# THE
# DURANT TRACE COMMUNITY

# HEATHROW HOMEOWNERS ASSOCIATION, INC.

## ARCHITECTURAL
## RULES AND REGULATIONS

Revisions as of July 15th, 2009

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## Mission Statement

1. The Durant Trace Community brings together many of the best loved elements found in classic neighborhoods such as architecturally diverse homes, walking trails and green spaces. Our mission is simply to preserve the beauty, maintain the property values and enhance the character and appearance of our community.

## Architectural Review Authority

1. The Architectural Control Committee (ACC) is authorized by the Heathrow Homeowners Association's Board of Directors to fulfill a requirement in the Association's Declaration of Covenants and Restrictions. If you do not have a copy of the Declaration, please request a copy from Pindell-Wilson Property Management ("Management") at www.pindell-wilson.com. A digital copy of the Declaration of Covenants and Restrictions is available online in the Durant Trace web site at www.duranttrace.org/index.

## Introduction

1. These Architectural Rules embody the spirit/vision of the Durant Trace Community and serve as a framework for the architectural integrity and appearance of the community now and into the future. These Rules are the primary method for communicating the need for establishing and maintaining the architectural consistency and diversity for the Durant Trace Community to the homeowners and builders.

2. An Application for Architectural Improvement is available at the end of this document and upon the HOA's website. The application is reviewed and decided upon by the ACC at regularly scheduled meetings that typically occur once per month.

## The ACC Review Process

1. The homeowner communicates their plans for construction, modifications, and/or additions to the ACC by completing and submitting an Application for Architectural Improvement. Submittal instructions are on the application.
2. Home additions, exterior alterations and color changes, exterior structures, and significant landscaping activities require formal ACC review and approval. It is the sole responsibility of the owner to insure complete compliance with all relevant building practices, code, permits, and licensing requirements. Fines, as explained later, shall be levied against those whom proceed without approval from the ACC.
3. The ACC will review each proposal and determine if the proposal is 1) Approved, 2) Approved with conditions, 3) Revise & resubmit, or 4) Disapproved. Owners may request to discuss their request in person at the ACC meeting.
4. The homeowner will be notified by Management of the ACC decision
5. If the application is approved or approved with conditions, the project can commence as approved. If the homeowner does not agree with the approval conditions, the homeowner should contact the ACC through Management to discuss a resolution.
6. If the application needs to be resubmitted, then either the original application was incomplete or questions arose during the review which could not be answered by the information that was provided.
7. If the application is disapproved, the homeowner may submit a new application addressing the identified concerns. If the homeowner does not agree with the decision, the homeowner should contact the ACC through Management to discuss a resolution.
8. Neighbors may comment and present their views to the ACC at regularly scheduled meetings.
9. Property owners are cautioned that if buildings and other property improvements infringe on easements, buffers, or access to right-of-ways, they are subject to removal.
10. Failure to follow ACC Rules and/or comply with the approved plan may result in a request to remove/correct out-of-compliance modifications/constructions. Refer to the Compliance/Enforcement section of The Declaration of Covenants, which is incorporated into the homeowner's property deed.

1. This section provides Rules regarding exterior architectural situations frequently encountered in the Durant Trace Community. Generally acceptable methods for achieving the required objectives and standards are indicated. These are suggested methods rather than mandatory methods. In addition, specific things not permitted in our community are included. Merely following the guideline does not guarantee automatic approval of the application: All applications must follow the approval process.

2. In general, home additions, exterior alterations or color changes, exterior structures, and significant landscaping activities require formal ACC review and approval. Any permanent structure needs to conform to these Rules. The ACC cannot envision everything that could be put on a home or in a backyard and unless specifically indicated otherwise, an application should be submitted.

3. A schedule of fines has been adopted so that Homeowners do not by-pass the proper review process. Failure to submit an ACC application or proceeding with work prior to receiving ACC approval will be met with a fine. A homeowner's failure to pre-plan and account for adequate ACC review time is not an excuse for proceeding with a project prior to receiving approval. If a homeowner proceeds with work prior to submitting it to the ACC for consideration, their application may be remanded to the HoA Board and disciplinary action may be taken.

