



# **DESIGN GUIDELINES**

for NEW CONSTRUCTION and MODIFICATIONS

within

# **The Legends**

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## **DESIGN GUIDELINES FOR NEW CONSTRUCTION AND MODIFICATIONS WITHIN THE LEGENDS**

### **1.0 INTRODUCTION**

The Legends is a unique community offering 220 residential sites with separate villages within the community. The community is the result of many hours of planning and designing by the Legends' superior team of recognized real estate professionals.

As a result of the pre-development planning efforts of Legends Capital, LLC (the "Developer"), these Design Guidelines are intended to ensure the protection of the Legends' concept, community lifestyle and individual property values through the establishment of design guidelines, architectural standards and design review procedures. All property owners, including builders, are bound by the procedures and standards that are intended to ensure construction and development that preserves and protects the natural beauty and serenity of the Legends. The Developer has gone to great lengths to protect natural areas and green space. No buildings, dwellings, accessory buildings, screening, fences, walls or other structures of any kind shall be erected, placed or altered on any lot or parcel within the Legends until proposed building plans, elevations, exterior colors, exterior finish treatments, and/or other details outlined herein have been approved in writing by the Architectural Control Committee ("ACC").

As provided in the Declaration of Covenants, Conditions and Restrictions for the Legends (the "Declaration"), the ACC has been established for the purpose of reviewing all plans pertaining to construction and modifications. In accordance with the Declaration, the Developer has created these Design Guidelines. The ACC has adopted these Design Guidelines and has the authority to change, modify or add to the content of these Design Guidelines without notice to serve the needs of an evolving community. Since design guidelines may change periodically, each applicant, builder and property owner shall be responsible for verification of and compliance with all current Design Guidelines. Capitalized terms not specifically defined herein shall have the meaning set forth in the Declaration.

To the extent that any local government ordinance, building code or regulation requires a more restrictive standard than the standards set forth in these Design Guidelines or the Declaration, the local government standards shall prevail. To the extent that any local government standard is less restrictive than these Design Guidelines or the Declaration, the Declaration and Design Guidelines (in that order) shall prevail.

### **1.1 Purpose**

Article 9, Architectural Standards, of the Declaration lays the groundwork for the architectural control process. This booklet provides additional information, though not inclusive, to assist builders, property owners, and residents in understanding and following community standards and procedures.

These guidelines address new construction, modifications and community development with the intent of assuring the Legends property owners of the quality control they would expect to preserve the character for the community. A description of the architectural review process is provided, as well as recommendations and performance levels as established by the ACC. Architectural variation is encouraged within bounds of appropriateness, but the ACC has set basic standards to promote harmonious community aesthetics and environmental compatibility for the Legends.

## **2.0 NEW CONSTRUCTION**

“New construction” refers to the initial construction of a home and accompanying structures on a lot. This section explains the design review procedures, as well as the architectural and site design guidelines for exterior building and individual site conditions, which will be used by the ACC in reviewing applications.

### **2.1 Design Review Procedures**

Construction plans for all new homes in the Legends are reviewed to ensure that the exteriors are consistent with surrounding properties and contribute towards the overall theme of the Legends. All builders within the Legends shall be preapproved by the ACC and are required to comply with the following review procedures:

1. **Review Fee:** The ACC reserves the right to collect a review fee in an amount not to exceed \$100.00 per individual floor plan. If the ACC elects to collect this fee, it shall be payable to the ACC upon submission of the application for approval.
2. **New Home Plan Approval:** Applicants must submit architectural drawings prior to commencement of new home construction or purchase of a building permit. The applicant must submit a Design Review Application Form (attached hereto as Exhibit “A”) along with two sets of new home architectural drawings and specifications for ACC review. The ACC shall review and respond to each submittal within 30 days from receipt of the fully completed application and new home construction plans. If the ACC does not respond in writing within thirty (30) days, the plans shall be deemed approved as submitted, subject to the provisions of the Declaration.
3. **Submission Requirements of the ACC:** Building plans shall be drawn at a scale of 1/4 inch equals 1 foot or larger and shall show all 4 exterior elevations. The front elevation shall be drawn at one 1/4 scale and the other three elevations at 1/8 inch scale including all basement openings, deck locations and exterior mechanical locations. Plans shall include fully dimensioned floor plans. Although the ACC does not review floor plans or interior specifications, these will allow for proper review of the elevation and exterior details.

