

2022 EDITION



The following are the architectural and design criteria established by the Skycroft Architectural Review Committee (SARC) on behalf of the Skycroft Homeowners Association, Inc. (SHOA) and, in accordance with the recorded "Declaration of Covenants, Conditions and Restrictions of Skycroft Subdivision" (CC&Rs).

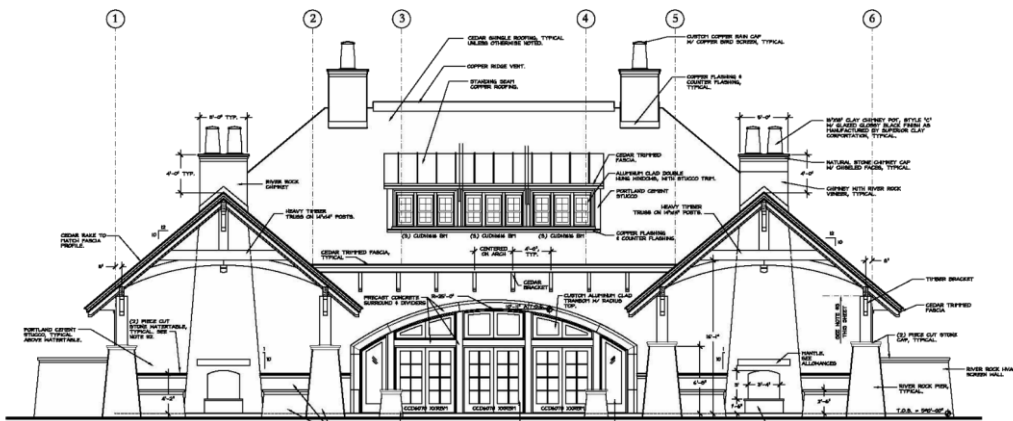


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ARTICLE 1 - STATEMENT OF PURPOSE & INTENT:

- 1.1 **Purpose:** These Skycroft Architectural Guidelines (Guidelines) and separate “Pattern Book” provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. These Guidelines have been developed to provide direction for the planning, designing, constructing, landscaping, and modifying of all residences, buildings, and structures or improvements within the Skycroft community. ***The approved styles for homes in Skycroft are primarily French Country, English Rural along with Arts and Crafts.*** The Guidelines set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage, lighting, and other structures. In addition, the Guidelines establish a process for review of all proposed construction and modifications to residences, buildings, and structures to ensure that all home sites within Skycroft are developed with consistency and quality. In the case of a conflict between the “Pattern Book” and these Guidelines, the Guidelines shall control.
- 1.2 **Intent:** It is the intention of the SARC that all structures and other improvements within the community be of the highest design quality and be planned and sited to be aesthetically and architecturally harmonious with one another and with the natural features of the land. The SARC is particularly concerned that the community have a consistent streetscape and quality of design (facade, materials, etc.). In order to maintain a “planned look” for the community and to preserve the aesthetic integrity of the community, the SARC may at times place a temporary moratorium on any particular style of design, or building material until, at the sole discretion of the SARC, it is determined that the community has been brought back into balance.

ARTICLE 2 – APPLICABILITY, AUTHORITY & AMENDMENTS:

- 2.1 **Applicability:** The Guidelines shall govern all residences, buildings, and all other structures and improvements within the Skycroft properties, which are or may be subject to the CC&Rs. These Guidelines are not binding upon the SARC.
- 2.2 **Authority:** The Skycroft Architectural Review Committee (SARC) has jurisdiction over all matters relating to construction, architecture and landscaping of new construction and modifications of the Properties as set forth in the CC&Rs. While the Guidelines are intended to provide a framework for construction and modifications, the Guidelines are not all-inclusive. The Skycroft Pattern Book is also a required reference for design. In its review process, the SARC may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. The SARC reserves the right to reject any submittal, and may disapprove plans, specifications, or other materials for non-conformance to the CC&Rs, Architectural Guidelines or for aesthetic reasons, which in the sole discretion of the SARC shall be deemed sufficient.
- 2.3 **Governmental Permits:** To the extent that the North Carolina State Building Code, Union County Ordinances, or any other government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Guidelines or the CC&Rs, the government standards shall prevail. To the extent that any government standard is less restrictive, the CC&Rs and the Guidelines (in that order) shall prevail.

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- 2.4 **Responsibility for Compliance:** It is the responsibility of the Owner and Builder to ensure that all Applications for Architectural Review and subsequent construction are in accordance with the applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions. The SARC does not review submittals for compliance with such requirements. Approval of plans and specifications by the SARC shall not be deemed or construed to mean that improvements constructed in accordance with such plans will comply with applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions, as to the structural soundness, quality, durability, suitability, fitness or proper functioning of such improvements; and any responsibility or liability therefor is hereby disclaimed. IF ADDITIONAL CLARIFICATIONS OF THIS DISCLAIMER ARE NEEDED, PLEASE REQUEST THIS FROM THE SKYECROFT HOA IN WRITING.

Owners and Builders are further responsible for compliance with all standards and procedures within these Guidelines. Owners are also governed by the requirements and restrictions set forth in the CC&Rs, any applicable Supplemental CC&Rs, and any other applicable architectural and landscape guidelines that address restricted and prohibited conduct and activities within the community. Builders and Owners will be held responsible for violations caused by subcontractors and employees of the Builder or Owner. Violations not remedied may result in reductions to the Compliance Security Deposit or other actions, including but not limited to suspension or revocation of Participating Builder status.

- 2.5 **Amendments:** These Guidelines may be revised and amended at any time by the SARC or the Skycroft Board of Directors, in its sole discretion, as needed to serve the needs of an evolving community.

ARTICLE 3 –PROCEDURES AND FEES:

- 3.1 **Participating Builder Program:** All residences, buildings, and other structures or improvements within the Skycroft community must be constructed by a General Contractor who is a member of the Skycroft Participating Builder Program or by subcontractors working under contract with the Participating Builder. All work of the project includes the purchase of all materials and includes the provision of all labor and supervision. This includes pools and landscape work.

The Participating Home Builder Program is intended to protect and enhance the property values and aesthetics of the community of Skycroft by allowing only those builders who have demonstrated an ability to construct high quality homes and who are familiar with the requirements of these Guidelines and the CC&Rs, to build within the neighborhood. However, the Skycroft HOA nor its agents assume any responsibility for the performance of any of the Participating Home Builders, and therefore assumes no liability for any aspect of their agreement or contract with any property owner.

A current list of participating member Builders is available from the SARC website www.skycroftarc.com. Such list is subject to change from time to time; therefore, Owners must submit the name of their proposed Builder to the SARC prior to the start of construction. Only one builder member of the Participating Builder Program shall make any and all improvements to any one individual property. Owner's failure to select a builder member of the Participating Builder Program shall constitute grounds for rejection of the construction plans. **Reference Article 7 for qualifications for Participating Builders.**

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3.2 **Required Submittals:** To begin the review process, fill out and sign the “**Skyecroft Architectural Review - Submittal Form One Schematic Review**” which is attached to these Architectural Guidelines. Review the Guidelines carefully, since by signing this submittal, you agree to conform to the Guidelines. You may email “Form One-Schematic” to the Association Manager for the formal Schematic Review. Following this you will receive notification to your e-mail giving you on-line access to the site where you may upload your Schematic drawings along with the Schematic Design, Site Survey and Design Development Checklists in this document which includes the check lists identified in Articles 3.3 and 3.4. All submittals to the review site shall be labeled as to content, e.g.: Site Plan, First Floor, etc.

Required Submittals - Minor Projects: The ARC is required to perform reviews for all exterior modifications on each home site. Some modifications are minor and do not require a full review or the payment of fees. These items are identified in appropriate areas throughout the document. A form is included to request a Minor Project Review in the forms area at the end of this document. With regard to the construction of patios and masonry fireplaces, the applicant shall as part of the submittal include the name of the General Contractor or equivalent, who has been contracted or retained to perform the work, their address, a copy of their license and any insurance certificates required by these Guidelines together with all required fees. No other forms are required.

Required Submittals - Major Projects: Major projects include a new home or pool with or without cabana addition. New homes require three reviews. To begin the process, complete Form One. Pools with or without Cabana additions require the submission of the same documents as new home construction as applicable. All pool submissions shall include the name of the General Contractor or equivalent, who has been contracted or retained to perform the work, their address, a copy of their license and any insurance certificates required by these Guidelines together with all required fees. In addition, completion of Form 8 must accompany all pool submittals.

3.3 **Administrative & Architectural Review Fee:** Review fees and associated fees are noted on Form One. There is a fee for new residences of \$5,000.00. This fee entitles the lot Owner to up to four reviews total for Schematic and Site Plan, Design Development and Construction Drawings phases (Formal Reviews). It also includes three on site reviews to observe compliance (Site Staking, Dry-in and Final Completion). The property Owner is encouraged to submit all materials at the time of the formal review period, including landscape, pools or other amenities since additional reviews may incur and additional review fee. Any additional reviews shall be \$150.00 per hour and any site visit required beyond those stated shall be \$150.00 per review. For items not requiring a building permit and those noted in Article 3.14, the documentation fee is \$250.00 for a patio and/or fireplace, hot tub, Jacuzzi, or spa, change in color of home is \$250.00, landscape is \$150.00, accessory buildings \$150.00 and \$75.00 for all other items. For additions to existing homes, not exceeding 25% of the heated square footage of the home, the review fee shall be \$500.00 and include one site review at final completion. The addition of a pool and associated amenities, not including a vertical occupied structure is \$500.00. The addition of a pool and a vertical occupied structure is \$700.00. See Article 3.1 for builder requirements for vertical occupied structures. Reviews for additions or modifications to an existing home and exceeding 25% of the heated square footage of the home shall be \$750.00 and will include one Schematic Review and two site review. See Section 3.5 For additional fees associated with new home builds.

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3.4 Schematic Design, Design Development and Construction Drawing Submittals:

NOTE: CLEARLY LABEL ALL ITEMS SUBMITTED TO THE REVIEW SITE SUCH AS FORM NUMBER OR DRAWING NAME (e.g. Form Two; First Floor Plan; Photos of Materials, etc.) Refer to Checklists at the end of the guidelines for all requirements per each section.

