

CONTUCK Preserve

Architectural Design Guidelines

Architectural design guidelines are established by the Declarant as noted in Article V, Section 9. There is hereby established an Architectural Review Board (hereinafter "ARB"). The Declarant shall have the option to transfer this responsibility to the ConTuck Preserve Property Owners Association once eighty percent (80%) of the lots in the subdivision have been sold. The purpose of these guidelines is to ensure, maintain, and protect the aesthetic charter of ConTuck Preserve. These guidelines are intended to assist all property owners in the planning of and with the design considerations of their new homes. These guidelines do not replace the provisions set forth within the Declaration of Covenants, Restrictions and Easements of ConTuck Preserve recorded in the Polk County Register of Deeds.

1. No improvements shall be erected, placed, altered, maintained or permitted to remain on any Lot, nor shall any construction be commenced thereon until plans for such improvements have been approved by action of the ARB in accordance with the provisions herein; provided however, that improvements and alterations completely within the interior of a building may be completed without approval. A fee of \$100.00 shall be charged by the Declarant for a review of the plans and specifications, payable at the time of submission to the Declarant.
2. An impact fee of \$500.00 for extra wear and tear upon the roads within ConTuck Preserve attributable to construction of improvements on any lot must be paid to the Association upon issuance of a building permit from Polk County. If damage and/or wear and tear attributed to construction of such improvement is determined by the ARB to exceed \$500.00, then said property owner will be liable for any costs over and above the initial \$500.00 impact fee.
3. The term "Improvements" shall mean and include structures and construction of any kind, whether above or below the land surface, such as, but not limited to, buildings, outbuildings, water lines, sewers, electric and gas distribution facilities.
4. Any Lot owner who commences to build without written permission and stamped plan approval from the ARB is subject to a fine of \$100.00 per day for every calendar day from date of starting construction (i.e. digging footings, clearing Lot to build) until receipt of approval letter from the ARB. The ARB reserves the right to bring legal action against Lot owners who start building without approved plans.
5. Any land disturbance must be stabilized within twenty-four (24) hours, failure of Lot owner or owner's agent to stabilize disturbed area shall result in a fine of \$100.00 per day levied by the ARB or the Association.
6. The ARB has created "Building Standards" which describe construction standards to be used as the criterion for the approval of proposed improvements. The ARB, or the Association shall have the power to modify, alter, supplement, or amend Building Standards at any time by an affirmative vote of sixty-seven percent (67.0%) of Lot owners, excluding Declarant, but such change shall not be effective as to improvements, which have previously been approved. Declarant will have the power to modify, alter, supplement or amend Building Standards at any time until they have conveyed all lots within ConTuck Preserve.
7. The actions of the ARB through its approval or disapproval of plans, and other information submitted pursuant hereto, or with respect to any other matter before it, shall be conclusive and binding on all interested parties.
8. All communications and submittals shall be addressed to ConTuck Preserve ARB, Ron Beck, 9920 Kinsey Avenue, Suite 210 Huntersville, NC 28078 – rbeck@waterfrontgrp.com or to any such address as the ARB shall hereinafter be designated in writing. The ARB shall reply in writing to all plan submittals within thirty (30) days of receipt hereof. The ARB shall have 30 days to approve complete plans that have been submitted by Lot owner(s) or builder.

The following are "Building Standards" as created by the ConTuck Preserve ARB:

Building Type:

- Stick built construction only (no mobile, modular or systems built homes).

