

## ARCHITECTURAL GUIDELINES

### INTRODUCTION

These guidelines are designed to provide for the orderly and attractive development of Smith Corners.

The architectural Review Committee is the reviewing body for Smith Corners. It interprets proposals for Plans and the compatibility of various Owners' Plans with the overall general plan of development of Smith Corners. It is concerned with aesthetics, maintenance and operational aspects of the Properties and it is the responsibility and purpose of the Architectural Review Committee to administer the development criteria and procedures, including these Guidelines.

### PURPOSE

The primary objectives in establishing these Guidelines are:

- To protect property values and enhance each owner's investment by insuring a well-planned and maintained development within the Properties;
- To provide a harmonious relationship among all structures and their improvements located within the Properties
- To minimize disturbing influences on adjacent or neighboring properties; and
- To contribute a favorable environment for the Properties and the Owners or occupants located therein.

These Guidelines are designed to be both general and specific so that a set of standards can be identified for each lot.

### DESIGN, REVIEW AND APPROVAL PROCEDURE

Initial Submission of Schematic Design. Each owner shall first submit schematic design plans and \$1,000.00 for preliminary review by the Architectural Review Committee. Schematic Plans shall include a general site plan for the Lot, which identifies or illustrates setbacks, exterior elevations, and a general site plan for the Lot, which identifies or illustrates setbacks, exterior elevations, and a general description of building Structures or other building improvements. The Architectural Review Committee shall review and approve or comment upon such Plans within (15) days from receipt of the Architectural Review Committee's comments or objections. The owner shall submit triplicate counterparts of the schematic Plans and review Fee to the Panos Hotel Group, 5936 Monroe Rd., Charlotte, NC 28212. The Committee shall return one (1) set with its comments.

Final Plan Submittal After approval of schematic Plans, final, fully completed Plans shall be submitted for approval. Final Plans shall include a site development plan of the Lot including the nature of proposed "cuts" to existing terrain and grading, together with an identification of description of the Structures and all improvements to be located upon the Lot including the specific nature, kind, shape, and materials to be used in construction of Structures and all other improvements. Final plans shall also deploy all setback lines relative to the location of Structures and other improvements as well as landscape, irrigation, signage and lighting plans. Structures and all improvements: the Plans for the main floor of each Structure shall identify all entrances and exits to and from the Structure, any truck loading areas, above ground utility equipment, rooftop equipment and screening material to obstruct rooftop equipment from public view. Garbage storage or "dumpster" site areas and the locations of appendages to the exteriors

Of buildings or Structures should also be indicated. Elevations for each Structure shall also be included together with the specifications for exterior material and colors including color boards, color chips, Dumpster screening and landscaping material. Final plans shall be submitted in triplicate with the review fee to the Panos Hotel Group, 5936 Monroe Rd., Charlotte, NC 28212 and one the committee with approvals or Committee comments will return (1) set. The Architectural Review Committee shall have fifteen (15) days within receipt of the submission of the Final Plans within which to respond to the owner with its comments.

In no event shall the Owner commence any construction upon its Lot until the approval of the Architectural Review Committee with respect to final Plans has been obtained.

Fees and Charges The committee shall be paid a fee of \$1,000.00 to defray the Committee's costs in connection with professional review of the final Plan submission. A fee of \$250.00 will be required for each resubmittal. In addition, the Owner will be responsible for the costs of all permits and other fees incurred by the Owner in connection with its construction of Structures and improvements upon the Lot and all development thereof.

### SITE DEVELOPMENT STANDARDS

In connection with the proposal of both schematic and final Plan submissions, as well as with respect to the ultimate construction of Structures and improvements upon the Lot, the Architectural review Committee will require compliance with the site development standards herein after described.

Site Work and Grading. Grading of the Lot must be undertaken in order to avoid trespass or other adverse impact upon adjacent Properties and to avoid excessive "cuts" of the natural terrain of the lot. A slope ratio of no greater than 3:1 shall be generally required at the setbacks along Harris Boulevard and US21/Statesville Road. Retaining walls shall be constructed of materials compatible with the exterior of Structures and other improvements and the location and general description of same shall be included in the Plans to be submitted to the Committee for approval. All berms, channels, or swales to be installed or located upon the lot must be undertaken in a manner which will be designed to integrate with the natural terrain and graded or paved portions of the Lot to the maximum extent possible. Sewers must comply with storm retention plan for the overall community. Driveways and parking lots with public road frontage will be constructed with concrete curb and gutter. All pedestrian surfaces must be of concrete or other approved hard surfaces with non-slip texture. Asphalt pedestrians surfaces shall be prohibited. Common drives must be built 10" + 2" + 2", heavy-duty standards.

Setbacks Setback areas for each Lot shall be in accordance with local codes and Ordinances subject to review of the Architectural Review Committee.