A. **Schematic:** The Schematic submittal is the first required submission to begin the review process. Payment of the required Administrative & Architectural Review fee is required to initiate the Schematic Review process. This fee is nonrefundable. *NOTE: Reference the Flow Chart to view the full review process.*

- a. The intent of a Schematic Review is to provide the lot owner with an opinion from the SARC if their home will be generally acceptable under the Guidelines.
- b. Submit the Site Survey Checklist (page 8) and Schematic Design Checklist (page 7) with all the requested information in order to commence the review process. You will be provided a password to access the site typically within one day of the Association Manager logging you in.
- c. Items on the application form should be in digital form using PDF public domain software.
- d. Please allow up to twenty (20) business days for a response.

B. **Design Development Submittal:** The items required for the Design Development approval are listed on the following check list. (Note that it is the responsibility of the Owner to ensure that all copyrighted documents are approved by their originator for copying digitally and submitting for the review process.) Allow up to ten (10) business days for a response.

3.4.1 **Foundation Survey:** Upon completion of the foundation, within fourteen (14) days the homeowner or contractor shall submit to the ARC a foundation survey. The survey shall be prepared by a licensed surveyor under seal and show compliance with building setback requirements and confirm foundation height against the previously approved site contour plan. This survey shall be submitted as a drawing to the SARC review site prior to framing. The Survey shall be provided prior to commencing framing above the first-floor platform.

3.5 **Road Impact & Use Fee (RIU):** With submission of Design Drawings, A \$1.00/SQFT under roof RIU fee for new home construction or for large existing home remodel projects which exceed 25% of the Gross SF of the existing home is required. Payment (checks payable to Skycroft Homeowners Association, Inc.) must be submitted with the Skycroft Architectural Review Form One to the Association Manager at the address noted on the form. By way of example, if a new home is submitted with 5,200 sqft under roof, the RIU will be \$5,200.00

Remodeling projects where a building permit is required, and which require tractor equipment no larger than a Bobcat or a truck over ¾ ton shall have a \$1,250.00 deposit. **The Contractor shall pay all deposits from its funds.** The deposit is intended to protect the Homeowners Association from collecting fines arising out of Section 8 and/or costs resulting from careless and/or negligent construction practices by the Contractor or Owner, and the deposit may also be applied towards payment of any fines levied in accordance with Section 8 of these:

A. **Construction activities that can result in additional RIU fees:**

Any and all fines levied, or costs incurred by the SHOA to remedy violations that occur during construction activities may increase the RIU fees. Examples include Fines from Section 8, SHOA expenditures to reseed, clean up, etc. the road rights-of-way, to repair road pavement, road shoulders and drainage swales near and in front of the subject lot, to perform maintenance on utility services and

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irrigation systems damaged by construction activities, to repair silt fences, to secure the home or the site resulting from abandonment, to cover costs of a fine or lien on the home, or to supplement an incomplete landscape plan.

B. Contractor right to make repairs:

Before the SHOA begins a repair that reduces a refund, the Contractor or Owner will receive one notification letter stating the specific violation that must be corrected and the timetable permitted for the correction. Where damaged areas are fully restored to the pre-construction condition by the Contractor or Owner within the prescribed time period, as determined by the SHOA in its sole discretion, no reduction will be made to the deposit for that violation. An onsite inspection by the SARC or HOA Board will be required to authenticate quality of the repair and may incur an additional fee.

C. Approval of final amount of refund where damage to community property is an issue:

The final amount of the deposit refund will be determined by the SHOA at a regularly scheduled meeting once the third onsite visit, as described in Article 3.10, has been completed, and the Contractor or Owner has notified the SHOA of completion of the third visit at least five (5) business days prior to the meeting. Owners or Contractors may attend and have an opportunity of up to five minutes to present their objections to any withholding of their full refund. The Board of Directors may deliberate the final determination in a closed session and will notify the Contractor or Owner of its decision in writing.

ALSO SEE ARTICLE 8 – NOTIFICATIONS - FINES FOR VIOLATIONS

- 3.5.1 **Roofing and Pools:** Roofing and Pool Construction requires a contractor bond of \$1,000.00. A contractor doing multiple projects in the community may work off the single bond but must replace funds within five (5) days if the Association levies a fine against the contractor which results in a balance less than 50% of the deposit amount. Contractors must also provide a certificate of General Liability Insurance in the amount of \$100,000.00 and naming Skycroft HOA as the Certificate Holder, c/o the association manager listed on the application form. The form must also state that statutory coverage is included. A copy of the form needs to be provided on the review site with each application.
- 3.6 **Review Period:** For each phase of the three-step document review process, properly executed applications, complete with all required submittals, fees, deposits, and dues, will be reviewed and a written response will be sent by e-mail to the registrant typically within ten (10) business days of receipt of the complete materials to the SARC, except with regard to the Schematic Review which will be within twenty (20) business days of receipt of the complete materials. The letter will give the status of the submittal as follows:

“Approved” – The entire submittal is approved as submitted.

“Approved With Conditions” – The submittal is not approved as submitted, but approved conditional on the owner correcting the objectionable features identified by the SARC. The Applicant must correct the plan’s objectionable features or segments, and the Applicant may be required to resubmit all or a portion of their documents in order to receive approval prior to commencing the construction or alteration.

“Disapproved” – The submittal is rejected. The SARC will typically provide comments but is not required to do so at length or for all objections. Therefore, comments should not be construed to be the sole reasons for rejection.

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3.7 **Submittals Retained:** All approved submittal items are retained by the SHOA for record purposes for a limited period of time only. The SARC should not be considered the perpetual holder of your records. Owners are expected to retain copies of all records associated with their home.

3.8 **Variances:** Variances may be granted in some extenuating circumstances including, but not limited to odd-shaped lots or parcels, topography, natural obstructions, hardship, or environmental considerations. All variance requests must be submitted in writing to the SARC as part of the Design Development submittal. The applicant must state the reason for the request. The SARC shall have the power to grant a variance from strict compliance, so long as the variance does not result in a material violation of the CC&Rs or governmental regulations. No variance shall be effective unless acknowledged and approved by the SARC in writing. The grant of a variance for a homeowner shall not be considered a precedent for any other homeowner.

NOTE: The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of governmental authorities. It is the responsibility of Owner/Builder to obtain all necessary permits and approvals.

Any deviation from requirements of these Guidelines must be submitted as a variance request and approved in advance by the SARC. Any work not in strict accordance with these Guidelines shall be considered non-compliant.

3.9 **Implementation of Approved Plans:** All work must conform to approved plans. If it is determined by the SARC or the SHOA that work completed or in progress on any site/parcel is not in compliance with these Guidelines or any approval issued by the SARC, the SARC shall notify the Owner and Builder in writing of such noncompliance, specifying in reasonable detail the particulars of noncompliance, and shall require the Owner and/or Builder to remedy the same. If the Owner and/or Builder fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be in violation of the CC&Rs and/or these Guidelines.

3.10 **On-site reviews:** Each lot Owner is required to call for four separate reviews from the SARC during the construction of the home.

Pre-Construction: Prior to commencement of clearing, grading or construction the Owner shall: stake-off the location of the home site and driveway; clearly mark all areas to be cleared, including flagging all trees to be saved, for inspection/approval by the SARC. Install construction fencing and where practical, stone drive. Upload Form Five to the review site to schedule the inspection. Allow a minimum ten (10) business day notice. For this review, place a ribbon along the path of the intended silt fence so that it may be evaluated for potential damage to roots of trees that should be saved. **DO NOT DIG THE GROUND TO EMBED THE SILT FENCE PRIOR TO APPROVAL OF THE SARC.** See Article 3.10.1 for Sample Board Requirements. Physical Samples must receive approval from the SARC prior to installation of any materials on the home.

AN ADDITIONAL INTERIM INSPECTION SHALL BE CONDUCTED OF THE HOUSE FOUNDATION WALLS PRIOR TO COMPLETION OF SUCH TO CONFIRM THE PROPOSED FINISH FLOOR ELEVATION RELATIVE TO THE SITE. THE BUILDER / APPLICANT SHALL PROVIDE A SITE ELEVATION BENCHMARK AND A DEMARCATION OF THE PROPOSED AND PREVIOUSLY APPROVED FINISH FLOOR ELEVATION AT THE SITE FOR REVIEW. THE INSPECTION MAY BE CONDUCTED AS EARLY AS IMMEDIATELY AFTER FOOTING

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INSTALLATION OR PRIOR TO THE LAST COURSE OF BLOCK TO BE INSTALLED. FOLLOWING INSPECTION, RESULTS WILL BE POSTED WITH APPROVAL TO PROCEED OR FURTHER CLARIFICATION NEEDED TO CONFIRM THE PROPOSED GRADING AROUND THE DWELLING IS APPROPRIATE AND WILL DIRECT WATER AROUND THE HOUSE

Dry-In: Once the home has the roof, windows and doors installed, the lot Owner shall notify the SARC for a site visit similar to pre-construction notification. The lot Owner shall retain manufacturers' labels on windows and doors and shall keep on site roofing material packaging for verification of proper shingle. Allow a minimum ten (10) business day notice. Construction does not need to cease while awaiting the Dry-in Review.

Construction Completion: Once the home is complete and landscaping is installed, the lot Owner shall notify the SARC for a final site visit similar to pre-construction notification. Allow a minimum ten (10) business day notice

- 3.10.1 **Sample Board:** All exterior materials of construction shall be approved prior to application on the home. This may be accomplished in one of two ways. 1) The lot Owner may wish to have installed at the time of the preconstruction on-site review a sample board demonstrating the material selections for all exterior wall, roof, and trim materials, including gutter color samples and window frame color and material samples. The board shall be placed near the curb, face the street, and be maintained through the construction completion review. It shall be constructed of a single piece of plywood mounted vertically on two 4x4 posts and have the lot number in 3" high numerals on a post facing the street. No other sign is permitted on the board. The board shall be at least 32" wide and of adequate height to devote 16" vertically to each material being used on the home. The upper part of the board shall be reserved for the roofing materials which shall be installed at a 12:12 pitch with a 12" overhang distance for installation of the fascia and soffit materials. Materials shall be placed on the board in the order they will appear on the home. The sample board should be retained until after the final on-site review, but to facilitate final completion of the home, may be removed at the time when finished grade is prepared with components of the board made available for inspection by the SARC at the final review. 2) As an alternate, but requiring an additional fee, the contractor shall have the full sample board available prior to commencing framing. A separate review fee of \$150.00 per hour will be assessed for each additional site visit required for sample board review if the review can be scheduled with other ARC activities that same day. A fee of \$150.00 per hour will be assessed if a special review meeting is called by the contractor or owner. Other requirements from option 1 for the board and its final disposition apply herein.