Exterior materials and finishing color schedules shall be provided and shall include the type and color of all roofing material, siding, stucco, stone, brick or other material for each elevation. The ACC reserves the right to request samples of any exterior finished materials.

At the request of the ACC, any applicant or builder may be required to provide a site plan at a scale of 1 inch equals 20 feet including some or all of the following items:

- a. Footprint of the home and garage on the individual lot.
  - b. Finished floor elevation.
  - c. Clearing limits.
  - d. All buildings and set back lines.
  - e. Existing and proposed grades.
  - f. Existing trees to remain (where applicable).
  - g. Location of all driveways, walks, patios, decks, walls or easements which impact the home.
1. **New Home Landscape Plan Approval:** In addition to submittal of new home plans, each applicant must submit a landscape plan, a written list of typical types and quantities of materials and a typical landscaping budget simultaneously with submittal of new home plans to the ACC. Upon ACC approval, these plans, materials and budget shall become the landscape guidelines for the lots of such builder. In addition, all new homes in the Legends shall conform to the landscape guidelines contained herein.
  2. **Deviations from Approved Plans:** Any change to or deviation from the approved new construction plans must be submitted to the ACC for review in the same manner as the procedures and submission requirements outlined above. The builder is encouraged to submit changes at the earliest possible time to avoid costly delays. A re-submittal fee of \$50.00 per plan must accompany the revised plans.

## **2.2 Architectural Design Guidelines**

1. All residential dwellings constructed on a Lot shall meet the following minimum square footage requirements of finished area:

Village A (Possum Holler): 2500 heated square feet

Village B ( \_\_\_\_\_ ): 2200 heated square feet

Village C ( \_\_\_\_\_ ): \_\_\_\_\_ heated square feet under roof

The term “finished area” has used herein is defined as all heated area within the frame line of a dwelling, excluding any detached and/or accessory structures, and shall not include any space which cannot pass

applicable building code requirements without significant structural, mechanical and/or electrical modifications.

2. All exposed concrete block or poured concrete foundations and site retaining walls should be covered with stone, brick, stucco, pargeted and painted or made of treated wood which complements the individual house materials.
3. Primary building materials shall be brick, stone, stucco or hardboard wood siding which reflects the traditional character of the Legends.
4. Roofing materials shall generally be architectural 30 year shingle in colors and textures which complement the traditional architectural theme and individual home colors. Roofing material must be approved in writing by the ACC prior to installation.
5. Primary colors for siding, stucco, brick, trim, gutters, garage doors or any other exterior surface must be selected to complement the traditional architectural theme.
6. Stucco or synthetic stucco must generally be painted or integrally colored.
7. All sheet metal and PVC work, such as roof caps, flashing, plumbing vents and chimney caps or any other roof protrusion, should be painted flat black or painted to match roof colors.
8. Metal windows, doors, louvers and window and door screens must be anodized bronze or factory finished colors or compatible with the individual home's primary and trim colors.
9. Roof stacks and plumbing vents must be placed on the rear slopes of roofs if at all possible.
10. Chimneys framed to receive pre-fabricated fireplaces and flues must not be cantilevered on the front side of the house. All cantilevered fireplaces should be on the side or rear of individual homes.

### **2.3 Site Design Guidelines**

1. All fencing must be approved in writing before installation. No fencing shall be permitted within ten feet of any power line easement. Privacy fencing for lots with pools or spas may be approved up to a maximum of six feet in height. Fences must be wood and natural in color or as otherwise approved in writing. See 3.4 . The finished side of the fence should face the neighboring streets and properties on all sides. The ACC reserves the right to review submittals on a case-by-case basis. Lots along power or drainage easements, or other areas designated by the ACC, shall not have fences less than ten feet from the property line unless otherwise approved by the ACC.

