

# P — THE — PALISADES

## ARCHITECTURAL GUIDELINES

Prepared By:

RHEIN PALISADES, LLC  
5200 77 CENTER DRIVE, SUITE 141  
CHARLOTTE, NC 28217

ADOPTED: 12-30-04

Revised 1-28-05

Revised 2-28-05

Revised 4-21-05

Revised 6-22-07

Revised 8.04.14

## ARCHITECTURAL GUIDELINES

### INTRODUCTION

The inspiration for The Palisades' design philosophy for architecture is found in a book about H.T. Lindeberg's life work, and the philosophy and principles stated below shall provide a basis for the review and approval of the ACC:

*"Building and designing simply, followed with integrity, define the essential fundamental qualities of a house and its site. Understanding the nature and simple palette of materials and applying the most basic principles of proportions, scale and massing provide a spirited and gracious place in which to live... Strong planning, simple massing, well-crafted details define the tradition of fine modern country houses. The individual details in the design provide the unique character of the residence. Do not seek picturesque arrangements of functional elements or masses. The planning and overall composition should be based upon more rational principles; not that only formal or classical compositions are acceptable, however the design should be consistently grounded in a deep understanding of proportion and the relationship of part to whole. A house looks is as best when it looks as though it was meant to live in. The house can possess charm as well as pure architectural manner. The art of domestic design is not irrelevant to a life in a world full of machines. It is indeed an art to be respected, valued, and sustained.*

*The controlled variety, a variety with a reason behind it, has produced all of the charm of a picturesque accident...that controlled variety endears much of the old architecture to our much more sensitive associations. Uncontrolled variety shocks the senses.*

*Paraphrased from The Domestic Architecture of H.T. Lindeberg, Hewett, Mark Allen, and Acanthus Press 1940.*

### Site Design

The goals of these Guidelines are to:

- Ensure development that is appropriate to its setting and strive to preserve the unique character of each Lot
- Achieve a balance of development and the natural environment by minimizing the visual impact of the buildings and development on the landscape
- Achieve harmony in the streetscape environment by stimulating a natural and agreeable diversity among homes and nature.

The intent of these guidelines is to encourage and define a variety of architectural styles that are responsive to the regional context, neighborhood setting and natural terrain of their setting. If, in the ACC's opinion, the architectural style, color, texture, and materials are not appropriate for The Palisades and/or not consistent with the philosophy of these Guidelines submittals will be denied. Because the needs of each Owner and the terrain of each Lot differ,

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17030 Youngblood Road

Charlotte, NC 28278

Phone: 704.583.1513 Fax 704.588.5111

achieving the goals stated above will insure a diversity of architectural style and design that creates a beautiful streetscape that compliments the natural environment.

## THE LOT

**THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PALISADES RESIDENTIAL PROPERTY AND RELATED DOCUMENTS PROHIBIT MACHINE CLEARING WITHIN THE REAR YARD SETBACK AT ALL SINGLE FAMILY LOTS WITHOUT THE WRITTEN APPROVAL OF THE DECLARANT OR THE ACC. THIS AREA MAY ALSO BE SUBJECT TO SPECIFIC GOVERNMENTAL LAWS, ORDINANCES AND REGULATIONS GOVERNING WETLANDS, WATERSHED AREAS, STORM WATER MANAGEMENT AREAS AND OTHER ENVIRONMENTALLY SENSITIVE AREAS. FAILURE TO COMPLY WITH SUCH PROVISIONS AND/OR THE DESIGN GUIDELINES MAY RESULT IN REQUIRED REMEDIATION, PENALTIES, FINES OR OTHER ACTIONS AS APPLICABLE. THE TREE SAVE AREA IN THE REAR 35' MAY BE MODIFIED BY APPROVAL OF THE ACC & DECLARANT IF CERTAIN CONDITIONS WARRANT. SPECIAL CONDITIONS MAY APPLY TO THIS VARIANCE OR MODIFICATION. ALLOWABLE IMPROVEMENTS WITHIN THE REAR YARD SETBACK ARE OUTLINED IN THE LANDSCAPE GUIDELINES AND RESIDENTIAL IMPROVEMENTS GUIDELINES.**