**Fines**

1. Fines are assessed per the HOA Covenants.

2. In general, if an individual modifies their property without consent and the ACC/Board do not approve of the change, fines shall be assessed at a rate of $50 for the first week and $100 for every week thereafter until the modification is remedied to the satisfaction of the ACC and the Board. Fines may accrue indefinitely.

**Arbors/Pergolas**

1. Arbors/pergolas shall be located to the rear or side of the property, consistent with the scale of the house, and be an integral part of the landscape design. They shall not obstruct the view from a neighbor's property. They can be left natural or painted/stained. If painted, they must be white or match the trim or dominant color of the house.

**Awnings**

1. Awnings may be appropriate for rear or side-yard patios and decks, or even exposed rear entrances. Awnings located on the front of the house must be black.

2. Awnings must be consistent with the architectural style and scale of the house. Awnings must be clad with heavy, weather- and fade-resistant nylon fabric, marketed specifically for use as exterior awnings (example: Sunbrella). The color of the fabric must be compatible with the existing house colors. Any exposed frames must be painted to match the trim or the dominant color of the house. Glossy sheen paint is not permitted. Metal and fiberglass awnings are not permitted.

**Decks**

1. The lower portion of all decks shall be enclosed or screened. Lattice, if used, should be wood or vinyl and, if colored, complement the house colors. Lattice must be framed between structural members and may be held off ground up to approximately 6" to prevent discoloration from contact with soil. Lattice is not necessary where the finished deck floor level is less than 2'-0" above finished grade but additional landscape screening must be used as a solid screen to provide a visual barrier below the deck. Evergreen or comparable shrubs and lattice must be used for decks over 3'-0" above grade.

**Detached Structures**

1. All detached garages, carports, and detached buildings must be consistent with the overall design and color scheme of the house. Detailing must be consistent with the design, material, and colors of the house. Plans for the proposed structure must show all views, with all dimensions clearly marked. Landscape plan should be included.

2. Flat roofs are not permitted.

3. All detached structures are reviewed on a case-by-case basis and must be in compliance with Wake County and the City of Raleigh's building codes, rules, regulations, and ordinances. www.raleigh.gov The zoning Code of Ordinances Part 10 spells out exactly what is allowed. Durant Trace is zoned R-4.

**Dog Houses & Runs**

1. Doghouses shall be located so as not to be obtrusive. They shall be painted to blend with their immediate surroundings, left to weather naturally, or painted to match the house.

2. Landscaping and/or fencing may be required to visually soften the structures.

3. Dog runs are not allowed.

4. The City of Raleigh regulations regarding providing shelter and water for dogs kept in the back yard shall apply.

**Driveways & Walkways**

1. Vehicles are to be parked in garages and driveways only. Street parking on a regular basis is not permitted.

2. Driveways and vehicle parking pads must be paved with a hard surface material such as concrete, exposed aggregate in concrete, concrete pavers or brick pavers. Any type of pad other than naturally colored concrete must be reviewed and approved by the ACC on a case-by-case basis.

3. Concrete pads adjacent to existing driveways are subject to above requirements and approval by the ACC.

4. Boats, trailers, and other recreation vehicles that are stored outside are allowed for no longer than two weeks at a time. Permanent parking of these items is not permitted. Vehicles kept in a garage are not subject to this requirement.

5. Parking and storage of trailers, camping trailers, boats,, recreational vehicles, etc. are permitted on the homeowner's property (not the front yard) if totally screened from view of street and neighbors (e.g., landscaping, fencing, garage storage, approved additional storage building, etc.). Any such screening proposal is reviewed on a case-by-case basis by the ACC.

**Fences**

1. Fences can serve many purposes. Careful consideration shall be given to the fencing concept and execution, and shall be consistent with the need for fencing and the open character of the community. "Open" style fencing is preferred with a minimum gap spacing of 1" between pickets. All fence details and location must be reviewed and approved by the ACC. A plot plan must be included to portray the location of the proposed fence.

2. Chain link fences are not permitted.

3. All fences must be properly maintained and in good repair. Good repair means no holes, rotting posts, unsightly peeling paint and other forms of deterioration.

4. Fences on the side yards may align with the front edge of house, but may not project past the front of the house into the front yard. Fences in side yards of corner lots shall not project any closer to the side street than the property line. Variations on these will be reviewed by the ACC on a case-by-case basis.