Service Area. No loading, service or outside storage area shall be permitted between the front of the primary building or Structure to be upon the lot and the street boundary located and all loading and material handling areas shall be located to the rear or the side of the primary building or Structure to be located upon the Lot, provided, however, the Architectural Review Committee may permit an Owner to install or construct loading, service and outside storage and materials handling areas where same would otherwise be prohibited if such areas from Lots and streets and rights of way adjacent to the Lot upon which same are located. Exterior areas, which must be secured for safety or security purposes, shall be located between the rear exterior of the primary Structure or building and the rear boundary of the Lot. All loading, service or outside storage areas shall be screened from the view of the public streets. The location and material of all fences or walls to be constructed upon the Lot shall be included within the Plans to be approved by the Architectural Review Committee.

Exterior Lighting Parking lot light shall not exceed thirty feet (30') in height. All parking lights shall be "shoebox" style and shall be installed on aluminum or fiberglass poles and shall cast ~~soft~~ lighting. The location for all lights, for signage or illumination of the exterior of Structures to be located upon the Lot

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And lights installed as part of security from the Structure must be identified and located upon the Plans and are subject to approval of the Architectural Review Committee. No wall pack or other light shall cast a glare towards the public roads.

Utility Lines. All utility lines shall be constructed underground, except for utilities in public Right of Ways.

#### GENERAL ARCHITECTURAL DESIGN STANDARDS

Prohibited Material. The use of materials such as concrete block (decorative block products may be acceptable), corrugated metal or pre-engineered metals installed with exposed fasteners are prohibited in connection with the construction of the exterior of any Structures or other improvements in its review of Plans, the Architectural Review Committee intends to require material used in connection with the exteriors of buildings or other Structures to be of high quality and compatible in design and material components with all Structures within the Lot.

Postal Areas Postal areas shall be covered and shall be of materials and design consistent with the primary building on the lot.

Exterior Equipment Exterior equipment such as storage tanks, cooling towers, transformers, antennae, electronic receivers and other similar equipment and facilities including those located upon the roofs of Structures, shall be (i) screened from pedestrian and vehicular view from the streets, or (ii) located upon the lot subject to the approval of the Architectural Review Committee so as to minimize, to the extent reasonably practical, visibility from adjacent Lots and streets or right of way. The materials used for screening shall be compatible in architectural and aesthetic design of the building materials employed in construction with the primary Structure or other improvements located upon the Lot and shall be compatible with the exterior materials of the building structure. Pressure treated wood shall not be used for screening.

#### SIGNAGE STANDARDS

Each owner of the Lot shall be permitted to erect one (1) temporary sign prior to and during construction of Structures and improvements. After construction is substantially complete, temporary signs shall be removed and may be replaced with a single, permanent building identification sign.

Monument Signage:

Site monument signage shall be based on the following guidelines. Where these criteria are more restrictive than the ordinances controlling a site, these criteria shall be controlling.

1. Only one monument sign shall be allowed per parcel. The sign may be double fenced. The display area shall not exceed 48-sq.ft. per face.
2. All signs shall be permanent construction and shall be subject to provisions of the building code.
3. Signs may be internally illuminated or backlighted. Illumination shall be turned off one hour after closing and turned one hour prior to opening.
4. The vertical dimensions of the sign display area shall be no greater than 4 ft. and the top of the sign and structure shall be no higher than 7 ft. from ground level.

5. Dimensions of sign and structure shall be no greater than 10 ft.
6. Such signs shall contain only the name or trademark of the business, which it identifies and shall not contain change panels, or advertising. Convenience stores selling retail gasoline shall be permitted to display the price of gasoline and diesel fuel in the sign display area using changeable panels. The size of the gas pricing display shall not exceed 4" in height and width.
7. Location of sign will not infringe on visibility or present a hazard to vehicular or pedestrian traffic, infringe on view corridors, adjacent parcels, setbacks and non-building areas and adhere to codes.
8. Sign shall not be moving, flashing or audible types. Fast food users shall be permitted one (1) audible sign at drive-through lane.
9. All monument signage shall adhere to the attached design guidelines.
10. All signage will conform to all local, state and federal government laws and ordinances. If the requirements of the project design guidelines or covenants and restrictions differ with government laws the more restrictive shall apply.
11. No pylon type sign shall be allowed.

