

ARCHITECTURAL CONTROL: CONSOLIDATED POLICIES, PROCEDURES and GUIDELINES: Current and approved by the Board February 15, 2021.

Note: Please discard earlier editions as their content is no longer applicable.

The FHA Board of Directors (Board) is responsible for maintaining the harmony and integrity of the external design and appearance of the FHA community. The governing Falconbridge Covenants require that any addition to or change in or alteration of any building must conform with basic design criteria set forth in the Covenants and be in harmony with the external appearance of surrounding buildings. The Architectural Control provisions of the Covenants give the Board final authority and responsibility for insuring compliance with applicable architectural and appearance standards.

These Policies and Guidelines are provided by the FHA Board to clarify how the Declarations of Covenants Conditions and Restrictions are to be interpreted with regard to (1) the responsibilities respectively of FHA and individual owners for exterior changes or additions to existing structures within the community, and (2) the maintenance of the integrity and harmony of the external design of the Community. (See the relevant sections of the Covenants on the last page of this document).

APPLICABLE CRITERIA

In addressing its oversight responsibility, the Board distinguishes among four separate categories of exterior changes, replacements or additions permitted by homeowners:

- **Architectural design criteria established by Falconbridge covenants**, such as types of siding, doors, windows, patio walls, skylights or decks. No homeowner proposal may be implemented without the advance approval of the Board.
- **Changes in the original built structure of the residence**, such as changing the footprint of the building by adding a room, enclosing a deck or patio, removing a deck or patio, constructing a fence, adding a patio enclosure, installing a hot tub, spa or pool, or any change which requires a building permit or other application materials from Durham County. No homeowner proposal may be implemented without the advance approval of the Board.
- **Any other changes in the appearance of the residence that would be visible from common area sidewalks, streets or parking lots**, such as changing the color of the outside of a patio wall or a garage door, or installing shutters, awnings, sunscreens/sunshades, TV antennas, satellite dishes, solar panels, electrical vehicle chargers or decorative objects. No homeowner proposal may be implemented without the advance approval of the Board.
- **Changes in appearance of the residence that would not be visible from common area sidewalks, streets or parking lots**, such as lighting fixtures, ornamental or decorative adornments to the building, door knobs or locks, the interior surface of patio walls, front door colors, patio umbrellas or rain barrels.

REQUIRED PROCEDURES

When in doubt, any homeowner may confer informally with the Architectural Control Committee (Committee) to determine whether the proposed change is one that would or would not require Board approval. To proceed without this step, the Application for Architectural Review may be found at: **Falconbridgehoa.org**.

The completed application, accompanied by all necessary supporting documents, should be sent to our Community Manager, whose contact information can be found on the Application form. When received, the application will be reviewed for completeness, then forwarded to the Committee Chairperson for evaluation and recommendation(s). The Committee chair will bring

the application and the Committee's recommendation(s) to the Board for a decision. The Board is required to render its decision within thirty (30) days following receipt of the Homeowner's complete application by the Committee. *However, any application which is incomplete or, by the nature of the request, needs additional information, will be denied and returned to the homeowner.*

When the application has all the requested information, it should be re-sent to the Community Manager who will forward it to the Committee chair. The Chair will bring the application and her/his recommendation to the full Board for a vote. Said vote must take place within thirty (30) days of the Committee chair's receipt of the resubmitted application, otherwise the application is deemed automatically approved.

Note: If a change requiring Board approval is implemented without advance approval, the change must be reversed or undone by the homeowner, at the homeowner's expense, with the property returned to its original condition. If not returned to its original condition within a reasonable time as directed by the Board, the Board may contract for the necessary work at the homeowner's expense.

GUIDELINES FOR SPECIFIC UNDERTAKINGS

These Guidelines address the most common requests from homeowners. If a request you are making is not discussed here, the Committee may request additional information from the Homeowner in advance of reviewing the application.