5. All applications for fences must include the following:

    a. A plan for landscape screening must be included for all sides facing the street, with installation of the approved plan within sixty (60) days of fence completion.
    b. A signed acknowledgement from neighbors if proposed fencing is to tie into their existing fence.
    c. Avoid placing fences on easements if possible.
    d. Homeowner fences must not extend onto Durant Trace Community common property.

6. Fences in side and rear yards may remain unfinished, but are to be maintained in acceptable condition.

7. Side and rear fence height must not exceed 5'-0" (4'-0" is recommended). The lower section may be "semi-solid" (i.e., 1" spacing between pickets) up to 4'-0" with the upper remaining 1'-0" section being horizontal or diagonal lattice, vertical pickets, or other approved open screening.

8. Fencing shall be a visual extension of the house and shall relate to the materials, colors, and architectural style of the house.

    a. Materials that are acceptable for fences are pressure treated wood and vinyl.
    b. Colors automatically approved are white and "natural"; all other colors require ACC approval.

9. Fencing finished on only one side must be constructed with the finished side facing out.

10. Existing topography, drainage, and landscaping shall not be disturbed for the construction of a fence except with the review and approval of the ACC.

11. Wherever feasible, fences shall be located so that trees do not have to be removed.

12. Split rail or horse-farm type horizontal railing fences are not permitted.

**Garage Doors**

1. Garage doors shall be painted to match the trim or dominant color of the house. The garage color must be specified on the application for house paint approval.

**Garbage & Recyclable Containers**

1. All garbage and recyclable containers and receptacles shall be located inside house or garage or totally screened from view of street and neighbors in an unobtrusive manner.

**Holiday Decorations**

1. Holiday decorations are encouraged and do not require approval of the ACC. All such decorations shall be limited to 35 days before and 15 days after the holiday. Concerns regarding these decorations shall be addressed to Management.

**Landscaping**

1. The following are minimum landscaping requirements for our community. All yards shall be maintained to a minimum guideline. The ACC may request additional landscaping to create adequate screening and privacy from the street and adjacent lots. The City of Raleigh Zoning Ordinance has requirements for landscaping that apply in Durant Trace.

2. A landscape plan should be submitted if the homeowner plans significant changes to the landscaping in their yard. It is not necessary to prepare an application if changes only affect non-perennial vegetation.

3. Encroachment Permits are required by the City of Raleigh for irrigation systems located in the public right-of-way.

4. Rear decks that are visible from the street or adjacent lots must be underpinned and/or landscaped for screening. Evergreen shrubs or lattice is required for decks over 3'-0" above grade.

5. Home Owners are encouraged to consult the City of Raleigh and NC State websites for drought-resistant and drought-tolerant turf grass, shrub and tree information.

**Lighting**

1. Post lights are acceptable, but the location of their installation is subject to review. Posts shall be black or painted to match or complement colors on house. Size and fixture shape shall be consistent with or complement house and overall neighborhood style.

2. Landscape lighting shall be low intensity, and when used, shall be used to accent entrances and special features. Intensity shall be no greater than required for pedestrian safety. Accent lighting is typically at ground level and not located above ground (e.g., not in trees), except for low post type lighting. In all cases, lighting must be compatible with the general tone and design of the neighborhood.

3. Exterior lighting shall be shielded so as to not affect neighboring properties.

**Mailboxes**

1. All mailbox posts must be painted white and in good repair, mailboxes painted black.

**Paint Colors**

1. Color schemes outside of the color scheme initially approved for the property will be reviewed on a case-by-case basis. Homeowners wishing to change the color of their house must present paint swatches for all aspects of the house (body, trim, accents, and front door) for ACC review and approval.

2. Gutters and downspouts shall be colored to match the color of the adjacent fascia board, corner trim, and columns.

3. Accent colors on doors, upper gable ends and dormers, etc. are acceptable.

4. Color changes must meet with ACC approval. ACC will take into consideration the colors of neighboring homes before issuing its determination. If a homeowner is changing the color of their home, the color choices of their neighbors will have bearing upon the application as variety is desirable within the neighborhood and the ACC does not want to have three homes of similar color in a row, or an overabundance of similar colors on the same street.

**Patios**

1. Patios shall be located at the rear of the house.

2. Size of the patio shall be consistent with the size of the house and lot.

3. Patios shall be constructed with natural colored concrete, slate, flagstone, brick, or pressure treated wood stained or left to weather naturally. If constructed of stone, brick, etc, it must be set on a paver base material such as sand or crushed stone.