NO WALL MATERIALS OR COLORS THAT ARE ON HOMES IN VISUAL PROXIMITY TO THE PROPOSED HOME WILL BE PERMITTED. It is specifically understood that all proposed selections of material and colors for all exterior walls, roof, windows, and trim is not approved until placed on the sample board, formally reviewed and approved by the SARC.

- 3.11 **Time to Complete:** In the event that Construction Documents are not filed within ninety (90) days after Schematic Review approval, the application will be deemed abandoned. In such case there will be no refund of fees.

In the event that a Stake-In is not requested within ninety (90) days after approval of the construction documents, the application will be deemed abandoned. In such case there will be no refund of fees. However, any Compliance Security Deposit, if paid, will be refunded less deductions.

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If no maximum time period is specified in the approval or any other agreement, construction shall be completed within twelve months of the site staking review. The Applicant may request an extension of such maximum time period not less than thirty (30) business days prior to the expiration of the maximum time period, which the SARC may approve or disapprove, in its sole discretion.

- **Note: Provide expected milestone dates on Construction Document Checklist.**

If construction is not completed on a project within the period set forth in the approval or within one year, or within any extension approved by the SARC, the approval shall be deemed withdrawn and the incomplete construction shall be deemed to be in violation of the CC&Rs and these Guidelines.

With regard to Pools, Patios and Masonry Fireplaces, in the event that no maximum time period is specified in the approval or any other agreement, construction shall be complete within six (6) months from the date of approval. If construction is not completed on a project within the period set forth in the approval or within six (6) months, or within any extension approved by the SARC, the approval shall be deemed withdrawn and the incomplete construction shall be deemed to be in violation of the CC&Rs and these Guidelines.

- 3.12 **Approval and Changes after Approval:** Written approval of home construction plans is required prior to commencement of any clearing, grading or construction. SHOA dues must be current, and all other fees must be paid before submittals will be considered by the SARC.

All proposed changes including but not limited to structures, including changes that affect the exterior of any building, colors, windows, doors, grading, paving, utilities, landscaping, or signage, made after the Construction Document approval of plans must be submitted to and approved in writing by the SARC prior to implementation. Close cooperation and coordination between the Registrant and the SARC will ensure that changes are approved in a timely manner. If Union County or any other authority having jurisdiction requires that changes be made to Construction Documents previously approved by the SARC, the Registrant must notify the SARC of such changes and receive approval from the SARC prior to implementing such changes.

- 3.13 **Review of Modifications:** The review of modifications to existing dwellings including modifications to the main residence or the addition or modification of other improvements on the subject property (after approval by the SARC has been granted) shall require the submission of a Design Review Application "Submittal Form One-Design Development" to the Association Manager. Submit Form Two for the Design Development Submittal and once again for the Construction Drawing Submittal. The review and approval of modifications shall take place within the same time periods as required for new construction. Modifications must be scheduled and completed in a time agreed upon with the SARC. The review fee for modifications and other improvements shall be as stated in 3.3.

- 3.14 **Items Requiring Minor Project Approval:** The ARC is required to perform reviews for all exterior modifications on each home site. Some modifications are minor and do not require a full review. Use the form provided herein to request a Minor Project review where applicable, as follows:

Part A Minor Project: A review fee as noted on the form is required for the following items:

(1) Children's play equipment. To be approved it should not extend across side yard or rear yard setbacks, should be screened from neighboring property with shrubs and trees and anything above six feet in height finished in natural colors as opposed to primary colors.

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- (2) Garden walls composed of masonry matching the masonry of the home, installed in the rear or a side yard which is not street facing or facing a common area and is less than or equal to five feet tall. It must be installed with masonry or stone top cap and water proofing to prevent efflorescence.
- (3) The addition of a patio or masonry fireplace to the rear of the home which is at grade level and does not extend across side yard or rear yard setbacks. Masonry must complement the masonry of the home and the fireplace may not be more than eight feet wide nor eight feet high. A pool addition or vertical structure is considered a major project.
- (4) Landscape elements that are in addition to items in the initially approved landscape plan or are an enlargement or reduction of a previously approved landscape plan.
- (5) Hot tub, Jacuzzi, or spa.
- (6) Change in color of a home.
- (7) Accessory buildings.

Part B Minor Project: An application together with a fee of \$75.00 must be submitted for the following:

- (1) Change in any doors or windows visible from a common area or the street.
- (2) Any recreation equipment placed in the rear of the home providing it does not extend across side yard or rear yard setbacks.
- (3) Visually permeable fencing composed of black wrought iron or similar black aluminum rail and not taller than five feet in height.
- (4) Vegetable (food product) gardens larger than 200 SF in area or placed in areas other than a rear yard.
- (5) Yard ornaments visible from the front of the home or from a common area, lake, or pond.
- (6) Any other Part B project.

Part C Minor Projects: No application or payment of fees are required for the following Minor Projects:

- (1) Landscape elements added to a home which are replacing plants damaged or destroyed and which meet the requirements of the Guideline edition at the time of the new planting.
- (2) Vegetable (food product) gardens placed in the rear yard of a home up to 200 SF in area.
- (3) Expansion of an existing irrigation system or separating an irrigation system from the community water services by providing a separate service meter.
- (4) Permanently installed basketball goals.

CAUTION -Any work requiring movement across a curb with equipment larger than a Bobcat tractor or truck larger than 3/4 ton must be submitted for a Major Project review.

- 3.15 **Time to complete Minor Projects:** Except with respect to Part C Minor Projects, all Part A and B Minor Projects must be completed within one hundred twenty (120) days of the date that the application was approved by the SARC or the project will be deemed abandoned. In such case there will be no refund of fees, if any.

ARTICLE 4 – SITE REQUIREMENTS:

GENERAL NOTE: All sites are to be organized and well maintained throughout construction. The Participating Builders should always seek to achieve the highest standards, which includes site appearance during construction. At the end of the day on Friday, all construction debris must be picked up and scraps such as shingles, wood, drywall, bricks, etc. must be placed in recycle containers or trash dumpsters.

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- 4.1 **Setbacks:** Setback requirements from property lines are established in these Guidelines and by Specific Site Zoning and are subject to public utility easements, drainage easements, landscape easements and rights-of-way.

All homes must meet minimum setback requirements, as set forth in the recorded plat, deed restrictions, governmental regulations, and as follows:

- All lots abutting property outside of the Skycroft subdivision are required to comply with the minimum setback requirements for the R40 zoning district in accordance with the Recorded Skycroft Plat, which are as follows:

Front Yard Setback:	25'	Side
Yard Setback:	15'	
Rear Setback:	40'	
- All other lots shall comply with minimum setback requirements as follows:

Front Yard Setback:	25'
Side Yard Setback:	10'
Rear Setback:	30'

The SARC reserves the right to require alternate setbacks, to be determined at time of the SARC review, in order to preserve particular view corridors, or to account for unusual topography, natural site features, or other extenuating circumstances.

- 4.2 **Construction Fencing:** The contractor or owner shall be responsible to retain all silt within the site. Before beginning construction on the home, black silt fencing, minimum 36" high, must be installed to create a construction perimeter around the site in every location subject to silt run-off. Silt fencing shall also be installed along the edge of the street pavement, across the entire width of the lot to prevent the parking of vehicles on the earthen shoulders. For the Site Staking review, a ribbon shall be placed along the proposed location of the silt fence so it can be confirmed. This fencing must be maintained throughout the construction period and removed at the time of the Final Review when Compliance Security Deposit issues are reconciled. Other containment means may be necessary and should be applied if necessary. A DOUBLE SILT FENCE SHALL BE INSTALLED IN ALL LOCATIONS WHERE THE FLOW OF WATER IS TOWARD A ROAD OR POND. SILT FENCES SHALL BE MAINTAINED WITH EXCESS SILT REMOVED PERIODICALLY. The HOA reserves the right to clean up any silt or redirect water flow if necessary, to protect or clean community assets, including streets, grassed areas, storm water piping and ponds at the expense of the contractor, with costs of such action withdrawn from the compliance deposit for the home.
- 4.3 **Sewer and Water Caps and Siphon Breaks:** The Owner/Builder will be responsible for protecting sewage and water caps. If there is damage to either sewage or water caps on a construction site, which are not repaired by the contractor, the SHOA will make repairs and deduct the cost from the Compliance Security Deposit. If there is damage to sewer or water caps on lots in close proximity to the building site, the Builder may be held responsible for that damage. In the case where there is more than one construction site in the area of the damage, the SARC will make the determination for responsibility for any damage and may require both parties to pay an equal portion of the repair cost. A siphon break must be installed on faucets used for providing water to the construction site so as to prevent contamination of the local water system.
- 4.4 **Construction Entrance and Parking:** The property Owner is responsible for placing and maintaining a stone driveway. The driveway shall be comprised of a minimum of five-inch (5") deep by twenty (20") feet wide by fifty (50") feet long Aggregate Base Course (ABC) stone, #57 or #67 stone, or as needed to assure mud is not tracked onto roadways. The stone should be placed in a manner to provide off street

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parking for construction vehicles. No materials or heavy equipment of any nature are to be unloaded or stored in the road or road rights-of-way. This driveway is to be used before and during construction to minimize damage to the roads and road shoulders caused by the repeated parking of vehicles, heavy equipment, and trucks. All vehicles must park so as not to impede traffic or damage vegetation. Parking in cul-de-sacs must be done in a way to allow room for construction and delivery vehicles to pass.

- 4.5 **Material Storage:** All construction materials must be kept within the property lines and street rights-of-way must be kept open for vehicular access to all sites. Temporary storage structures must receive approval by the SARC prior to their use. Storage structures may not be used as living or office quarters.

Adjacent properties are not to be used in any manner, including vehicle parking, for the construction of the approved dwelling without written permission from that lot owner and a copy submitted to the SARC for its records. Any damage to an adjacent property shall be repaired by the owner of the approved home prior to final inspection and release of Compliance Security Deposits by the SHOA. Turf areas disturbed shall be restored. Restoration shall include raking the area clean to remove all debris, tilling the soil to a depth of three inches minimum, seeding and stabilizing with sterilized straw. The Participating Builder or owner shall be responsible for germination and growth of grass until it is fully stable.