### The Building Envelope

The established Building Envelope within the Lot represents the area in which all residential improvements must be built including adequate construction access around the perimeter. **THE ACC MUST APPROVE ALL DEVELOPMENT AND CONSTRUCTION ACTIVITIES ON THE LOT AND SPECIFICALLY WITHIN THE BUILDING ENVELOPE.** The ACC shall have the right in its sole discretion to make exceptions to any Building Envelope to recognize any special topography, vegetation, Lot shape or dimension, or other site-related conditions. In the event any zoning or subdivision ordinance, floodway regulation or other ordinance, law or regulation applicable to a Lot shall prescribe greater setbacks or conditions, then all buildings erected during the pendency of such requirements shall conform thereto.

- The Building Envelope will consist of the area as defined on the recorded subdivision plat for the Lot within the setbacks for the Lot or the setbacks established by the ACC (whichever is more restrictive)
- All building and construction disturbance must remain in this area for the residence, unless approved in writing by the ACC or the Declarant.
- Each Owner will be allowed to grade the Lot within the Building Envelope only with ACC approval
- Each Lot will require building permit approvals from Mecklenburg County/City of Charlotte and architectural, landscaping, grading, drainage approvals from the ACC on an individual basis, prior to any site construction.

This ACC may require and/or approve slight adjustments to the Building Envelope. Consideration will be given to adjustments that pose no injury or detriment to the overall site and no adverse impact, in the ACC's opinion, to any other Owner, Neighboring Lot, trails, Common Open Space, or the Golf Course. The Developer, Declarant, and the ACC cannot

and does not guarantee that any or all views of residents will remain unobstructed as the project continues to build-out to completion. There are no view corridors across adjacent lots.

The ACC shall charge a fee to review all house plans submittals. The current fee shall be published on the ACC Plan Submittal Form.

The Building Envelope must be completely fenced with silt fence during construction with only one means of access approved by the ACC and compliant with the Water Quality Plan. ALL CONSTRUCTION ACTIVITY MUST TAKE PLACE WITHIN THIS SILT FENCE AND NO CONSTRUCTION ACCESS IS PERMITTED OUTSIDE OF THE BUILDING ENVELOPE WITHOUT THE DECLARANT AND/OR ACC APPROVAL.

### **Building Size and Height**

Minimum square footage for homes located within the community will be established by the Developer. The Developer and the ACC reserves the right to adjust the minimum house square footage from time to time. The maximum height permitted for any Residence shall be thirty-five (35) feet as measured from the grade at the front door to the highest point of the house, excluding the chimneys, cupolas and other ornamental features as approve by the ACC. The ACC shall have the right (but not the obligation), because of steep topography, unique Lot configuration or similar reasons, to allow Residence heights greater than thirty-feet (35) feet on rear and side elevations.

### **Building Setbacks**

Setback requirements help insure that The Palisades will have a pleasing appearance from the Street Zone and the Golf Course. The ACC may require setbacks greater than shown on the record plat or as may be required by the City of Charlotte. No residence shall be located on any Lot in violation of building setback lines as shown on the recorded plat of the property or as required by the applicable zoning ordinances. Setback requirements shall not be modified without approval by ACC.

The primary front elevation of the Residence may not encroach into the front building setback. Side load garages may encroach into the ACC established front yard-building setback.

Decks, porches, terraces, wing walls, overhangs and other items attached to the house are considered to be part of the house property and will not be allowed to encroach into side or rear yard setbacks unless variations are specifically approved by the ACC. Patios, driveways, walks, fences, etc., may encroach on a case-by-case basis into setback areas as specifically approved by the ACC.