1. **Solar Panels:** The homeowner is responsible for maintaining any installed solar panel and is responsible for any damage to the roof or other parts of the structure caused during installation or removal or reinstallation incident to roof repair or replacement. Upon sale of the townhome, these responsibilities convey to the new owner. For purposes of review and approval of the **location** of the solar panel, a proposal shall be submitted to the Committee. The Board, represented by a member of the Committee, shall, in concert with the homeowner, determine the location of the panel(s) so that the equipment is as unobtrusive as possible. A Committee member shall be present at installation in order to provide on-site approval of the location of the equipment. Should a solar panel be installed in an unacceptable location without Board approval, the Board may require the homeowner to relocate the device.

2. **Attic Fans:** The homeowner may install attic fans on roofs at their own expense, with maintenance of such fans the homeowner's responsibility. No prior approval is needed.

3. **Skylight Replacement:** If for any reason the homeowner desires to replace a skylight that is not leaking or is not otherwise damaged, a request must be submitted to the Committee, and the cost of any Board approved replacement must be borne by the homeowner. Prior approval is needed.

4. Patio Umbrellas, Rain barrels, Clotheslines:

Patio umbrellas are permitted within courtyards or patios and on decks. Such umbrellas must be unobtrusive, of a neutral color compatible with the colors of exterior siding and trim of the townhome, and not highly visible from the street or parking area. It is the homeowner's responsibility to maintain and clean the umbrella as needed.

Rain barrels are permitted on rear areas of a townhome, or inside an enclosed front patio, as long as it is not visible from the front sidewalk or parking area.

No prior approval is needed for patio umbrellas or rain barrels that meet these criteria.

Clotheslines: Clotheslines are permitted as freestanding racks that are not visible above courtyard walls.

5. Awnings, Sunscreens/Sunshades:

Awnings may be placed on rear areas of a townhome. Awnings may be cable, retractable, motor or hand-rolled. They may not exceed in size the scale of the footprint of the rear deck or patio. Awnings must be of a neutral color compatible with the exterior siding and trim of the townhome. It is the homeowner's responsibility to maintain and clean the awning as needed. The FHA is not responsible for any damage to the awning during its installation, or during townhome exterior painting or maintenance, or roof repair or replacement. Awnings require prior approval.

Sunscreens/Sunshades are permitted on front windows, subject to the same color restrictions as for awnings. All sunscreen/sunshade applications require prior approval.

6. Decorative Objects:

Decorative objects may be placed in a front garden/yard following review and approval by the Board. Factors used to determine approval include the object's dimensions, color, materials and design. In addition, the overall number and size of objects in any single garden/yard will also be considered when reviewing each new request from the same homeowner. Since the FHA Board is charged with the responsibility to maintain the harmony and integrity of the external design of the Community, the Board will use its best judgement in deciding whether the object in question does or does not meet these criteria in arriving at a decision to approve or deny the request. **Note:** No decorative object, whether owned or donated, may be placed by a homeowner in any common area.

7. Fencing:

A. Fences may be installed only in the rear yard of the townhome and may not extend outside of the officially surveyed plat of the townhome. The homeowner must submit a copy of her/his plat survey with the application.

B. The fence may not exceed six (6) feet in height. It must be constructed of wood that matches in appearance that of the residence siding and painted to match the color of the residence siding. The fence must be designed in conformity with specifications prescribed by the Board to insure compatibility with other built structures in the community.

C. Concurrent with submitting an application for fencing, the homeowner must create a visible outline of the proposed fenced area by placing stakes at each corner, equal in height to that of the proposed fence, with the tops of the stakes connected by highly visible tape. The owner of every residence who would be able to see the mockup of the proposed fence from their residence shall be notified by the ARC of their opportunity to review the mockup and inform the Committee as to whether or not they object to the proposed installation. If any such resident does object, the fencing request will be denied.

D. Consistent with its responsibility to maintain the physical harmony and integrity of the community, the FHA Board of Directors may deny a request for fencing if, in its judgement, such an installation at the requested location would detract from the appearance of the community.

E. The homeowner shall be responsible for any personal injury and any damage or destruction of the homeowner's property, the property of adjacent homeowners or the common property during installation, maintenance or removal of the fence.