**Play Equipment**

1. In general, play equipment shall be placed in rear yards. Consideration shall be given to lot size, equipment size, material, design, amount of visual screening, and relationship to neighboring property.

2. Play equipment should be constructed from natural materials, if at all possible.

3. Play equipment, not including wearing surfaces (e.g., slides sliding poles, and climbing rungs), shall be painted or colored to blend with the natural open space or with the colors of the house.

4. Tree houses are generally discouraged and must be reviewed on a case-by-case basis. Detailing must be consistent with the design, material, and colors of the house. Tree houses shall be visibly attractive and structurally safe. The homeowner must explicitly stipulate in writing that no damage to live trees will occur as a result of this structure.

5. Playhouses, as well as play equipment, shall be screened by natural vegetation or additional landscaping.

6. Permanent skateboard, bike, and other type ramps are not permitted. Temporary ramps are permitted but should not be visible from the street for more than 3 consecutive days. An application for temporary ramps is not necessary.

7. Basketball goals and other similar equipment must be pole mounted and not affixed to the house or garage.

    a. Backboards must be perpendicular to road if the post is located street side on the property.
    b. Wooden posts are not permitted.
    c. All goals must be approved by the ACC.

8. Trampolines shall be placed in rear yards and *not visible from the street*.

9. Placement of play equipment on common property is not permitted.

**Pools**

1. In-ground swimming pools are permitted and must be reviewed on a case-by-case basis prior to beginning construction. It is the homeowner's responsibility to ensure that pools comply with all local, state, etc., safety codes, and requirements.

2. Above-ground swimming pools are not permitted; this does not pertain to "kiddie pools", but such pools should be kept in the rear yard and out of sight from the street.

3. Pool enclosures, for children's safety or other reasons, will be reviewed by the ACC on a case-by-case basis and are subject to local laws and ordinances.

**Porches**

1. Modifications to existing front porches shall be in keeping with originally-approved (or modified) house style and colors.

2. The lower portion of all porches must be enclosed. Lattice, if used, should be wood or vinyl and, if colored, complement the house colors. Lattice must be framed between structural members and may be held off ground up to approximately 6" to prevent discoloration from contact with soil

3. Closed-in rear porches are acceptable.

**Retaining Walls**

1. Retaining walls shall be unobtrusive as possible and built to the minimum height needed to serve their function and satisfy local code requirements.

2. Materials may be brick, natural stone, square corner timbers, or concrete, depending on location and contextual relationship. Generally, rounded landscape timbers are not acceptable due to their lack of stability when used to retain earth, the strong horizontal lines created by the juxtaposition of the timbers, and their overall appearance.

3. The ends of the walls shall be tapered into the ground rather than abruptly ending above ground. If the height of the wall would require a railing to comply with county and city building codes, the applicant shall consider stepping the wall in a terracing effect.

4. Landscaping and/or screening should be used to soften the visual impact of retaining walls.

**Satellite Dishes**

1. Dishes larger than 1 meter in diameter are not permitted.

2. In general, installation of a satellite dish does not require an application, but is subject to the rule above.

**Screen & Storm Doors**

1. Front storm doors may be painted, but color selection is subject to ACC approval. Full view doors are encouraged. Hardware shall be compatible with that of the entrance door. Storm doors generally have interchangeable glass and screen panels.

2. On the back or sides of the house, a screen door or storm door is acceptable and can be white, black or match the entry door color. Screen doors can be constructed from metal, wood, or vinyl. Hardware shall be compatible with that of entry door.

**Setbacks**

1. Homeowners should contact the City of Raleigh for the setback requirements for their lot in Durant Trace.

**Siding**

1. All siding changes must be approved by the ACC.

2. Siding on additions shall be compatible in material, style, and color with already-approved schemes.

3. Modifications to existing siding (e.g., replacement, color changes) must be compatible with existing schemes. Proposed use of newer composite or synthetic materials will be reviewed on a case-by-case basis.

**Spas & Hot Tubs**

1. Spas and hot tubs shall be located in the rear yard away from the adjacent property so that their use, presence, and noise of the mechanical equipment do not adversely affect the use of the adjacent property. They shall be screened from adjacent property with fencing, lattice, and/or landscaping.