#### Building Wall Signage:

Signage will be allowed on the exterior of buildings. Wall signage will be permitted to identify the individual business, building or building complex by name or trademark only. Panel signs shall be permitted; however, three dimensional, individual letter type signs are preferable. Building signage shall conform to the following guidelines:

1. Wall signage will be permitted to identify the individual business, building and building complex by name, number or trademark.
2. Individual letter type signs shall not exceed 2 ft. in height and 20 ft. in total length of all letters. Lettering styles shall be chosen by landowner subject to the ARC.
3. Three dimensional, individual, letter type signs are preferable. Panel type signage is discouraged and will only be permitted in special circumstances such as logo or trademark identification as the sole discretion of the ARC.
4. Temporary advertising material may be affixed to one (1) exterior wall per premise for a special period not to exceed two (2) weeks from the date of installation. The ARC does not require review and approval of temporary signs prior to installation. However, ARC reserves the right to reject any and all temporary signage installed deemed unacceptable to the ARC.
5. No hand lettered or other type of window signage will be permitted.
6. Any wall-mounted sign shall not exceed 10% of wall area.
7. One sign per wall on any wall will be allowed for buildings of single occupancy. One wall sign per occupant will be allowed for buildings of multiple occupancy.
8. Signs shall be placed on vertical wall surfaces, not extending above the parapet (roof line).
9. Building signage is not to be moving, flashing or audible in type.
10. Any building over three (3) stories high will be allowed to have face lighted letters up to sixty (60) inches high subject to local sign ordinance and approval of the ARC.
11. Scaled drawings in duplicate indicating all copy, materials of construction, letter style and colors are to be submitted to the ARC for approval before construction begins.
12. All signage will conform to local, state and federal governmental laws and ordinances. If the requirements of the project design guidelines or covenants and restrictions differ with governmental laws the more restrictive will prevail.

## Landscaping:

Landscaping is viewed as an important aspect of the project design and is essential to adding value to Smith Corners development. A landscape site plan is required for review. The plan will show all lawn areas, irrigated areas, planting and trees along with boundary, building footprint and parking areas.

1. The plan must comply with all requirements of the local county ordinances regarding tree planting, buffers and allowable impervious areas, etc.
2. Smith Corners design review guidelines require a tree along the front site setback spaced 30 ft. on center, specimen 3 1/2 inch Willow Oak.
3. All maintained lawn areas must be irrigated. Irrigation is not required in undisturbed areas, seeded slopes not maintained, planted areas and natural areas.

## ACCEPTABLE MATERIALS

Roofing: Flat roofs concealed from view by parapets shall be of any appropriate material provided all rooftop mechanical equipment is screened from view. Sloped roofs shall be painted exposed seam metal or architectural grade fiberglass shingles of appropriate color and pattern.

External walls: Shall be masonry and stucco-like material (EIFS is acceptable) with masonry comprising not less than 25% of the exterior area.

Two colors of brick shall be Cherokee Sanford Brick: Beaufort #095, Windsor #775. Ten colors of EIFS, Dryvitt brand: Brite White #102, China White #310, Natural White #103, Amorillo White #113, Manor White #108, Whole Wheat #457A, Sand #473A, Stephs Mood #463A, French Vanilla #423A, Parchment 36A may be selected subject to approval of the Architectural Review Committee. White concrete may be used.

Glass: Tinted/colored glass is acceptable, in bronze, medium grey or dark green. Highly reflective or mirrored glass shall be prohibited.

## GENERAL MAINTENANCE STANDARDS

Each owner is responsible for maintaining its Lot in a neat, sightly and well-kept manner. The Association shall be responsible for enforcement of maintenance standards throughout the Properties and will take such steps as are necessary in order to require Owners adhere to its Lot to a standard and quality of maintenance observed by the Association with respect to its maintenance of the Common Property. Each Owner shall be responsible for the timely removal of diseased or dead growth and the replacement of same subject to reasonable requirements of planting.

## WAIVER OF MINOR VIOLATION

In addition to the approval of Plans and other matters herein set forth, the Architectural Reviews Committee shall have the right and sole discretion to waive minor violations and allow minor variances where the same resulted unintentionally or without gross carelessness on the part of the owner and are not materially harmful to the Properties.

## ENFORCEMENT

If any Owner fails to maintain its Lot in accordance with the foregoing in such manner as may be determined necessary by the Committee to preserve and protect the value, landscaping consistency and attractive appearance of the Lot, then the Committee may give such owner written notice stating with particularity the work or repair which the committee finds to be required and requesting the same be carried out or undertaken and diligently pursued within the period as specified in the Covenants, Conditions, and Restrictions for Smith Corners. Should Owner fail to carry out or undertake such maintenance and repair, then the Committee, through its authorized agent or agents, shall have the right and power to enter onto the lot and perform such care and maintenance without any liability for damages for wrongful entry, trespassing or otherwise to Owner and Owner shall be liable for the cost of such work and shall promptly reimburse the Committee for such cost.