- 4.6 **Vegetation Protection:** All existing trees or other vegetation shown on the plans, or required by the SARC, to be preserved must be left undisturbed during construction. Prior to beginning construction, the Builder must erect wire or plastic environmental barriers to protect these natural areas. It will be the financial responsibility of the Owner/Builder to mitigate or restore any disturbed areas and to keep the barriers in good repair during construction. The SARC reserves the right to require additional tree removal and remediation resulting in encroachment into tree preservation areas

- 4.7 **Dumpster:** A commercial dumpster is required on site to keep a neat and clean construction site. No dumpster shall be placed on neighboring property without written permission of that property Owner and that letter submitted to the SARC. Fabricated wood or wire bins will not be permitted. The Builder is encouraged to utilize the services of a disposal company that is environmentally friendly by using recycling and composting techniques. In addition, the following clean up rules shall apply:

- At the end of each day on which work occurs, all construction materials must be neatly stored and all lightweight construction debris, such as roofing paper, insulation bags and any polyethylene or sheathing must be placed in the trash dumpster. At the end of the day on Friday, all construction debris must be picked up and scraps such as shingles, wood, drywall, bricks, etc. must be put in recycle containers or trash dumpsters.
- Dumpsters and other containers must be emptied when full.
- Dumpsters must not be placed so as to block the view of the home from the street.

- 4.8 **Toilet Facilities:** Each construction site is required to have a job toilet and it must be placed within the lot boundary, preferably behind the sample board. The door should face away from the street.

- 4.9 **Fires and Blasting:** Fires and burning are not permitted on construction sites under any circumstance. Using any explosive materials during construction (for example, to remove rock) is prohibited.

- 4.10 **Drainage:** Water runoff for each individual building site must be handled by adequately sloping all areas so that runoff is directed to the natural drainage areas or storm drainage facilities of each lot Owner. Storm water exiting drainpipes and/or through swales shall not concentrate water at the property line. Post construction storm water flows shall not exceed preconstruction flow rates and concentrations.

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4.11 **Mailbox:** Only the mailbox type, size and color approved by the SARC may be used and it must be installed according to US Postal regulations. Information on the correct mailbox can be obtained by contacting the Association Manager for this information. Driveway reflectors and markers are prohibited. Additional mailboxes are not permitted.

4.12 **Driveways/Walkways:** Driveway must be constructed of brick, stamped concrete, non-tinted concrete with a broom finish, pavers made of cast concrete or natural materials. On all driveways a decorative apron is required to extend at least 15 feet from the street and must be constructed of pavers made of cast concrete or pavers made of natural materials and is subject to approval by the SARC. Asphalt, gravel, and plain poured concrete driveways are prohibited. Driveways shall be constructed and maintained in accordance with the rules, regulations, and specifications approved by the SARC and all requirements of the NC Department of Transportation. A concrete culvert must be installed where the driveway crosses the drainage swale.

Walkways or patio areas must be constructed of concrete, brick, flagstone, stepping-stones, or pavers made of cast concrete, or pavers made from natural materials. Walkways or patio materials shall be selected to match the appearance and style of the residence. Semi pervious pavers are encouraged where practical but must be maintained at all times.

4.13 **Exterior Lighting and Surveillance Cameras:** SARC approval is required for all exterior lighting. Exterior lights shall be conservative in design and as small in size as is reasonably practical. Submit digital photos and specifications along with other submittals. Exterior lighting shall be directed toward the house and be of low wattage (limited to 2,000 lumens) to minimize glare sources to neighbors and other Homeowners. Lighting for landscape, hardscape and walkways generally must be directed toward the ground. Lighting fixtures shall be dark colored so as to be less obtrusive. Low voltage wired (12 volts) lighting is required in place of conventional house-voltage systems because of its safety advantages. LED “strip” lighting or any type of similar house-mounted accent lighting is prohibited. Any deviation from the aforementioned guidelines or use of high-wattage, spotlights, floodlights, or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, solar in certain locations.) requires SARC approval. The SARC may take into consideration the visibility and style of the fixture on the home. Light fixtures must complement the architectural style of Skycroft and the specific home and landscaping. Lighting of walls can be achieved by use of eave or ground recessed fixtures. Landscape lighting should be concealed where possible by ground recessing or placing in shrub beds. Colored lights are prohibited, except as temporary holiday decorations. Post mounted light fixtures will be considered on an individual basis. Spillover of light on to neighboring property must be avoided and lights shall be shielded where necessary.

Surveillance cameras should be low profile and unobtrusive, blending with the architecture and colors of the home. Cameras shall not be directed towards other Lots, areas where persons would have a reasonable expectation of privacy, nor towards any of the streets within the Properties.

4.14 **Flags and Flagpoles:** Yard-mounted flagpoles are not permitted on any portion of the Properties, except for flags and flag poles installed by or for the SHOA at amenity sites. Owners may attach one official flag of the United States of America and/or one State of North Carolina flag to their home without the approval of the SARC during daylight hours, providing that the flags do not exceed 4’ x 6’. Once school recognition flag may be permitted which is no larger than 2’ x 3” and is placed low to the ground near a sidewalk. No other flags are allowed.

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4.15 **Fountains:** SARC Part B Minor Project approval is required for all fountains. Fountains may be located behind a privacy wall in the rear yard or at the front entry. To request a review, submit Form One- Design Development to the Association Manager. When you receive your login password, upload a site plan showing the location of the fountain with notation stating its overall height and width and a digital photo of what is proposed.

4.16 **Hot Tubs and Saunas:** SARC Part A Minor Project approval is required for the installation of any hot tub, Jacuzzi, sauna, or spa. Any hot tub, Jacuzzi, or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. A hot tub, Jacuzzi, or spa shall be located in the rear or side yard, shall be installed in such a way that is not visible to adjacent property owners, and the street, and shall not create an unreasonable level of noise for adjacent property owners. A planted buffer is required to screen the hot tub / sauna from adjacent residences and public view and shall be at a minimum height of 6 feet at time of installation. Taller plants may be required based on site topography. All mechanical equipment necessary for the operation of any hot tub or sauna must be located in the rear or side yard and shall be screened from the street and neighboring units by a masonry wall complementing the architecture of the home so as to screen noise from neighboring properties, such screening to be in accordance with these Guidelines and shown on plans to be approved by the SARC. All issues of safety and liability shall be the sole responsibility of the property owner and not the SHOA, its agents or assigns.

Applications for hot tubs, Jacuzzis, saunas, and spas shall be accompanied by a screen or fence plan and a plot of the property with the improvements indicated thereon and evidencing compliance with the above criteria.

4.17 **Pools:** SARC Major Project approval is required for the construction or installation of pools. Pools must be located in the rear yard and must be an integral part of the residence and landscape. Landscaping shall be provided around any pool and retaining wall and such wall and landscaping must be an integral part of the overall landscape plan. All mechanical equipment necessary for the operation of any pool must be located in the rear or side yard and shall be screened from the street and neighboring residences/buildings by a masonry wall complementing the adjacent structure to prevent noise from being a nuisance to neighboring properties. Screening shall be submitted to and approved by the SARC. A planted buffer is required to screen the pool from adjacent residences and public view and shall be at a minimum height of 6 feet at time of installation. Taller plants may be required based on site topography. Above ground or earthen pools with vinyl liners are prohibited. All issues of safety and liability shall be the sole responsibility of the property owner and not the SHOA, its agents or assigns.

4.18 **Ornaments and Statues:** Lawn ornaments, statuary and outdoor sculpture must be submitted for Part B Minor Project SARC approval in advance of installation and are prohibited in front and side yard areas unless concealed within a privacy wall. Approved ornaments installed in rear yard areas or behind a privacy wall must be placed so as to not be visible from adjacent lots.

4.19 **Antennae & Satellite Dishes:** No exterior antennae are allowed. One small and inconspicuous Satellite dish having a diameter of twenty-four inches (24") or less, which is installed upon or adjacent to any residence, and is not visible from adjacent properties or the street and is integrated with the residential structure and surrounding landscape is permitted. Such equipment shall be located only inside or rear yards that are not adjacent to a street and shall be located as inconspicuously as possible. Satellite dishes installed on poles should not exceed eight feet in height and must be installed inside yards not facing the street or rear yards and must be fully screened with shrubs or trees. Satellite dishes must not extend across side yard or rear yard setbacks and must not be installed on a roof visible from the front of the home or exposed on the roof visible from common areas or ponds.

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- 4.20 **Exterior Wires & Cables:** No exposed exterior wires, cables or meters of any kind are permitted.
- 4.21 **Propane Tanks:** Propane tanks must be installed underground, or if less than 25 gallons, placed behind a solid screen wall matching the wall materials on the home.
- 4.22 **Garbage Containers:** Garbage containers shall be stored inside of the garage or screened so they are not visible from the road or adjacent property with a wall matching the house materials having a door which is not visually permeable. Garbage containers and recycling bins must not be placed at the curb until after 6:00 PM on the day before pickup and must be removed by midnight on the pickup day.
- 4.23 **Walls & Fencing:** Walls and fencing should reflect the architecture of the residence. Special consideration should be given to the design and placement of the wall or fence from neighboring home sites. No fencing will be erected or permitted to remain between the street right-of-way and the applicable minimum building setback line. No fencing shall extend forward of the rear plane of the home, except that consideration may be given to motor court designs. NO chain link fence will be allowed. All walls and fences, including description of materials, must be approved as a Part A or B Minor Project by the SARC prior to installation. Reference Article 3.14. Any fencing and/or walls to be installed shall be shown on the site plan. No double fencing will be allowed. Fencing samples must be submitted digitally to be approved by the SARC. Approved fencing must be finished on all sides and edges. Visually permeable fencing shall be used where field of views from neighboring properties to common amenities such as ponds or common open areas may be impacted. The protected field of view for any home shall be taken as an angle of 135 degrees off the rear plane of the home or covered deck, at the outside corner of each side. All fences shall be five (5) feet in height and shall comply with the applicable building codes for the installation of pool fences whether or not the property actually contains a pool.
- 4.24 **Patios & Decks:** Patios, decks, deck railings, and deck supports shall be substantial in appearance, and reflect the style and architectural detail of the residence. Approval is required as a Part A Minor Project. Decks and patios shall be constructed of materials that are generally acceptable as complementary to the residence. Decks and patios shall be designed and installed as an integral part of the residence or patio area. Any such decks or balconies must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property Owners. Construction shall not occur over easements unless specifically approved by the utility company having jurisdiction and must comply with the applicable governmental requirements. No wood or simulated wood decks are permitted.
- 4.25 **Accessory Buildings:** Owners shall obtain Part A Minor Project approval prior to construction of any accessory building or permanently installed playhouses, doghouses, gazebos, green houses, etc. whether built during initial construction or after. Accessory buildings shall meet the following criteria:
- (1) An accessory building must be of the same color, material, and architectural style as the main residence, or of color, material, and style that is generally recognized as complementary to that of the main residence. As accessory building's roofing materials shall match those of the main residence.
 - (2) Any utilities servicing accessory buildings shall be installed underground.
 - (3) Accessory buildings generally shall be located in the center rear one third of the yard as long as it does not front onto a street, shall be incorporated as an integral part of the landscape plan, shall not unreasonably obstruct any adjacent neighbor's views of the ponds, open areas, or other amenities, and must be screened by a fence or vegetation. A planted buffer is required to screen the accessory structure from adjacent residences and public view and shall be at a minimum height of 6 feet at time of installation. Taller plants may be required based on site topography.