2. Spas and hot tubs shall be designed to be an integral part of the deck, patio, and/or landscaping. This includes design of screening.

3. All necessary permits are the responsibility of the homeowner.

4. Mechanical equipment, pipes, and wiring shall be concealed. The understructure of spas/hot tubs set into raised decks must be screened with appropriate material.

**Tree Removal**

1. Live trees, the trunks of which are six or more inches in diameter as measured two feet above grade, must not be removed without prior review and approval.

2. Removal of live trees will be approved if their continued existence is determined to be detrimental in some documented form. “Detrimental" conditions include physical intrusion by trees, roots, and branches on buildings or other structures in a way that could cause damage, excessive shade, or could block paths and sight lines from vehicles. Overgrowth may also be considered detrimental. The ACC or the City of Raleigh may require replacements for removed trees.

**Trim**

1. Trim on additions must be compatible in material, style, and color with already-approved schemes. Proposed use of newer composite or synthetic materials are acceptable as replacement or on additions, but will be reviewed on a case-by-case basis by the ACC.

2. Modifications to existing trim (e.g., replacement, color changes) must be compatible with existing schemes and materials.

**Variances**

1. Variances from these Rules will be reviewed by the ACC on a case-by-case basis. Approval of a variance is not a blanket approval for subsequent similar requests.

**Yard Ornamentation**

1. Yard ornamentation includes, but is not limited to, such items as planters, decorations, statues, birdbaths, other decorative items. Most exterior furniture such as chairs, benches, lounges, and tables is not acceptable yard ornamentation, though such items are permissible on front porches. In general, yard ornamentation must be compatible with the general tone and design of the neighborhood.

2. Items normally kept on porches do not require approval unless a specific complaint has been received.

3. Items in enclosed areas do not require approval unless a specific complaint has been received.

4. Items such as benches, planters, statues, sculptures, fountains, and birdbaths should complement surrounding landscaping and overall house design and colors. These items do not require approval unless a specific complaint has been received.

Application for Architectural Improvement

| | | |
|---|---|---|
| Applicant's Name: | | |
| Address: | E-mail: | |
| Daytime telephone: | Evening telephone: | |
| Date of Application: | Intended Start Date: | Intended Comp. Date: |

## Step 1- Description

Please provide a detailed description of the nature of the request. It is helpful to include digital pictures of existing conditions, plot renderings showing boundaries and building locations, landscaping plans of future work, color samples, or architectural renderings of proposed changes. Use additional sheets as necessary.

## Step 2- Inform Neighbor

All property owners adjacent to the applicant and those who would normally view the improvement from their property must sign below. "Agreement" or "Disagreement" by a neighbor does not determine the Committee's decision. *Neighbors are encouraged to contact the Committee to voice their concerns or support for a project.*

| Name | Signature | Address | How do you feel about the improvement? | | |
|---|---|---|---|---|---|
| | | | Agree | Disagree | Don't Care |
| | | | ☐ | ☐ | ☐ |
| | | | ☐ | ☐ | ☐ |
| | | | ☐ | ☐ | ☐ |
| | | | ☐ | ☐ | ☐ |

## Step 3- Sign & Deliver

☐ By initialing here, I certify that in lieu of a recorded plat map, the attached rendering is true, complete, and correctly drawn to scale to the best of my knowledge. As lot Owner, I accept liability for any inaccuracies that may be proven in the future and release the Association, Management and its Agents from any responsibility.

☐ By initialing here, I acknowledge that the Association reviews applications primarily based upon the aesthetic qualities and to a lesser degree, basic construction practices. I, as an Owner, and my contractor are responsible for determining and ensuring that all applicable municipality, county, and state requirements are met and that all necessary permits, variances, etc. are obtained.

_____ _____
Applicant's Signature
Date

***Scan and e-mail to:*** *ACC@DurantTrace.org*
***Or Mail to:*** *Pindell-Wilson Property Management, PO Box 20969, Raleigh, NC 27619*
***Or Fax to:*** *(919) 676-2721*

*Committee Use Only:*

| | |
|---|---|
| Date Received: | ☐ Approved ☐ Not Approved ☐ Approved with conditions: |
| Date Returned: | Conditions: |
| *The Committee shall attempt to review & respond within 15 days time.* | |