

# ARCHITECTURAL GUIDELINES

## FOR

### WINDCHASE SUBDIVISION

***Revised and issued: April 1, 1999\****

Replaces: Windchase Architectural Guidelines by Bridgeview Properties, Inc.

Dated May 15, 1989

And Revised Edition Dated August 1, 1996

Approved by:

Board of Directors

Windchase on the Tar Homeowners Association

*\*All changes from August 1, 1996 Guidelines are in bold italics and are simply clarifications of previously existing Guidelines. In addition, a few items have been underlined for emphasis because of apparent unawareness of these elements by some property owners.*

# **INDEX**

## **SECTION I**

### **Architectural Standards Committee**

- |                            |        |
|----------------------------|--------|
| 1. Authorization           | Page 3 |
| 2. Scope of Responsibility | Page 3 |
| 3. Owner's Responsibility  | Page 3 |
| 4. Legal Considerations    | Page 3 |

## **SECTION II**

### **Architectural Guidelines**

- |                                 |        |
|---------------------------------|--------|
| A. Site Considerations          | Page 4 |
| B. Construction Considerations  | Page 4 |
| C. Architectural Considerations | Page 5 |
| D. Landscaping Considerations   | Page 7 |
| E. Other Considerations         | Page 7 |
| F. Repairs and Improvements     | Page 8 |

## **SECTION III**

- |                                   |        |
|-----------------------------------|--------|
| Application and Review Procedures | Page 9 |
|-----------------------------------|--------|

## **ATTACHMENTS**

- |                                     |         |
|-------------------------------------|---------|
| Construction Request Form (3 pages) | Page 10 |
|-------------------------------------|---------|

## **SECTION I**

### **ARCHITECTURAL STANDARDS COMMITTEE**

#### **1. AUTHORIZATION**

The establishment of an Architectural Standards Committee by the Board of Directors of Homeowners Association is provided for in Article IX, Section 1 of the Declaration of Covenants, Conditions, and Restrictions of Windchase Subdivision (hereinafter called Covenants). These Covenants further provide that the Architectural Standards Committee (Committee) is responsible to prepare architectural guidelines (Article IX Section 3). The objective of the guidelines is to fulfill the obligations and objectives created in the Covenants to preserve the aesthetic and monetary values of properties located in the Windchase Subdivision.

This document hereby constitutes the Architectural Guidelines prepared by the Committee. The Committee reserves the right to modify these rules if in the Committee's judgment a modification is in the best interest of Windchase.

#### **2. SCOPE OF RESPONSIBILITY**

Article IX Section 2 of the Covenants states that no building, fence, drive, pier, boathouse, boat slip, horse stable, radio or television reception devices, or any other structure or improvement shall be erected, placed or in any way altered on any lot until the proposed building plans, specifications, exterior color or finish and site plan is submitted to and approved by the Committee.

#### **3. OWNER'S RESPONSIBILITY**

The Owner and his agents recognize and will abide by the Covenants and the governing bodies created by the Covenants as filed, and by the Architectural Guidelines as presented by the Committee.

#### **4. LEGAL CONSIDERATIONS**

Waiver and Indemnification: The Owners agree that the Architectural Standards Committee performs its duties as set forth in Article IX of the Covenants to benefit the Property as a whole and are not entitled to any compensation for services performed. Accordingly, the Owners waive all claims against the Committee or its members for any breach of duty. The Association will indemnify and hold harmless the Committee and its members from such claims.

Non-Warranty: The Committee is not responsible for defects in plans, specifications or details submitted and approved nor for any structural or other defects in construction.



## **SECTION II**

### **ARCHITECTURAL GUIDELINES**

#### **A. SITE CONSIDERATIONS**

1. Dwelling sites should be chosen considering view, relationship to adjacent properties, accessibility and preservation and protection of as many trees on the property as possible.
2. Setbacks: Minimum setback requirements as defined in Article X, Section 2 of the Covenants are as follows:

Front:	50 R.
Side:	20 ft.
Side Street:	40 ft.
Rear:	30 ft.

However, the Committee reserves the right to recommend greater than the minimum setbacks in the spirit of item 1, above.