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- (4) Freestanding metal utility sheds or storage sheds are not permitted.
 - (5) A playhouse or playground equipment shall be considered an accessory if it measures more than 30 square feet, is more than 6 feet high from peak to ground, or is constructed on a concrete slab or footing. All playhouses and playground equipment must be located in the rear yard and screened from view from adjacent properties and the street. Playground equipment must be constructed with natural colors with no primary colors permitted that are not fully screened. Tree houses are not permitted.
 - (6) Dog houses shall not be visible from the street or adjacent properties. SARC approval may require screening or landscaping. Dog lots, dog runs, and dog kennels are not permitted. Part B Minor Project approval is required for the design and placement of dog houses.
- 4.26 **Recreational Equipment:** All recreational equipment, including, but not limited to, tennis courts, and playgrounds must be approved as a Part A Minor Project by the SARC prior to installation on any lot. The SARC may require photographs or other means of illustrating the appearance of equipment. Recreational Equipment may not be located forward of the front set back. No equipment may be placed closer than 25' from any property line, unless screened from view of adjacent properties. Unscreened portable equipment shall be put away each evening. Portable recreational equipment must be stored in garage when not in use.
- 4.27 **Recreational and Commercial Vehicles:** All commercial vehicles, boats and recreational vehicles (i.e. campers, motor homes, etc.) must be kept in a garage. NO outside storage will be allowed.
- 4.28 **Birdbaths, Birdhouses, and Birdfeeders:** SARC approval is not required for the rear yard installation of a birdhouse, or a bird-feeder that is less than one foot wide by one and a half feet tall, or a birdbath that is three feet tall or less, including any pedestal. Placement in any front or side yard requires SARC approval.
- 4.29 **Clotheslines:** No clotheslines are permitted.
- 4.30 **Holiday Decorations:** Owners are permitted to install Holiday Decorations on their property a reasonable period of time prior to the date of a recognized holiday. Decorations must be removed within two weeks following the date of the holiday.
- 4.31 **Signs:** All signage must be in accordance with the Skycroft Signage Guidelines stated in Article 7. Also, one security sign may be permitted in the front yard located either adjacent to the driveway or in close proximity to the front entrance of the main dwelling. One school sign denoting achievement may be placed in close proximity to the house.
- 4.32 **Street Cleaning:** To uphold the aesthetic integrity of the community, roadways adjacent to construction sites may need to be cleaned from time to time. The lots under construction that are observed by the SARC or Association Manager to have placed mud on the street, which is not attended to by the contractor will be cleaned by the SHOA. Cleaning fees will be deducted from the Compliance Security Deposit.

BUILDER IS EXPECTED TO KNOW WHEN THEIR WORK HAS RESULTED IN MUD ON THE STREET. THEREFORE, PRIOR NOTIFICATION MAY NOT BE PROVIDED.

- 4.33 **Permitted Hours of Construction:** In keeping with the need to maintain a safe and desirable neighborhood, all contractors, including pool, roofing and other contractors responsible performing exterior work on a

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home must observe the following community working hours: **Workers should not be on-site outside of these hours.**

- Monday thru Friday: 7:00 AM to 7:00 PM.
- Saturday: 8:00 AM to 5:00 PM.
- No work of any nature may be performed on July 4, Thanksgiving Day, or Christmas Day.
- On Sunday or any Holidays as Follows: New Year's Day; MLK Day; Easter Friday, Saturday, and Sunday; Memorial Day; Labor Day; Veterans Day; the Friday after Thanksgiving; Christmas Eve, the day after Christmas. Work may be performed between the hours of 8:00 AM to 3:00 PM, with no construction permitted that results in noise heard on the exterior of the dwelling, or physical construction activity of any nature on the exterior of the dwelling, including material delivery.

4.34 Gate Access to Skycroft:

- Gates will be accessible for material delivery from 6:00 AM to 5:00 PM Monday through Friday.
- No material delivery using trucks over two axels will be permitted on Saturday except for residential moving vans (also permitted on Sunday) delivering or removing household goods and furnishings.
- The policy with respect to issuing access codes may be modified from time to time. The Association Manager should be contacted for information on the current policy.

ARTICLE 5 – BUILDING REQUIREMENTS:

- 5.1 **Architectural Standards:** The exteriors of all buildings must be designed to be compatible with the natural site features and landscaping of the residence/building and to be in harmony with their surroundings. The landforms, the natural contours, local climate, vegetation, and views should dictate the building location, the building form, and the architectural style. The design of all structures shall be predicated on the principles, ideals, and specific requirements, established in the Skycroft Guidelines Handbook and the Skycroft Pattern Book. The SARC may disapprove plans if in its judgment the massing, architectural style, roofline, exterior materials, colors, or other features of the building do not meet these standards. No factory-built modular or mobile home type construction shall be permitted. No slab-on-grade construction or the appearance of slab on grade construction shall be permitted.

The materials on the interior of all homes should reflect the high standards typical of a custom home in a premier neighborhood. Examples of materials include hardwood, ceramic tile or stone flooring in common areas with high quality carpet for flooring in bedrooms; deep baseboard and cornice trim on all walls where they intersect floors and ceilings; solid core and/or paneled doors with wide casing around doors and windows throughout; high quality door hardware; solid wood kitchen cabinets with granite countertops in the kitchen and bathrooms; custom stairs; energy efficient appliances and hot water system; energy efficient lighting and mechanical HVAC systems. Complete Form Three – Interior finishes as part of the Construction Drawing submittal.

- 5.2 **Minimum Area Requirement:** For lots located in the “Commons” neighborhood at Skycroft (lots numbered 1-8, 156-167 and 201-208 inclusive), the minimum square footage of any residence shall be not less than four thousand five hundred heated square feet and six thousand square feet under roof. For all other lots, the minimum square footage of any residence shall be not less than four thousand heated square feet and five thousand five hundred square feet under roof. NOTE: Square footage shall be noted on the first-floor plan for each home. Measurement shall be calculated based on recommendations by the NC Real Estate Commission, which may require verification by a real estate appraiser after completion of the work. Or the measurements may be taken by International Residential Code standards (IRC) to the inside

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face of finished walls without further verification being required. The designer shall denote which measurements were used in making the calculations.

- 5.3 **Maximum Height:** No residence shall exceed three stories above ground level.
- 5.4 **Roof Slope:** The minimum roof slope over the main residence structure shall be at least eight (8) vertical to (12) horizontal inches. Accent roofs (i.e. porches, dormers, etc.) may be a minimum of 4 in 12 slope, but must be consistent with historical reference and architectural style of the home. A minimum overhang of 12 inches is required.
- 5.5 **Exterior Wall Treatments:** The materials listed below are acceptable exterior wall treatments for vertical and horizontal surfaces, except where noted as prohibited. When used in combination, transitions from one material to another shall be made in an aesthetically sensitive manner such that the appearance and style of the home is consistent on all sides. On front elevations, rear and side elevations facing public areas and street facing side elevations, as well as prominent wall areas visible from the street or other public areas, no more than fifty (50) percent of the exterior wall material of each elevation (exclude windows and trim from this calculation) shall be stucco. The rule applies to wall surfaces above the floor line. It is the intent to have most or all of the second material above the shrub line. In all cases, at least 50% of the secondary material shall be above the line of the first floor.
- Traditional Portland cement stucco in muted colors, natural, tinted or painted.
 - Cast stone, stone, or brick veneer.
 - Composite material such as Hardi-shakes or equivalent. Hardi siding is prohibited.
 - Anodized, copper or paint finishes are required on all metal surfaces including windows, flashing, drips, and caps, in colors matching the approved trim colors.
 - Soffits must be of wood, stucco, or cementitious materials. Aluminum and vinyl soffits are prohibited.
 - Synthetic/foam products (EIFS) are prohibited except as trim details.
 - Gutters and downspouts shall be used at all eave lines unless deemed inappropriate and should be either aluminum or copper. Galvanized material is NOT permitted. Gutter color, if aluminum, should complement the trim color.
 - Vinyl, Aluminum and Composite Wood (Masonite) are prohibited.
 - The use of wood shall be limited to trim, accent materials and as described in the "Pattern Book".
 - If the primary color of the front façade of a new build is white or off-white in the Skycroft color palette, then the drawings must be accompanied by a color rendering. ARC reserves the right to request color renderings when the color choices are not on the Skycroft color palette approved list or it deems necessary to better understand the look of the home. Renderings will be of high quality and demonstrate the scale of materials and colors used. Careful consideration of the Skycroft pattern book should be used when producing renderings.
- 5.6 **Exterior Colors:** Exterior colors are limited to warm earth tones. No pure whites or primary colors may be used. Owners must submit for review digital photos of samples of all exterior surfaces to the SARC showing color, tone, and texture. Once approved during the document review, the materials and colors must be placed on the sample board for final approval. All required samples shall be the actual finished material. Any change of exterior colors on homes requires SARC approval and follow the same process, documentation and review as new construction.
- 5.7 **Roofing:** Roof pitches and overhangs shall be designed for compatibility with adjacent roof profiles in front, side, and rear elevation, and may vary as dictated by architectural design. Acceptable roof materials are natural

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or synthetic slate, copper, dimensional asphalt architectural shingles (minimum 260# density), cedar shingles, standing seam metal, clay, or concrete tile in a barrel, flat or “S” profile. Asphalt impregnated fiberglass shingles meeting the Guideline Requirements shall be equal to Owens Corning Berkshire; GAF Timberline Ultra HD; CertainTeed Landmark Premium or Independence.