### **Natural Areas/Buffers**

The Natural Area is that portion of the Lot typically outside the Building Envelope that has been or is designated as a Natural Area by the ACC. This area must be left in its natural condition. Where scarred areas exist or are created outside the Building Envelope, revegetation is required to restore it to its natural state. The extent of the revegetation and supplemental planting will be determined at the Pre-Construction Meeting. All revegetation plant materials must be consistent in species and density with what generally would be expected to exist in the area.

### **Street Zone**

The Street Zone is that portion of the site that occurs between the Building Envelope and the street edge and is visible from the Street. Revegetation and supplemental planting may be required by the ACC to augment the existing vegetation and to create an attractive streetscape, in addition to the minimum landscape requirements and street trees.

### **Golf Course**

There may be areas designated on the plat that are permanent exclusive easements for the construction, operation, convenience, and maintenance operations for the golf course of The Palisades Country Club (Master Declaration Section 8.8). All Lots on the Golf Course are subject to an easement for errant golf balls (Master Declaration Section 10.7). No Owner or Builder shall be permitted to disturb any of The Palisades Country Club's facilities, landscaping, property, or equipment. The ACC shall have no authority to approve any modifications of the Golf Course or the Golf Course Easement(s).

### **Trail Easement**

These areas designated on the plat are permanent exclusive easements for the construction, operation and maintenance operations for the trail system at The Palisades (Master Declaration Section 10.8). No Owner or Builder shall be permitted to disturb, obstruct, or otherwise damage any of trail improvements. Any trail repair needs shall be reported by Owners to the Association. All fencing, Building Elevations, outbuildings, structures, landscaping, walls, and other improvements and their locations must be approved by the ACC prior to construction. Trails may not be fenced or obstructed at any time by an Owner or a Builder.

### **Unimproved Lots**

Any single or 2 adjacent lots located upon a predominantly improved or "built" street or section of street (as determined by the ACC) shall have the following improvements completed upon one (1) year following purchase;

1. Required sidewalks shall be installed by builder
2. Required street trees shall be installed
3. Bermuda sod shall be installed and maintained in the front yard between the curb and front setback line.

### **Construction Offices**

Construction offices located within a predominantly improved or "built" neighborhood (as determined by the ACC) shall be removed or relocated (pending ACC approval for relocation) upon 90 days' notice from the ACC. All construction offices shall be maintained in a neat and orderly condition with an entrance drive, screened construction material storage, required sidewalks, and street trees installed. All construction offices must be approved by the ACC.

### **Site Inspections, Temporary Site Approval and Final Site Approval**

The ACC shall have the right to enter upon and inspect any property at any time before, during and upon the completion of work for which approval is necessary. Upon completion of construction, the Applicant or Lot owner shall notify the ACC so that it can make a final site inspection to check conformance with the final plans approved by ACC. If the ACC considers the improvements, including landscaping, to be complete, it will issue a Final Site

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Approval. If the improvements are considered incomplete, the ACC will provide the Applicant or Lot owner a list of incomplete items to be completed within thirty (30) days of issuance of the list. If in the opinion of the ACC, the incomplete items(s) cannot be reasonably completed within a thirty (30) day time period due to weather, time of year or other circumstances beyond the control of the property owner, the ACC may issue a Temporary Site Approval, which approval will establish an extension of time for completion of the incomplete item(s). If the incomplete items are not completed within the thirty (30) day time period, or the extension of time as established by the Temporary Site Approval, the ACC may allow for an additional extension of the time period or it may report the non-conformance to the Board. The property owner shall not occupy the improvement or that portion of the Property being altered until a Final Site Approval or a Temporary Site Approval has been issued by the ACC.

Builders and homebuyers are forewarned that the Declaration provides for the remedy or removal of any non-conforming improvements. The cost of the remedy or removal shall be borne by the Applicant and/or the Lot owner.