#### **B. CONSTRUCTION CONSIDERATIONS**

1. If driveway to the site crosses over a drainage channel, a state approved concrete culvert of appropriate size will be placed in the channel before driveway is constructed. Fill dirt will be compacted earth.
2. All construction operations will be limited to construction site. Street parking will be allowed to the extent not to hinder normal traffic. Off-site damage and spillage and its rectification will be Owner's responsibility.
3. All excavated dirt to be used as backfill must be stored neatly within the perimeter of construction site.
4. Recommended method of containing construction trash is placement of a large receptacle which should be emptied when full. Otherwise, on-site construction debris should be removed weekly.
5. A sanitary toilet must be provided within the construction site.

6. Tree debris generated during site clearing should be removed within thirty days. Burning of tree debris will be in accordance with Nash County regulations.
7. The construction of all houses and other structures must be completed within 12 months from the commencement of foundation work for houses up to 3,500 square feet and within 18 months for houses over 3,500 square feet. The Committee will consider extensions for reasonable cause if a timely notice of delay is submitted in writing.
8. Working hours on the site will be limited to 7:00 AM to 7:00 PM.

### C. ARCHITECTURAL CONSIDERATIONS

1. Size: The minimum heated area is 2,000 square ft. for the main dwelling. One and one-half story plans will have minimum 1,500 square ft. on the first floor and any two-story will have at least 1,100 square ft. on the first floor. Building heights will be governed by local building codes.
2. Type: Only buildings that incorporate permanent foundation structures will be allowed. This applies to the main dwelling as well as any outbuildings.
3. Style: Log homes and those styles which incorporate flat roof structures in their design such as Oriental and Adobe styles are not allowed. Recommended styles are English, French, Spanish, Country Rustic, Williamsburg, Colonial and Contemporary styles. However, the Committee will consider other styles within the context of limitations imposed by the Covenants and the Architectural Guidelines.
4. Exterior Siding: Brick, stucco, wood, or wood substrate siding materials are acceptable. Vinyl, metal, and concrete block exterior siding are not allowed.. ***Brick used as facing for the front of a structure only is also not allowed.***
5. Roofs: Roof slopes will be minimum 4/12 pitch. Flat roofs are allowed on porticos, porches and wings when aesthetically necessary for the style of the house. Barn style roofs such as mansard or gambrel roofs are not acceptable.

Roofing materials may be tile, timber (cedar shakes) or composites such as asphalt or fiberglass in timberline style. Metal roofs are not allowed unless it is determined by the Committee that they complement the overall design and style of the house.

6. Windows: Wood or clad wood windows are acceptable. Architectural metal windows will be considered if they are appropriate for the style of the house.
7. Front Entry Door: Solid core plank, wood, or metal clad doors are acceptable.



8. Porches and Decks: Porches, sunrooms, solariums and decks should be integrated in the overall design and not appear to be an afterthought. These rooms should complement the house in style, materials, and color. Underside of the decks should be screened so that cross bracing is not visible from any side.
9. Color Considerations: Acceptable exterior paint colors for siding or trim are white or earth tones or stains in natural wood tones. Accents such as shutters may be in white, black or other acceptable earth tone /dark shades. Front entry doors may be stained in natural wood tones or painted in acceptable earth tone/dark shades. In all cases, color samples must be submitted to the Committee for approval. Flashing if not copper, and vent pipes on the roof should be painted a color that matches the roof color.
10. Outbuildings: Any permitted outbuilding such as guest houses, pool houses, stables, boat houses, etc. will be of the same style, materials and quality of the main dwelling and same restrictions will apply.
11. Garages: Each dwelling will incorporate a minimum two-car garage in its design. If an attached garage is not suitable in the overall design, a detached garage of similar style and materials will be considered. Garage doors may face in any direction suitable for access, *with consideration given to the effect on adjacent properties*. Carports will not be allowed.
12. Chimneys: Chimneys should complement the overall house design in materials and construction. Location and height of chimneys should not create any fire hazard. Spark arresters should be used on all chimneys.
13. Exterior Mechanical Equipment: Air conditioners, well pumps, septic pumps, utility meters, etc. will be screened from view of the street or neighboring property with appropriate screening materials or shrubbery.
14. Trash Storage: Trash storage areas should be incorporated into the basic building design or screened so as to be hidden from exterior view.
15. Exterior Lighting: Exterior lights on posts at driveway entrance, front entry, decks and patios as well as landscape and accent lighting along the driveways and walkways are permissible. Any exterior lighting should not be objectionable to neighboring dwellings. Careful consideration should be given to the proportions of the light fixtures in relation to surrounding structures.
16. Utilities: All utilities including those from electrical, telephone and cable boxes must be underground.