F. Installation of a fence may not block any walkways or impede access to any easement for any utility's cable, line, wire, pipe or other conduit.

G. No tree may be removed in connection with fence installation without the permission of the ARC.

H. The homeowner shall be responsible for all costs associated with maintaining and repairing the fence, as needed, including FHA costs in painting the fence in accordance with the regular residence painting schedule. If the fence is not properly maintained, the homeowner will be

required to remove it and return the property to its pre-installation condition. In the event to homeowner fails to remove the fence and restore the property within a reasonable period of time as directed by the Board, a contractor will be hired by the Board to accomplish the removal and/or restoration, and the homeowner will be charged accordingly.

I. In any case in which these regulations conflict with any provision of the Covenants, the Covenants are the governing instrument.

8. Patio Enclosures:

Patio enclosures are distinguished from fences by their location, in that they may not extend beyond the cement edge of the patio. If the intended enclosure exceeds the patio, it shall be considered a fence, and will need to follow the fencing policy outlined in this document.

Patio enclosures of any kind require prior review and approval by the Board. Applications should contain all pertinent information such as materials, dimensions, drawings, colors. In addition, include approval signatures from next door neighbors and all other homeowners with a direct view of the enclosure.

9. Pools, Spas and Hot Tubs:

Along with the application, please include the following:

A. Both a Building Permit and a completed Residential Small Project Review Checklist* from Durham County is required for any pool, spa or hot tub, confirmed in the application over the Homeowner's signature.

B. Plat map of the property if required by Durham County.

C. The plan to secure a locked barrier around or over the installation to prevent an accidental drowning. If planning to use a fence, follow the fencing policy guidelines.

D. Plumbing: plans for disposal of water from the tub, spa or pool.

E. Drawings of the area where the installation will be located, with scale and dimensions.

F. Full description and specs for the product selected including colors and photos if available.

Checklist: <https://durhamnc.gov/DocumentCenter/View/34361/5-Checklist-for-Pools-Spas-Hot-Tubs-10-26-20>

10. Location of Exterior TV Antennas and Satellite Dishes to receive video programming:

Antennas to receive video programming, including satellite dishes (39.37 inches or less in diameter, (described in Article II sec 5 of the Amended and Restated Declaration of Covenants), and now TV antennas (39.37 inches in diameter or less) and wireless cable antennas, may be installed on the homeowner's property as long as:

A. the equipment falls within the Federal Communication Commission (FCC) Over the Air Reception Devices (OTARD) rule (47 C.F.R. Section 1.400) and

B. the location of the antenna device is approved by the Committee, on behalf of the full Board, which has authority in approving the location of the all such devices

For purposes of review and approval of the **location** of the device, a proposal shall be submitted to the Committee. The Board, represented by a member of the Committee, shall, in concert with the homeowner, determine the location of the dish or antenna, so that the equipment is as unobtrusive as possible while still providing the homeowner good signal reception. A Committee member shall be present at installation in order to provide on-site approval of the location of the equipment.

The homeowner is responsible for maintaining any installed antenna device, for any damage to the roof or other parts of the structure caused during installation or during removal or reinstallation incident to roof repair or replacement. Should a dish or antenna be installed in an unacceptable location without Board approval, the Board may require the homeowner to relocate the device to a mutually acceptable location.

11. Electrical Vehicle Chargers (EVCs):

The installation of an electrical vehicle charger (EVC) must be completed by a licensed electrician and requested via the Committee and approved by the Board. The electrician must run a 60-amp cable through a conduit connecting the homeowner's panel box to a charging station provided by Tesla or other electric vehicle manufacturer. The cable will connect to the vehicle. If the cable must run over a sidewalk or other surface material that is used by pedestrians and others such as bicyclists, mail or delivery personnel, a removable stable sign must be set up to protect the cable and alert pedestrians and others when charging the vehicle. If charging is done at night the sign must be illuminated. All work must be permitted and inspected by Durham Building Inspectors. The homeowner is responsible for any injuries or damage to people and property as a result of the EVC installation.