2. Any exterior pools, hot tubs or spas must be approved in writing and screened from adjacent properties and streets. All pumps, filters, equipment, etc. must also be screened from view from neighboring lots by approved means with minimum visibility from the streets, as determined in the sole discretion of the ACC. Water must discharge to street or existing storm water management system.
3. Compressors for central air conditioning units must be sited in a location which will not cause a nuisance to adjacent property owners or affect the use of active areas on the home site, as determined in the sole discretion of the ACC. Compressors must be screened by approved landscape or other architectural treatment. The ACC may waive this requirement on a case by case basis.
4. All landscaping should relate to the existing terrain and natural features of the lot. The amount and character of landscaping must conform to the standards established for the Legends.
5. All new home construction including grading, landscaping, or retaining walls shall be performed in an effort to prevent water from flowing across one lot onto another lot. All drainage should flow to the front or rear property lines or to an existing drainage easement or structure. Sheet flow across one lot to another lot is prohibited. Builders shall be responsible for establishing and maintaining proper grades on lots. Homeowners shall be responsible for all lot maintenance after the lot closing.
6. Front setbacks of the homes to be constructed in the Legends are critical to the overall look of the community, and all setbacks shall be consistent with local laws and zoning requirements.
7. The Legends standard is to preserve as many trees as possible during the building phase.

All site designs which are inconsistent with the overall character of the Legends, including, without limitation, designs for homes which are substantially larger than the typical home in the community, shall be subject to disapproval by the ACC in its sole discretion.

### **3.0 MODIFICATIONS**

Modification guidelines pertain to those lots with completed homes. This section explains modifications review procedures, as well as guidelines and restrictions to assist homeowners and residents in understanding community standards. Section 3.3 entitled "Special Stipulations" includes a description of specific items which do not require prior written approval at this time, pending compliance with the conditions as noted.

#### **3.1 Modifications Review Procedures**

In order to help maintain architectural integrity and property values, written approval of the ACC must be obtained before any change may be made to the exterior of a home or lot.

Any exterior addition or alteration requires prior written approval, except as noted in Section 3.3. A request shall include a complete description of the proposed change including style, color, dimensions, and material. Most requests must also show the location, marked on a copy of the site plan or survey of the lot. Pictures may be helpful, as well. A Modifications Request Form is attached as Exhibit "B" for your convenience. There is no review fee for modifications.

The ACC shall review and respond to each submittal within thirty (30) days from receipt of the application for modification. If the ACC does not respond in writing within thirty (30) days, the application shall be deemed approved. No approval deemed granted pursuant to the foregoing shall be inconsistent with the Design Guidelines. Any change made without proper approval or contrary to any stipulations of an approval will be deemed in violation of the Declaration. In such instance, the homeowner will be notified, and correction will be required.

### **3.2 Design Guidelines and Restrictions**

The following guidelines and restrictions apply to lots with completed homes.

1. Any change or addition to the exterior of your home, including paint color, will require prior written approval of the ACC. Primary colors for siding, stucco, brick, trim, gutters, garage doors or any other exterior surface must be selected to complement the traditional architectural theme.
2. Awnings, storm doors or screens which are visible from an adjoining lot or street must be approved in writing by the ACC.
3. Recreational, commercial and inoperable vehicles, watercraft, and trailers may be parked only in an enclosed garage or otherwise be screened from view, unless otherwise expressly authorized by the Board or the ACC.
4. No fence or wall shall be erected or placed upon any lot unless the same shall be constructed of wood, masonry, wrought iron, cast iron, cast aluminum; and the design, construction and location of such fence or wall shall be expressly approved by the Architectural Control Committee. Horizontal rails which support vertical planks of the fence shall be placed on the inside of the owner's property.
5. Deck designs and color must be approved by the ACC and may not have a negative impact on adjacent streets and properties as determined by the ACC.
6. Free standing storage buildings or prefabricated structures will only be permitted if the structure is concealed from view or otherwise deemed acceptable in the sole discretion of the ACC. In all cases, such structures shall match the construction materials used by the ho