## DEFINITION OF IMPROVEMENTS

The term "improvements" shall mean and include any and all man-made changes or additions to a lot, including but not limited to, the location, materials, size and design of all buildings (including any exterior pieces attached to or separate from buildings, such as heating and air conditioning equipment, roofed structures, parking areas, fences, walls, landscaping (including cutting of trees), hedges, mass plantings, poles, driveways, ponds, changes in grade or slope, alte preparations, signs, exterior illumination and Changes in any other exterior color and shape). The definition of improvements includes both original improvements and all later changes to improvements. However, the definition of improvements does not include the replacement or repair of improvements previously approved by the Committee, provided that such replacement or repair does not change exterior colors, materials, designs or appearances from that which were previously approved by the Committee.

## Document Requirements:

### 1. Architectural Site Plan

The minimum information required for each stage of the review process is as follows:

#### a. Schematic:

- Title, date, architect, lot owner and sheet number
- North arrow
- Scale
- Approximate building area
- Parking data: number and ratio required by code, number and ratio provided, size of stalls and
- Isles.
- Acreage
- Location of any view corridors, building setbacks, property lines, easements and other
- Restrictions on the property.
- Circulation features within the property and location of parking areas.
- Grading plans sufficient to show grades for entire property development, including preliminary
- Building floor elevations.
- Property lines, easements and prominent existing physical features to remain.

- Location and number of all signs
  - Utilities and utility locations
  - Site lighting
- b. Final Plans: All information required in design development stage.
- c. Construction: Certified “as built” survey showing all above and below grade improvements.

## 2. Landscaping Site Plan

The minimum information required for each stage of the review process is as follows:

- a. Schematic
- Site plan must indicate areas to be landscaped. (information may be shown on “Architectural Site Plan” for this phase in lieu of a separate landscaping plan)
  - Plan at a scale of 1”=30’ or larger. Details and special plan areas may be shown at a larger scale
  - North Arrow
  - Date
  - Architect and lot Owner
  - Project Name
  - Dimensions property lines, easements, contour lines, elevations, and prominent physical features.
  - Location and types of hard construction materials, furniture, lighting and other amenities
  - Irrigation – Indicate type of systems and irrigated areas
  - Plant and Ground Cover Materials – Show quantity, type, size and location of material
- a. Final Plans:
- All above information with appropriate revisions.

## 3. Building Plans

The minimum information required for each state of the review process is as follows:

- a. Schematic: Information required may be shown on site plans for this phase, in lieu of a separate building plan.
- Project Name, Architect, Lot Owner, Date and Sheet Number
  - North Arrow
  - Floor Plan Scale at 1/8” = 1’0”min.
  - Building Data: type and use, number of seats when applicable, building area (by use)
  - Elevations (any available three-dimensional drawings)
  - All proposed signage on building
  - Samples of actual materials to be used reflecting accurate colors
- b. Final Plans:
- All above information
  - Final construction documents (including specification)
  - Name and address of Owner’s agent responsible for implementation of the construction

4. Signage

The minimum information required for each stage of the review process is as follows:

a. Schematic:

- Plan showing size and location of all proposed signs. The lot Owner shall be fully responsible for conforming to all applicable ordinances
- Elevation showing all dimensions, material, colors, and methods of illumination
- Photographs of identical or similar signs from previous projects, if available

b. Final Plans:

A Final Plan submission is not necessary for the Signage portion of the documents. All signs must conform to the designs as approved.

5. Maintenance

The owner shall at all times and at their own expense, keep their Lot, in a well-maintained and attractive condition. Such maintenance includes but is not limited to the following:

- Prompt removal of all litter, trash, refuse and wastes
- Keeping all landscaping alive, weed-free and attractive
- Keeping exterior lighting and mechanical facilities
- Keeping parking areas, driveways, and roads clean and in good repair
- Complying with all government health and safety requirements
- Striping of parking areas and repainting of improvements
- Repair of exterior damage to Improvements

#### **Applicability to All Lots**

As to any Lot in Smith Corners, no improvements may be commenced, erected or maintained until the Committee has given its written approval of Final Plans pursuant to the criteria listed below.

These guidelines shall apply to all Owners and builders at , and any reference here to an "Owner" shall also apply to the Owner's builder, subcontractors, or agents.

#### **Liability of Declarant & Committee**

Neither Declarant nor the Committee shall be responsible for any losses or damages arising out of the contraction of the improvements permitted under these Guidelines, nor shall the Committee's approval of any plans, specifications or other submissions be deemed a representation or warrant by the Committee or its agents regarding the design, materials, or any other aspect of the developments depicted in such submissions.

#### **Zoning & Other Governmental Regulations**

In addition to complying with the requirements imposed by this Declaration, the Owner of any Lot must comply with all zoning and other applicable governmental laws, rules and regulation. Approvals by the Committee pursuant to these Guidelines shall in no event be constructed as representations or warranties that the Owner's plans, Final Plans or Improvements comply with any such governmental requirements.