12. Exterior Paint Colors

a. All townhomes, except on Bloomsberry are required to use the following paint colors:

Siding: Sherwin Williams (Duron) Superpaint (Satin) #8705 Barn Rafter

Trim: Sherwin Williams (Duron) Superpaint (Gloss) #8704 Stratford Brown

Deck rails/pickets: Sherwin Williams Superpaint Gloss #8705 Barn Rafter

Deck Stain: Sherwin Williams Deckscapes (Waterborne, Semi-Transparent). Colors have varied throughout the years.

Stucco walls: Sherwin Williams Superpaint (Flat), Sales #880-W1151;

Formula: B 1 26/32 1/64 Y3 23/32 1/64 (formula written for 1 gal)

b. All townhomes on Bloomsbury only are required to use the following colors:

Siding: Sherwin Williams Superpaint (Satin) sales #6404-13779;

Formula: N1 37/32 1/64 Y3 6/32 1/128.

Trim: Sherwin Williams Superpaint (Gloss), Sales #6500-47608;

Formula: W1 7/32 1/64, B1 9/32 1/128 N1 2oz 39/32 R2 1/32 1/128

Deck rails/pickets: Sherwin Williams Superpaint (Gloss), sales#6500-47608;

Formula: W1 7/32 1/64, B1 9/32 1/128, N1 2oz 39/32, R2 1/32 1/128

Deck Stain: Sherwin Williams Deckscapes (Waterborne, Semi-Transparent),

Color #CUPR04 Grey Pine

Stucco Walls: Sherwin Williams Superpaint (Flat), Sales#880-W1151,

Formula: B1 36/32 1/128, R2 132, Y3 23/32 1/64 (formula written for one gallon).

Changes Made by Homeowners That Do Not Meet Current Architectural Guidelines:

If the Board:

a. receives a concern about a change or alteration at a neighbor's property, or

b. if a Board member notices, during a routine walking inspection of townhomes, an unapproved exterior change, or has a concern about the implementation of an approved change, the Board retains its right to make an after-the-fact determination about whether the change meets the criteria in the current Architectural Control Guidelines, and to request the homeowner to make a change, if indicated. Should the homeowner fail to do so, the Board will contract to have the work done and will bill the homeowner for the charges.

Disclaimer: The purpose of these regulations, which supersede all prior such regulations, is to expand on and clarify various aspects of the Falconbridge Homeowners Association Covenants. In any instance in which these regulations may conflict with Covenant provisions, the Covenants are controlling.

For Homeowner Reference:

Relevant Sections of the Covenants pertaining to Architectural Control:

Article V of the Architectural Control of the Amended and Restated Declaration of Covenants reads:

“No building or rebuilding, fence, wall or other structure shall be commenced, erected or maintained upon the properties; nor shall any exterior addition to or change or alteration, including repairs and reconstruction due to fire or other casualty, therein be made until detailed scale drawings and full specifications showing the quality, nature, kind, shape, dimensions, materials and locations of the same shall be submitted to and approved in writing by the Board of Directors as to the harmony of external design and location in relation to surrounding structures and topography and conformity with the design criteria set out (below). The Board may appoint, and seek recommendations from, an Architectural Committee composed of three (3) or more owner representatives. In the event said Board fails to approve or disapprove such design and location within thirty (30) days after such plans and specifications have been submitted to it, approval will not be required, and this article will be deemed to have been fully complied with.”

Article II Section 5 of the Amended and Restated Declaration of Covenants reads:

“A homeowner may install (have installed) a satellite dish antenna up to one (1) meter in diameter on his structure as required to provide satisfactory reception, taking into account Guidelines published by the Association for the safety and general welfare of all residents. It is the intention of the Board to comply with subsequent regulations published by the Federal Communications Commission and interpreted by the Federal Communications Commission and interpreted by the courts, without further change to these covenants. The Homeowner (or successor) shall be responsible for any damage or deterioration to the structure during installation, use, maintenance or removal of the antenna.”