Exterior:

- Block, brick, rock/stone foundation. Exposed concrete or block must have stucco applied on or before completion of home.
- Wood, log, rock/stone, stucco, brick and any combination is permitted. Vinyl and aluminum siding is not permitted, however fiber/composite cement siding is allowed, but samples must be provided to the ARB. Any siding made of materials other than wood must be approved by the ARB.
- Any new materials that are approved by the North Carolina Homebuilders Association May be considered and must be approved by the ARB.
- Exterior of homes must be of earth tone colors.
- Windows/doors must be of sound quality and workmanship and installed properly.
- No satellite dishes over 18 inches in diameter shall be permitted.
- No pre-fabricated, metal or plastic outbuilding will be permitted. Outbuildings must be constructed of similar materials and colors as the home. Exceptions for materials and colors of barns constructed on properties will be at the discretion of the ARB.
- Detached garages are permitted, but must be constructed of the same exterior material as the home.
- Roof-pitch must be a minimum of 6/12. This also applies to outbuildings and detached garages.
- No chain-link, barbed wire or other similar wire fencing allowed. All fencing must be constructed of wood, stone or wrought iron. Any other material used for fencing must be approved by the ARB before installation.

Contractor Responsibilities:

- Contractor must have proof of insurance; to include but not limited to transportation, workman's compensation and liability insurance of no less than one million dollars.
- Contractor may be required to provide references to ARB prior to plan approval.
- Contractor must provide one (1) portable toilet for each job site within the development. The contractor must present a maintenance agreement, which allows for weekly dumping/cleaning of portable toilet.
- Contractors must have a dumpster on site for each job site. Trash and excess/waste building materials shall be placed in dumpster at the end of each working day.
- The ARB reserves the right to levy fines of \$100 per day against contractors who do not adequately clean building site or do not have a functioning portable toilet.
- Building materials cannot be placed within road rights of way or utility easements.
- Contractor must assume liability for all construction vehicles that enter ConTuck Preserve en route to their job site, specifically overweight vehicles that damage road surface and negligence of operators. Concrete truck weight limit is 5 yards per truck.
- Contractor is responsible for actions of any/all subcontractors.
- Contractors/subcontractors are responsible for any cut, break or damage to underground utility caused by their negligence.

Lot Owner Responsibilities:

- Present 2 copies of blue line schematic drawings of home to ARB. Digital files of schematic drawings are also acceptable. Colors used on exterior of home must be included and color samples may be required.
- Present all materials requested on attached Architectural Review Checklist to the ConTuck Preserve ARB.
- Have permission of ARB before commencement of construction.
- Lot owner is responsible for agents, employees, contractors, subcontractors and assigns.

- If the lot has been improved (built upon), then the owners of the improved lot shall maintain their lot (s) to neatly kept and mowed condition. All stumps, brush piles and debris shall be removed from lot (s) or hidden from sight from the roadways.

Architectural Review Checklist:

Below is a checklist of items needed for house plan approval from the Architectural Review Board (ARB).

Preliminary Approval:

- 2 copies of preliminary site plan disclosing location of all improvements to be placed on lot (one copy will be returned to you and one copy will be kept and placed in your file). Digital files are acceptable as well.

Final Approval:

- 2 copies of schematic drawings of home (locating improvements on lot, showing elevations on all four sides, color schemes, building materials, and all site improvements, is recommended) (one copy will be returned to you and one copy will be placed in your file). Digital files are acceptable as well.
- Contractor/Builders name
- Proof of insurance (builders risk, auto & liability, workmen's compensation)
- List of Subcontractors to be used
- Copy of portable toilet and dumpster contract or receipt of payment
- Copy of signed disclaimer from Contractor
- General description of building materials

Upon receipt of all the above items, the ARB will respond within 15 days for Preliminary Approval and 30 days after all documents have been received for Final Approval. Copies of your correspondence to the ARB will be kept and placed in your file.

Neither the ARB, nor any member, employee or agent thereof, shall be liable to any owner of a Lot or to anyone submitting plans for approval or to any other interested party by reason of mistake in judgment, negligence, or nonfeasance in connection with the approval, disapproval or failure to approve any such plans or for any other action in connection with its or their duties hereunder. Likewise, anyone who submits plans to the ARB for approval agrees not to bring any action or suit to recover any damages against the Declarant, the ARB, or any partner, member, employee or agent of the Declarant or the ARB.

The ARB may make exceptions to the provisions herein, when, in its sole discretion, such exceptions would not be in conflict with the intended character of the property subject to this Declaration when fully developed and occupied in accordance with the developer's plans and objectives therefore.