- 5.8 **Roof Accessories, Equipment:** SARC approval is required for all rooftop equipment and accessories. All rooftop equipment must match roofing colors or be a color that complements the house and must be placed as inconspicuously as possible. Exposed flashing, other than copper, must be painted to match the fascia and trim of the structure. No exposed attachment straps will be allowed.

5.9 **Windows, Doors, and Trim:**

- Windows on the front of the home and those facing public areas on the rear and side must be casement.
- Full Vinyl Windows are prohibited. Vinyl or aluminum clad wood windows are permitted.
- Single Hung windows are not permitted.
- Windows with screens must have full screens, except front elevations shall not have exposed screens
- Multiples of double hung windows shall have a mullion separating each.
- Windows shall have real or simulated divided lites (SDLs) on all sections. The pattern shall be approved by the ARC and shall be consistent on all sides. However, windows on side elevations not facing roads, common areas or walking trails may have Grills Between the Glass (GBGs) in the same pattern as the front facing windows. Windows facing the rear of the home not viewed from community roads, common areas or walking trails do not require any divided lites or grills.
- Windows should be clear glass or a low-e glass with a tint. Samples shall be submitted for gray and smoke glass colors for approval by the SARC. Windows shall be trimmed/banded on the front and at the rear elevations.
- Windows must have prominent headers and sills. Reference the Skycroft Pattern Book for acceptable examples. No window opening shall be devoid of a featured trim. Alternates to the styles proposed may be submitted for approval where consistent with the architecture of the home.
- Window screen fabric must be dark bronze or charcoal color.
- The SARC must approve security treatments for doors and windows; however, no “burglar bars”, steel or wrought iron bars, or similar fixtures shall be installed on the exterior of any windows or doors of any dwelling.
- No black out of windows is permitted.
- No signs shall be placed in windows.
- Curtain fabric, blinds or other interior material exposed to the exterior shall be neutral in color.
- Window opening must conform to window configuration. No infill material is permitted, such as stucco between the window head and the head of the opening.
- Main Entry Doors shall be substantial in appearance, and either be 8’-0 x 3’-6” or have side lites and transoms and shall be custom doors of a high quality and of a style matching the architecture of the home.
- Side or rear entry doors shall not be plain panel. Finish shall be submitted for approval.
- Trim is required below the soffit and shall consist of a frieze of no less than 10” in depth having a cornice or dentil molding.

- 5.10 **Screen Doors:** Front screen doors are not permitted. Screening is not allowed at the garage doors and SARC approval is required for all other screen door applications. Screen door design and color must match and be generally accepted as complementary to that of the entry doors of the house.

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- 5.11 **Vents:** Plumbing vents, mechanical vents and fans, turbine type attic vents and other similar types of vents must be painted to match the roof/wall. No vents of this type shall be located on the front elevation.
- 5.12 **Skylights, Solar Collectors and Solar Lighting:** Skylights are prohibited on front elevations. Skylight trim must be painted, and glass must complement or match roof color. Solar collectors may be submitted for approval. These collectors shall lie flat against the supporting roof and be consistent with the architecture of the home. The collectors must be appropriate to residential use and not recreational vehicle grade or capacity. Solar lighting is permitted except for; On the façade of a structure that faces areas open to common or public access; On a roof surface that slopes downward toward the same areas open to common or public access that the façade of the structure faces; or within the area set off by a line running across the façade, and those areas of common or public faced by the structure including roadways, driveways, and motor courts. The SARC will require specifics as to the location, design, and construction of such collectors prior to approval. Skylights, Solar collectors and Solar lighting require a Part A Minor Project Application and a fee of \$250.00.
- 5.13 **Ceiling Height:** Ceiling heights must be a minimum of 10' on the first floor and 9' on all other floors.
- 5.14 **Utilities:** Meter boxes, gas regulator, conduit, electrical panels, etc. are to be painted to match the exterior of the building.
- 5.15 **HVAC Units and Pool Equipment:** HVAC units and pool equipment must be located to minimize the transmission of noise to adjacent properties and must be screened from sound and view from the street and neighboring homes with masonry or stone construction matching the materials on the home. Evergreen shrubs shall screen the wall as if it were a foundation wall. Window air conditioning units and through-wall units are not permitted.
- 5.16 **Awnings & Overhangs:** The installation of awnings or overhangs requires SARC approval. The awning or overhang color must be the same as or generally recognized as complementary to the exterior of the residence. Metal awnings are prohibited.
- 5.17 **Glass Block:** Glass block on the exterior of a dwelling shall be subject to SARC approval. Glass block shall not be a dominant feature for the dwelling or elevation. All glass block located on the dwelling shall be treated similar to windows with banding and/or architectural trim. Glass block located at the front and/or rear of the dwelling shall provide a privacy wall and/or sufficient landscaping that simulates a wall to diminish the impact on the elevation.
- 5.18 **Screen Porches/Patios & Other Enclosures:** SARC approval is required for the construction of covered porches, patios, and other enclosures. Such structures and their supports shall be substantial in appearance and reflect the style and architectural detail of the residence. Such structures shall be constructed of materials that are generally acceptable as complementary to the residence and be designed and installed as an integral part of the residence with rooflines that complement that of the principle structure. Any such structure must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Such structures are not permitted on the street(s) façade. Construction shall not occur over easements unless specifically approved by the utility company having jurisdiction and must comply with the applicable governmental requirements. Screens shall be either dark bronze or charcoal.
- 5.19 **Garages:** All residences shall have a fully enclosed garage designed to accommodate at least three vehicles when garage doors are in the closed position. Such garages shall be compatible with and complementary to the main residence in architectural style, material, color. The garage and specifically the

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garage door (s) shall not be the focus of the main front façade. Front entry garages are prohibited except where a single forward-facing garage door is integrated into a design having a motor court or porte-cochere. In the case of a motor court, it shall be defined by at least one (1) substantial masonry, stucco or stone pier attached to the home matching the materials on the home at the entry. Homes may have angular garages when the design provides a partial masonry wall screen to create a motor court and when otherwise approved by the ARC. Sides of the motor courts shall be masonry to match the home, masonry piers with wrought iron or simulated wrought iron aluminum fencing between, or a landscaped screening wall with evergreen trees a minimum of 4-6 feet tall planted close enough to one another in a row so that branches touch at the time of planting. Garages shall be finished on the inside. The Skycroft Pattern Book states that garage doors be recessed 12-16 inches. Garage door combinations having more than three spaces (2 or 3 doors) shall have at least one door forward of the other doors to break up the long façade or an extended roof or trellis on the doors may be used to meet the requirements. Garage doors shall be primarily wood or wood composite. No metal garage doors are permitted.

- 5.20 **Additions, Modifications & Expansions:** Any addition, modification, expansion, or similar alteration, including changes to the color scheme, of a previously approved residence, whether before or after the initial construction, is subject to the requirements of these Guidelines and must be submitted to the SARC for approval.
- 5.21 **Skycroft Guidelines Handbook:** The Skycroft Guidelines Handbook or Pattern Book and its requirements shall be incorporated into these Guidelines by reference. Clarifications to the Handbook include the following:
- The vertical massing formula is intended to break up the “big box” look. Ideally there should be a blending of different scales on each façade. The extent to which this occurs is an aesthetic issue which will be evaluated on a case-by-case basis.
 - Under the three-car garage scenario, the intention of the guidelines is to prevent three doors being on the same plane. The width of the elevation with the two garage doors shall not be limited to runs less than or equal to 20 feet as stated in the booklet.
- 5.22 **Shutters:** Where shutters are used, they should match the configuration and dimension of the window they serve, even if only decorative. Shutter colors should be included with “Submittal Two”. Shutters shall have hardware so that they appear functional, including shutter dogs appropriate to the design of the home. All shutters shall be wood or similar material. Plastic shutters are prohibited
- 5.23 **Chimneys:** Chimneys must be constructed for all active fireplaces. Unvented gas fireplaces are not permitted in an enclosed area but may be used on outside decks where they can be ventilated without high exposure of carcinogenic and lethal gases to occupants. Chimneys shall be constructed of brick, stone, or stucco, using one of the two most predominant materials used on the exterior of the home. All chimneys shall have an ornamental chimney cap or pot. Exposed spark arrestors are not permitted.
- 5.24 **Landscape Walls, Screen Walls, and Fences:** Landscape walls shall be walls used to retain earth and shall be constructed of Keystone Block, concrete faced with stone, stone, brick, or other permanent non-organic material approved by the SARC. Screen walls shall be walls attached to the home to screen areas as required by the SARC or the Guidelines such as HVAC and Pool equipment and in some instances, garage doors. Fences shall be barriers around pools or yards to provide privacy. Fences are not permitted in yards in front of the front plane of the home unless forming part of a motor court. In all cases fences shall comply with Article 4.23. Fences shall be iron or aluminum rail or masonry. Wood and plastic fences are not approved. Fences are not permitted to be higher than five feet. Retaining walls may be no higher

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than six feet above existing grade on the lower side. Fences shall not contain barbed wire, razor wire or be electrified. Chain link or welded wire fences are not permitted. Double fencing is not permitted

ARTICLE 6 – LANDSCAPING REQUIREMENTS:

- 6.1 **Purpose:** These landscape requirements have been established to maintain the high standards of Skycroft and reflect the community's emphasis regarding the value of open spaces, natural landforms, and landscapes. Such requirements and guidelines help assure a positive impact in property values, quality of life, and the overall enjoyment and benefits of outdoor living. Consultation with a landscape architect is highly recommended to achieve the most appropriate balance of plantings and arrangements that will complement your home. Special consideration should be given to the following aspects of landscape plantings. All plantings shall be placed in accordance with the guidelines provided by the Urban Tree Foundation, at <http://www.ces.ncsu.edu/depts/hort/hil/pdf/hil-8601r.pdf>

SUBMISSION REQUIREMENTS. Detailed Landscaping Plan in digital format, CAD or equivalent HANDWRITTEN SKETCHES WILL NO LONGER BE ACCEPTED (Minimum scale: 3/32" = 1'-0" or 1" = 10', minimum sheet size 24"x36"), including site grading, and showing location, size, species, quantity, spacing, and quality of all plant material, protection of existing vegetation and other landscaping details shall be submitted for approval prior to the completion of construction. Extent of the planting beds shall be noted as well.