7. Any exterior hot tubs or spas must be screened from adjacent properties and streets. All pumps, filters, equipment, etc. must also be screened from view from neighboring lots by approved means and water must discharge to street or existing storm water management system.
8. All landscaping should relate to the existing terrain and natural features of the lot. The amount, character and selection of landscaping materials must conform to the standards established for the Legends. All lot owners are required to provide landscape maintenance of their lots on a regular basis in conformance with the Community-Wide Standard. Regular weeding, “mulching” and removal of debris are required.
9. All construction involving grading, landscaping, or retaining walls shall be performed in an effort to prevent water from flowing across one lot onto another lot. All drainage should flow to the front or rear property lines or to an existing drainage easement or structure. Sheet flow across one lot to another lot is prohibited. The homeowner is responsible for maintaining proper grades at all times. Retaining walls must be approved and designed such that they will not have a negative impact on adjacent property owners.
10. In order that the natural beauty of the home site may be preserved, no living tree having a diameter of six (6) inches or more, as measured two feet (2') from the natural grade shall be destroyed or removed from the property unless approved by the ACC. Owners shall remove fallen, dead or dangerous trees.
11. All exterior lighting should be low level, non-glare type, located to cause minimum visual impact on adjacent properties and streets. Landscape lighting must be approved prior to installation. Colored lights shall not be used except those decorative holiday lights and ornamentation used during usual and common holiday seasons.
12. No commercial sign shall be displayed to the public view on any lot except one professional sign of not more than three square feet advertising the property for sale or rent (except during the construction period). Signage for any other use than for sale or rent must be approved by the ACC.
13. All pet shelters and detached structures should be built to compliment the main residence and be out of view from the passer bys and neighbors.

### **3.3 Special Stipulations**

The specific modifications which follow are currently considered “approved” and require no application, submittal or review by the ACC, at this time only if installed and maintained

according to the conditions noted. Changes made contrary to these guidelines will be deemed in violation of the Declaration. In such instance, the ACC may notify the property owner and request compliance. Failure to comply will result in the ACC taking whatever action may be necessary to bring the home or lot into compliance, with no financial remuneration to that owner, or taking such other actions as authorized by the Declaration. Costs incurred by the ACC, including reasonable attorneys fees, to effect such compliance shall be paid by the owner. The ACC has the full and final authority to determine whether changes meet these guidelines.

1. Front door and entry area decorations and front porch furniture must be in keeping with the style and character of the house and meet the Community-Wide Standard.
2. The United States flag (as well as other national, seasonal, and decorative flags) may be displayed by a bracket attached to the home or on a pole. Proper flag etiquette must be observed, and flags may not be torn, tattered, faded or controversial in nature as determined in the sole discretion of the ACC. Other types of decorative signs or banners require the prior written approval of the ACC and may not be permitted.
3. Holiday displays must not create a nuisance for adjacent property owners. All holiday decorations including lighting displays, should not attract significant or increased traffic flow. Decorations for traditional holidays may only be displayed up to four weeks in advance and must be removed no later than 10 days following the holiday.

#### **4.0 DEVELOPMENT**

This section explains guidelines and specifications to assist builders and homeowners in meeting community standards and maintaining architectural integrity throughout the development of the Legends.

##### ***4.1 Standards for Development***

1. Streetlights: Streetlights will be provided and installed by the local electric utility company. The selected pole and fixture will be selected by the Developer.

2. Street Signs: Street Signs will be uniform throughout the community and selected by the Developer.
3. Utilities: All utilities including power lines, gas lines, telephone lines and cable television lines shall be underground.

#### ***4.2 Silt Control and Management***

Builders and homeowners shall use best management practices to ensure proper erosion control. Continuous silt fencing, gravel pads or other measures may be required to be used. The Developer reserves the right to install silt fencing or gravel if the builder does not comply within 24 hours of written notice that its silt control is inadequate. The builder or homeowner shall reimburse the Developer for such services within fourteen (14) days of notice from the Developer.