17. Fuel Tanks: Fuel tanks will be underground or otherwise screened from view of street or neighboring property.

#### **D. LANDSCAPING CONSIDERATIONS**

1. Landscaping: A basic landscape plan should be submitted to the Committee with Construction Request Form. Basic landscaping should be in place on property within 120 days of occupancy or substantial completion, whichever occurs first. If there are cleared areas where future plantings and landscaping is anticipated, they should be covered with mulch or otherwise given a finished appearance.
2. Easements: The easements and right-of-way areas on each lot shall be maintained by the Owner. However, no structures, plantings, etc. which may interfere with maintenance of utilities or cause drainage problems should be placed in these areas.
3. Retaining Walls, etc.: Unfaced concrete blocks are not permitted for retaining walls or bulkheads. These structures should be designed to withstand normal forces of nature. Repairs should be made as soon as possible in the event of extreme occurrence. The backfill should be compacted earth.
4. Drainage: *Standard anti-erosion techniques such as French drains, stone filled runoffs, gentle swells, and underground or otherwise concealed water conduit are acceptable.*
5. Fences: Chain link, chicken wire and hog wire fences are prohibited. Unobtrusive privacy fencing will be acceptable. Accent fencing for landscape purposes will be similar to fencing at the entrance. Fences for stables will be similar to entrance fencing. Other types of fencing will be considered on a case by case basis by the Committee. *Fences with a more finished or "good" side must be built so that the "good" side faces out toward adjacent properties. Footprints showing the location of fencing must be submitted to the Committee along with a picture or sample of the material and finish to be used.*
6. Other: Firewood, clotheslines, dog pens, etc. should be placed such that they will not be obvious from the street and will be screened from the view of adjacent properties.

#### **E. OTHER CONSIDERATIONS**

1. Solar panels, satellite dishes, radio and television antennas, etc. will require very careful placement so as not to be an eyesore or nuisance to surrounding properties. Committee will approve such structures on a case by case basis.



Windmills are not allowed for energy generation, pumping, or decorative purposes.

2. Unless otherwise approved, driveways will be maximum 12 feet wide. Posts and any other structures at the driveway entrance will complement the materials used on the main dwelling. Excessive ornamentation is not acceptable.

The following lots will have their main driveway entrance on the streets shown below:

Lot # 24 and 27 (Block A) Old Bay Court

Lot # 4 (Block A) Bridge Tender Circle

3. Signs are not allowed to be displayed on any property except one "for sale" sign, builder's sign during construction and the house number sign as required by Nash County regulations.
4. Mailbox posts which incorporate newspaper slots should be used. Newspaper tubes supplied by paper carriers are not permitted.

#### **F. REPAIRS AND IMPROVEMENTS**

1. All rules and regulations for new construction also apply to any major repairs or improvements. Major repairs include repainting of exterior surfaces.