- 6.2 **Qualifying Hardwood Canopy Trees:** The establishment of trees in open areas & the re-vegetation of wooded home-sites is required to restore over time the natural forest canopy lost during years of farming, development of roads and infrastructure for the community as well as the construction of homes. Specific requirements will be reviewed on a lot-by-lot basis. A minimum of Two Qualifying Hardwood Canopy trees is required in the front yard and one in the rear yard. This minimum is to establish a base and ARC at its sole discretion may require additional front and rear yard Hardwoods, depending on home location, position on plot and adjacent roads and homes.
- Existing Qualifying Hardwood trees over 6" caliper that survive construction may be counted toward the total. Trees that need to be added shall have a caliper of 2.5" or better at the base and a minimum of 10 feet tall at the time of planting. Qualifying Hardwoods include the many varieties of Oak, Walnut, Hickory, Elm, American Chestnut. Other hardwoods may be present or added but are not counted toward the total of 'Qualifying Hardwoods.' The ARC may require additional pre-existing trees be saved where prominent and where through some diligent care they will not be impacted by construction. Community Street Trees, where removed for construction shall be replaced with a similar species having a 4-inch caliper, minimum. An arborist shall be consulted to ensure tree root ball and spread are in reasonable relationship to provide the best chances for survival.
- 6.3 **Evergreen Foundations and Vegetable Gardens:** Evergreen Foundation Plantings are required to provide year 'round accents and softening of foundations as well as provide a backdrop for ornamental and flowering plants.
- All shrub plantings are required to be half the distance between finish grade and lower windowsill
 - ARC may require additional adjustments depending on finish grade, drainage, and hardscape to minimize over exposure of foundation and walls.
 - Walls without windows shall have plantings a min of 5ft tall and may be required to be adjusted taller or shorter depending on wall heights and scale.

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- Larger accent evergreen material shall be installed where appropriate at house corners and focal points along the building façade as part of the overall comprehensive plan. Minimum height shall be 8' at time of planting.
- In areas where the foundations materials are an important architectural accent, quantities will be decided on an individual basis.
- In the front of the home and on sides facing the street, planting beds along the foundation (where applicable depending on site design and grade) shall be layered, in that there should be smaller plants in front of primary foundation plants. These smaller plants should be spread as follows: 1 gallon: 12-18" spread; 3 gallons: 18-24" spread
- Other plants or trees should be used to create a third layer in corner locations or at breaks in the planes of the home.
- Deer and drought resistant plants should be given strong consideration.
- Foundation plants shall be placed along the screen walls of HVAC and Pool Equipment areas.
- Vegetable gardens shall only be placed in rear yards and no closer than 10 feet to a pond. Pond water may not be used for irrigation.
- Care should be taken to not permit fertilizer to run off into ponds.

6.4 **Flowering Trees:** North Carolina woods traditionally have abundant quantities of flowering trees dotting the landscape. In order to reforest the community, at least two flowering trees shall be planted in front or side yards visible from the street of each home. Magnolias, Dogwoods and Redbuds are the most common. Flowering fruit trees may also qualify. Trees shall be 2-inch caliper and 8-10 feet tall at the time of planting.

6.5 **Evergreen Trees and Evergreen Screening:** Evergreen trees and shrubs are needed to conceal service and utility areas and are also needed to restore the appearance of a Carolina Forest.

- Screening shrubs or trees shall be 4'-6' minimum at the time of planting and shall fully screen the equipment within two seasons.
- Exposed garage doors should be screened to varying extents from neighboring properties and the street. This will be reviewed on a case-by-case basis but where exposed will typically require a minimum of two screening trees per garage door. Screening should not appear as a full wall but placed in order to reduce any visual dominance of the garage doors. Screening trees shall be 6-8' height minimum. Lower-level shrubs are recommended as accents.
- There shall be a minimum of two evergreen trees 8-10 feet tall at the time of planting placed on the site either in the front yard or visible from the front yard.

Visually permeable screening methods are required where field of views from neighboring properties to common amenities such as ponds or common open areas may be impacted. The protected field of view for any home shall be taken as an angle of 135 degrees off the rear plane of the home or covered deck, at the outside corner of each side.

6.6 **Lawn and Groundcover:** Areas should be established to control erosion in compliance with all Environmental Rules & Regulations of the Community, County & State. Front and Side Lawn areas that are adjacent to roads shall receive Sod. Other areas not in planting beds must be seeded and maintained in accordance with the North Carolina State University Guidelines for turf grass in "high profile home lawns", as described on their website: <http://www.turfinfo.ncsu.edu/turfselect/> for Union County, North Carolina. Mulched areas or planting beds not part of the foundation shall have 3-gallon shrubs 4 ft. on center minimum. No stone mulch of any size, color or shape shall be placed in view from the roads, trails,

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common areas or ponds. Synthetic turf may be installed in rear yard areas not visible by public view. The extent of synthetic turf shall be limited to 1200 square feet. Turf types and installation methods shall be submitted for approval.

- 6.7 **Irrigation:** All turf areas and shrubs shall be covered by a professionally installed automatic irrigation system. Rain sensors should be considered in order to conserve water usage and prevent excessive runoff. Where serviced by a well, all well locations must be approved by the SARC. All wells in front yards or street facing side yards must have sub-grade well heads. Note: Naturally occurring metalloid elements have been found in water from wells within Union County. However, well water is not the source of drinking water in Skycroft. Periodic water testing should be performed for well water when used for irrigation, even if the water is not intended for potable use.

ARTICLE 7 – PARTICIPATING HOME BUILDER QUALIFICATIONS

Purpose: The SARC has been developed under the Declaration of Covenants, Conditions and Restrictions to preserve the integrity and architectural progress of its community and has determined it necessary not only to review the building specifications and construction plans, but also to evaluate the builder submitting such plans in order to prevent any plans, persons, or factors from hindering the integrity of the architectural progress of the community. Builders are a crucial element in the integrity of the subdivision, and, therefore, fall within the scope of regulation by the SARC. The required information needed to make an application to become a Participating Builder is noted on Form Eight, which must be submitted by the Builder prior to purchasing a site in Skycroft, and prior to a homeowner engaging the prospect as their contractor. The management of this process is called the “Participating Home Builder Program”.

- 7.1 **Explanation of the Term:** The term “Participating Home Builder” means a Builder that has applied for and been approved to build in the Skycroft Community as determined by the Board of Directors, and:
- All prospective new builders shall sign the Skycroft Architectural Review Submittal Form Eight, signifying that he or she understands and agrees to abide by Skycroft Architectural Guidelines and Pattern Book, is duly licensed, has insurance in amounts required and also agrees to work cooperatively with the SARC in resolving any violation of the guidelines that may occur. The Builder shall email the form to the Skycroft Board of Directors C/O the Community Managing Agent.
- B. Documentation showing the number of years in business, Proof of Business Registration with the State of NC, and the most recent Annual Report Filing. These documents should demonstrate that as a minimum, the company has been actively building custom residences over the previous three years similar to those meeting Skycroft Architectural standards and qualifies for an unlimited license from the NC License Board for General Contractors.
- C. The Builder shall be primarily in the business of constructing high quality custom homes. To satisfy this requirement, Builders who wish to become a Participating Home Builder must provide information on all custom homes and other projects completed within the previous 36 months together with the following information:
1. The name of the company seeking to become a Participating Builder, the length of time that company has been in business, the principals of the company, whether that company does business under an assumed name (D/B/A) and if so, what it is, whether the principals of this company have used the same assumed name for other companies and if so what the names of those companies were or are.
 2. The address for your website.

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3. Contact information for the company representatives including names, email address, contact phone numbers including cell phone numbers, physical address for the company and mailing address (if different).
4. A list of all construction projects this company has undertaken as general contractor in the past 36 months to include the address of the project, total square feet under roof and heated, year completed, number of months under construction, total delivered price of the home, whether the home was a "spec" home and, if not, the name and contact information for the owner.
5. From the list provided in item 4 above, please designate at least 3 homes completed within the past 36 months which are similar in size, scope, and quality of construction to those homes found here in Skycroft. For each designated home provide a photo of each of the 4 elevations and a copy of the building permit showing your company as general contractor. Three of these homes should also be listed on you Participating Contractor Application.
6. For each of the homes listed in item 4 that was built in a planned community (HOA) provide the name of the community and contact information for both the Architectural Review Committee and managing agent.

D. Participating Builders shall purchase and maintain insurance policies as follows:

1. With regard to all activities conducted under this Agreement, Builder shall carry public liability insurance in a solvent insurance company licensed to do business in the State of North Carolina, satisfactory to the Skycroft Homeowners Association Board of Directors, which insurance company shall be rated A+ by Best's Insurance Guide or any other similar insurance rating guide. The limits of public liability (including products and completed operations liability) shall not be less than \$1,000,000.00 per occurrence, combined single limit for bodily injury and property damage subject to an annual aggregate of \$2,000,000.00 applicable to products and completed operations liability. Builder will cause the Skycroft Homeowners Association, its Board of Directors, and its agents as "Additional Insured" on the required policies and Skycroft Homeowners Association, Inc. as the "Certificate Holder."
 2. During the term of this Agreement, Builder shall ensure all custom and inventory homes are fully insured during and after construction against loss of damage by "all risk" perils, including but not limited to flood, fire, vandalism, malicious mischief, casualty, and all other available extended coverage insurance in a sum not less than 100% of the full replacement value of the insured property. Said policies are to be written by companies licensed to do business in the State of North Carolina having a financial rating of A+ by Best's Insurance Guide or any other similar insurance rating guide. All proceeds from any loss shall be used by Builder to replace or restore the inventory homes to their original condition.
 3. Any deficiency in monies needed to restore a home to its original condition shall be paid by Builder.
 4. During the term of this Agreement, Builder shall secure and maintain in effect and at its expense insurance of the following kinds and limits to cover Builder's employees and all locations of Builder's operations in connection with work on Builder's projects:
 - a. Workmen's Compensation with Statutory limits of liability, and
 - b. Employer's Liability with a limit of availability of at least \$1,000,000.00 per accident or disease.
- E. Builders shall maintain an "unlimited" contractor license with the State of North Carolina. Additionally, the builder must provide the name and credentials of any individual other than the individual holding the license or acting as a qualifier for the builder who is serving as a site superintendent or on-site supervisor for the home.

