility from the street.

### Sheds/Storage Buildings/Enclosed Structures

Sheds and storage enclosures are not permitted

### Signs

Except as may be required by legal proceedings or noted below by exception, no sign shall be erected or maintained on any property without prior approval by the committee. Approved exceptions:

1. A single real Estate “For Sale” (or “For Rent”) sign of not more than six square feet. Artificial lighting or illumination of the sign is not permitted.

2. “Open House” signs are permitted only during the hours that the premises are open. This includes all such signs anywhere within the borders of Kingsley Estates, its entrances and streets, but not located on the property of another homeowner without his or her permission.

3. A “Political sign”, meaning a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot. Each lot may display one (1) sign with the maximum dimensions of 24 inches by 24 inches. The political signs cannot be placed earlier than 30 days before the day of the election and must be removed no later than two days after the final day of voting concludes.

### Solicitation

Kingsley Estates is a no solicitation community.

### Street Right of Way Obstructions

Both Kingsley Estates and the NC-DOT prohibit placement of any obstructions in the street right-of-way. Such barriers include posts and/or chain/rope, blocks, stones, fences, or hedges of any kind, any form of large shrub/tree planting or bed, construction materials, dirt piles, construction debris.

Construction equipment, materials, mulch, pavers, etc. should be delivered and placed entirely within the borders of your property and not stored on the street during your project.

### Solar Collectors

Applications are required prior to installation. Solar collectors must be installed to be as inconspicuous as possible. Collectors must be placed on the rear of the home or on the side which has the least public exposure and may not be visible from the front of the home (may not rise above the roof peak). Collectors must be attached only to the roof, not free standing, or ground mounted. Every effort must be taken to camouflage the plumbing and supports for the collectors. This camouflaging may require completely encasing the collectors. All metal parts must be painted to match roof coloring.

There must be a minimum exposure of piping with no piping running down the side of the dwelling. Any tree removal required to permit increased solar exposure to the collectors must adhere to the tree removal guidelines.

### Swimming Pools, Spas, and Hot Tubs

Above ground swimming pools are not permitted. In ground swimming pools shall be considered on a case-by-case basis according to the guidelines established by the ARC. Pools shall comply with all local and state safety codes and requirements.

NOTE: Pumps and motors for pools and related equipment shall be screened and located inside the fence.

Hot Tubs require Committee review and approval.

### Temporary Marking Flags

When installing and/or marking landscaping, irrigation systems, invisible dog fences, or other items with temporary flags, such flags must be removed within a reasonable time following installation (not to exceed 90 days).

### Trash Receptacles

All garbage cans and recycle bins shall be stored suitable hidden, such as in the garage, or screened (by evergreen shrubbery or approved structure) to minimize visibility from the street.

### Tree Removal

Except in cases of an emergency situation that does not permit delay, no living tree larger than 6" in diameter at a point measured 3' off the ground shall be removed

from any Lot without ARC approval. Re-planting to replace lost trees is encouraged.

#### Under Porch or Deck Spaces

When visible from the street, the space under porches or decks should not be considered as storage areas. Lawn mowers, trash and recycling containers, garden equipment, and any other large items should be stored in a home's crawl space or garage. The aim is to eliminate the possibility of runaway outdoor storage which could create a visual and aesthetic eyesore for the community.

If there is no possibility to avoid storing items under a porch or deck, then suitable screening will be required. Addition and type of screening should be approved by the ARC. Examples include lattice or the use of shielding plant material.

#### VII. PENALTIES FOR NONCOMPLIANCE

The HOA and ARC will make its best efforts to find solutions to all proposed ideas. In addition, the HOA and ARC will enforce these rules fairly and uniformly. When compliance is not followed, HOA Board action (refer to Article IX –“General Provisions” of the CC&R) may be necessary.