## SECTION III

### APPLICATION AND REVIEW PROCEDURES

1. No clearing or construction shall start until approval from the Committee is obtained. This does not include cleaning the property of trash, undergrowth vines etc. prior to construction.
2. The review and approval procedures described in this section will apply to all new construction as well as modifications, additions and major landscaping to existing houses. Repair requests do not need to include site or building plans unless structural changes are made.
3. The Owner will submit the following documents to the Committee for approval:
  - a. A site plan which shows the approximate dimensions of the area to be cleared, the location and dimensions of the building(s), driveway, parking, *any fences*, and septic field (approved by the Health Department) including distances from the property lines.
  - b. A set of building plans showing the floor plan and all exterior elevations. *Color samples of all exterior finishes must be provided as necessary.*
  - c. Two copies of "CONSTRUCTION REQUEST FORM", completed and signed.
4. The Committee will review the request and notify the Owner(s) of their decision by returning an approved copy of the "Construction Request Form". A partial approval may be granted in the absence of information listed in item 2.d. However, approval must be obtained for exterior color scheme prior to proceeding with any exterior finish work.
5. The Committee meets the first Monday each month and will respond to requests within 10 days after each meeting. Incomplete applications will not be approved.
6. The Committee reserves the right to grant variances to established rules. The Owner(s) must submit a written request describing the variation and stating the justification. The Committee will review the request and notify the Owner(s) of their decision in writing.

# WINDCHASE ON THE TAR

## CONSTRUCTION REQUEST FORM

LOT NUMBER: \_\_\_\_\_  
NAME: \_\_\_\_\_  
CURRENT ADDRESS: \_\_\_\_\_  
TELEPHONE NO: \_\_\_\_\_

Acknowledgment: I/we have read and understand the Architectural Guidelines of Windchase Subdivision, revised and reissued as of April 1, 1999. *I/we also understand that the Architectural Standards Committee has the right to inspect our property during construction to insure that the construction is consistent with the plans as submitted and approved.*

Signature \_\_\_\_\_

Documents included:

Site Plan \_\_\_\_\_  
Building Plans (*fully accurate as to all exterior design features and surfaces*) \_\_\_\_\_  
Color Samples Collage \_\_\_\_\_

Note: Approval cannot be granted for any request until the required documents are received by the Committee. **ANY CHANGES WHICH ALTER THE INFORMATION SUBMITTED FOR APPROVAL MUST BE RECONSIDERED BY THE COMMITTEE PRIOR TO IMPLEMENTATION.**

Request for:

New Construction	_____	Description	_____
Modification*	_____	Description	_____
Major Repairs*	_____	Description	_____
Major Landscaping*	_____	Description	_____

\*Complete applicable sections

1. Architectural Style: \_\_\_\_\_

2. Size (main dwelling):

1st floor	_____
2nd floor	_____
3rd floor	_____



3. Exterior Siding: Material \_\_\_\_\_ Color \_\_\_\_\_
4. Exterior Trim: Material \_\_\_\_\_ Color \_\_\_\_\_
5. Exterior Accents: Material \_\_\_\_\_ Color \_\_\_\_\_
6. Roof: Type/Material: \_\_\_\_\_ Color \_\_\_\_\_
7. Windows: Style \_\_\_\_\_ Type \_\_\_\_\_ Color \_\_\_\_\_
8. Garage: Attached/Detached \_\_\_\_\_ Size \_\_\_\_\_
9. Deck: Location \_\_\_\_\_ Size \_\_\_\_\_  
Material \_\_\_\_\_ Finish \_\_\_\_\_
10. Other Structures: Guesthouse \_\_\_\_\_ Size \_\_\_\_\_  
Pool House \_\_\_\_\_ Size \_\_\_\_\_  
Swimming Pool \_\_\_\_\_ Size \_\_\_\_\_  
Other \_\_\_\_\_ Size \_\_\_\_\_
11. Fences: Location \_\_\_\_\_ Style \_\_\_\_\_ Height \_\_\_\_\_  
Material \_\_\_\_\_ Finish \_\_\_\_\_
12. Driveways: Width \_\_\_\_\_ Material \_\_\_\_\_
13. Piers: Size \_\_\_\_\_ Material \_\_\_\_\_
14. Boathouse: Size \_\_\_\_\_ Material \_\_\_\_\_
15. Major Landscaping: Details \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Completion:      Start Date \_\_\_\_\_  
                                 Completion Date \_\_\_\_\_

Date Submitted: \_\_\_\_\_ Signature: \_\_\_\_\_

**Comments by Architectural Standards Committee:**

---

---

---

---

---

---

---

**Date Approved:** \_\_\_\_\_ **Approvals:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_