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F. In compliance with the requirements herein, at the time of the submission of Construction Documents, copies of all policies required pursuant to these Guidelines shall be provided, including an endorsement which states that such insurance may not be changed, altered, or cancelled, except upon thirty (30) days prior written notice to the Skycroft Homeowners Association Board of Directors. Additionally, Builders must provide a copy of their contract with the owner (marking out costs) which demonstrates that the full work of the project, including pools and landscape, is being managed by the Builder.

- 7.1.1 **Continuing Qualification:** All builders who qualify as a Participating Home Builder must within 3 years of the date of qualification construct and complete at least one home in the Skycroft subdivision to remain a Participating Home Builder. In addition, all builders who qualify as Participating Home Builders must continue to construct at least one home in the Skycroft subdivision in each successive 3-year period to remain qualified as a Participating Home Builder. Should a Participating Home Builder fail to construct a home in the Skycroft subdivision within 3 years of the date of qualification or fail to construct a home in the Skycroft subdivision for any subsequent 3-year period following the date of completion of the last home constructed that builder no longer qualifies as a Participating Home Builder. In such case the builder must reapply and re-qualify as a Participating Home Builder.

PARTICIPATING HOME BUILDER STATUS IS A PRIVILEGE NOT A RIGHT AND IS SUBJECT TO THE DISCRETION OF THE SARC AND/OR THE SKYCROFT BOARD OF DIRECTORS. THE SARC AND/OR THE BOARD OF DIRECTORS RESERVES THE RIGHT TO REMOVE ANY PARTICIPATING HOME BUILDER FROM THE PARTICIPATING HOME BUILDER PROGRAM WITH OR WITHOUT CAUSE AT ANY TIME.

- 7.2 **Standards:** The Board of Directors has the discretionary power to determine the suitability of a builder for the Skycroft community. Its determination shall be deemed final. Re-application may be made one year after the initial application unless more time is stated as a requirement in the Board response.

7.2.1 **Procedure:** The Board of Directors will evaluate the homeowner's designation of builder within forty-five (45) business days of the fully completed submission. If no notification is sent, the builder is not automatically approved and should contact the Board to inquire as to the status of the application. If, after its review, the Board determines that the builder is not approved, it will notify the applicant of its decision. For new applicants, the decision will be subject to the provisions of Article 7 and will be heavily weighted on the builder's portfolio of homes of design and value to those already in the community. For renewal of former Participating Builders, it will be based, whenever applicable, upon specific instances such as ability to construct the home within required time frames, workmanship, the record of any builder non-compliance with community requirements or violations of the CC&Rs and any other instance that would tend to establish that the builder will not perform within the standards imposed by the SARC.

- 7.3 **Construction Signage:** In addition to a permit board placed on the sample board, a Participating Builder may place one "approved" sign with identifying information on a construction site after it has received written approval of home construction plans submitted to the SARC in accordance with Article 3.12. Participating Home Builder signs shall conform to the following:
- A. No additional subcontractor or vendor signs are permitted on site, and no signs may be placed on trees. The Architect or Designer may be recognized on the sign.
 - B. A Participating Builder sign must be removed within ninety (90) days after issuance of a Certificate of Occupancy or thirty (30) days after the sale of the home to the first resident, whichever is last.
 - C. No construction signage by any company not a Participating Home Builder may be placed on any site.

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- 7.4 **Property Owner Lot Markers:** Skyecroft property Owners may place one lot marker on a vacant lot to identify the lot number. A lot marker must be made from a 4" x 4", treated lumber post and may not be stained a color, but may be sealed with a clear sealant. The top of the marker shall have a decorative copper cap. The numerals on the lot marker must be metal, each 3" tall, black in color, and run vertically down the post. Markers are to be placed at the cut line (where mowing stops) at the approximate center of the lot and extend two feet above the ground. No lot numbers may be painted on road curbs.
- 7.5 **Builder Acknowledgement:** In order to qualify for recognition as a Participating Home Builder or to remain so qualified, Builders will be required to sign an acknowledgement that they have received, read, understand, and agree to abide and be bound by these Guidelines.

ARTICLE 8 – NOTIFICATION – FINES AND PENALTIES FOR VIOLATIONS

- 8.1 **Notification:** Whenever a violation of any provision of the Skyecroft Architectural Guidelines or CC&Rs by an Owner **occurs**, the SARC or the Board of Directors through the Association Manager will notify the Owner and/or Builder of violations by means of email, personal service, mail, or certified mail. The notifications will state the violation and give the Owner/Builder ten (10) days in which to remedy the violation. The procedure for enforcing fines to owners shall be in accordance with the CCRs and Chapter 47F-3-107.1 of the North Carolina Planned Community Act.

Whenever a violation of any provision of the Skyecroft Architectural Guidelines or CC&Rs is made by a Builder, the SARC or the Board of Directors will notify the Builder that a fine has been levied and/or a penalty imposed, the nature of the offense which caused the fine or penalty, the date of the offense and the penalty and/or the amount of the fine. The fine amount will be assessed to the Builder or Contractor and work will be stopped until such fine is paid. The Builder may appeal to the Board of Directors.

- 8.2 **Fines:** Fines for Builders and Contractors shall be administered as follows:
- Builders may be notified prior to a fine being levied.
 - For allowing trash to accumulate on the site and or spill over onto neighboring properties, or for leaving mud on the street at the end of the week: \$100.00 per day.
 - For failure to maintain the silt fence allowing silt to discharge into the community storm water system, \$200.00 per day, which may be increased if additional remediation is required.
 - For working outside of permitted hours on any given day: \$100.00 per hour or fraction thereof.
 - For violating the Sunday or holiday working restrictions: \$500.00 per day.
 - Improperly placed construction sign: \$100.00 per day.
 - Removal of any tree greater than 6" in diameter not approved by ARC in advance: \$2,500.00.
 - For commencing any construction activities prior to the review and written approval of the Architectural Review Committee: \$500.00. Additional fines of \$100.00 per day can be assessed if construction continues without SARC approval.
 - For delivering materials and equipment outside of the approved hours \$100.00 per incident. For other violations of the Guidelines and/or CC&R's not mentioned herein, fines may be levied in the amount of up to \$1000.00 per occurrence plus the actual cost of the corrective action, if any, and any HOA expense. Each 24-hour period that the violation continues shall be considered a separate occurrence
- 8.3 **Penalties:** The Board of Directors upon the recommendation of the SARC or upon its own initiative reserves the right to suspend or revoke the privileges of any Participating Home Builder for any noncompliance with Guidelines, CC&R's, failure, or refusal to build a home in accordance with the plans submitted and approved or

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other breach including but not limited to repeat violations. However, nothing contained herein shall in any way be construed to limit the right of the Board of Directors or the SARC to revoke the privileges of any Participating Home Builder at any time with or without cause.

8.4 **Adjacent Property damages:** Contractors shall be responsible for the repair of any damage to adjacent property occurring during construction including, but not limited to, such things as disturbed easements or rights-of-way on adjacent/ across the street areas caused by vehicle parking, street or curb damage and live tree/ vegetation damage, cut lines and sprinkler systems. Repair of disturbed easements or rights-of-ways shall include the application of perennial grass seed.

8.5 **Payment of Fines:** Fines levied against Builders or Contractors shall be automatically deducted from project bond where applicable. Owner fines shall be paid in full within ten days of written notification being sent by the Board of Directors or SARC.

ARTICLE 9 – COMMUNITY OBSERVANCES:

9.1 **Common Areas:**

Except with the prior written permission of the SARC, Builders and subcontractors are not allowed in the Common Areas or allowed to cross any Common Areas that are not paved streets or to park in Common Areas.

9.2 **Speed Limit:**

The speed limit for Builders, subcontractors and construction vehicles is twenty-five mile per hour (25 MPH).

9.3 **Aerator Fountains:**

Aerator Fountains located in various water features throughout the neighborhood are property of the HOA. Tampering with or changing of the operating times on the controllers or the aerators themselves is strictly prohibited. Violators of this shall be fined by the HOA in an amount of the cost to repair the damage including any increased energy cost to the Association.

9.4 **Firearms and Illegal Drugs:**

No contractor or subcontractor may openly display at any time while on Skyecroft community property a firearm of any nature. The possession of any illegal substance is also prohibited. Display of firearms or illegal drugs are considered sufficient grounds for loss of Preferred Builder status.

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9.5 Suggested Sample Board



Builder Acknowledgement

X

Home Builder

X

Home Builder

ARTICLE 10 – Pool Submission Requirements:

In addition to the requirements within the guidelines, including but not limited to sections: 3.3, 3.5.1 and 4.17 the following requirements must be included with a pool application and submittal.

Plan submittal requirements

1. A plat or official survey for the property at 1" = 10' scale showing:
 - 1.1. The house
 - 1.2. Property line
 - 1.3. Setbacks
 - 1.4. All Easements
 - 1.5. Existing hardscape
 - 1.6. Existing trees
 - 1.7. Existing topography / grade elevations relative to the dwelling finish floor elevation.
 - 1.8. 135-degree view shed limit on plan.
2. Proposed plan shall be overlaid on top of the above plan at 1" = 10' scale showing:
 - 2.1. Fence and gate locations as well as gate size (4/6 or 8)
 - 2.2. Proposed pool with dimensions from pool water line to property line
 - 2.3. Pool features such as spa, tanning ledge, diving board, etc shall be shown
 - 2.4. Elevation information from the existing topography to the proposed features.
 - 2.5. Pool equipment location
3. Proposed landscape plan at 1" = 10' scale showing:
 - 3.1. The proposed planting plan overlaid the above pool plan and hardscape
 - 3.2. Plant labels noting the plant type including the variety as needed, size by feet or inches respective to industry standards. Gallon size denotation will not be approved.
 - 3.3. Plant bed / lawn extents
 - 3.4. Pool equipment and pool buffer plant materials / plan.
4. Additional misc. items required:
 - 4.1. Product / material samples or photos. This includes tile, pool finish and coping selections. On all exposed vertical elements such as walls and spa walls material selections shall also be provided.
 - 4.2. Fence cut sheets.
 - 4.3. Project timeline.
 - 4.4. Proof of final inspection close out with the county.
 - 4.5. Request final inspection with SARC

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