**Construction Site Requirements**

1. All sites must be kept free of any loose debris and other non-indigenous materials. During the construction process, the builder will be required to maintain a trash receptacle sufficient in size to contain all debris from the project. This receptacle must be emptied at a frequency that avoids the receptacle from becoming overloaded to the point that the debris projects above the top rim of the receptacle. During the construction process it is critical that all loose debris be contained on a daily basis and that no debris is allowed to blow into adjacent homesites. Extra care should be exercised on Golf Course frontages including the provision of silt fence if required by the ACC.
2. No signage is permitted at any job site unless required by law or approved by the ACC and/or Developer.
3. Construction hours: 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 4:30 p.m. Saturday. **NO CONSTRUCTION IS ALLOWED IN ANY COMMUNITY ON SUNDAY.** The ACC may approve exceptions to these times based on allowable circumstances.
4. No alcoholic beverages are permitted on job site
5. The playing of any audio equipment in a loud manner that may be annoying to residents or golfers is prohibited.
6. Any agents, subcontractors, employees or builders who violate construction site Requirements or any other ACC criteria may be removed and prohibited from entering The Palisades by the ACC

**PLEASE REFER TO EXHIBIT "A" FOR FURTHER CLARIFICATION**

THE RESIDENCE



"There are cycles in architecture but people always return to the classics."



*Lewis E. Crook, Jr.*

**Design Character**

The ACC encourages creative architecture; all designs must be appropriate within context of The Palisades theme, which strives to achieve a historical Southern classical architectural style and mixture of materials. The intent of these Guidelines is to allow design flexibility for individual Owners and Builders, while ensuring that the result of such flexibility enhances, without adverse impact, the natural character and style of The Palisades. The overriding purpose is to have homes evoke a timeless elegance with classic architectural styling and enduring appeal within the natural setting at all times into the future. Traditional architectural styles that are in the architectural vernacular of America's greatest homes that are considered appropriate for The Palisades are:

- |                       |                        |
|-----------------------|------------------------|
| Georgian              | Beaux Arts             |
| Federal/Adam          | Shingle ("Shelbourne") |
| French Colonial       | Tudor                  |
| Italianate            | Second Empire          |
| Mission               | Prairie                |
| Monterey              | Neoclassical           |
| Craftsman             | Gothic Revival         |
| Stick                 | Italian Renaissance    |
| French Eclectic       | Dutch Colonial         |
| Richardson Romanesque | French Norman          |
| Greek Revival         | Classical Revival      |
| Colonial Revival      | French Country         |

The ACC encourages a commitment to the selected architectural style chosen by the Owners and Builders, and each home should strive towards the goal of authenticity of design. Eclectically styled homes must meet the criteria of the inclusion of classical elements and classical proportions. The omission of a named architectural style in these guidelines is not necessarily intentional, and the included list is not intended to be inclusive. Even though some classic architectural designs may be considered to be quality Architecture in some contexts, the review of the ACC will be based upon the appropriateness of the design for its context within the Neighborhood and the existing Streetscape. Repetitions of styles, materials, massing are



detrimental to a pleasing Streetscape and, competing architectural styles can cause the aesthetic experience and the simple elegance of the Streetscape to be degraded. Therefore, a Residence design that is considered in the opinion of the ACC to be in conflict with any of these contexts, and in the opinion of the ACC will adversely impact the Streetscape will not be approved. The Guidelines are intended to require creativity and originality within the context of classical proportions and architectural discipline. Owners, Builders, and their architects are also required to familiarize themselves and to reference A Field Guide to American Houses, by Virginia and Lee McAlester that is incorporated into these Guidelines by reference.

All submittals for design approval for a Residence must be on the current ACC Form entitled Application for Final Design Approval that is found in the Neighborhood Guidelines section of the ACC Guidelines and the application fee must accompany the application.

When designing a residence for The Palisades it is important that special attention be given to the following specific areas:

- Topography of the specific Lot, including that of surrounding properties
- Important views, view and solar orientation including views to and from the Golf Course, the trails, common open space, and Lake Wylie
- Existing views that may be blocked or impacted by future construction or properties that are within the view shed of the golf course or Lake Wylie
- Natural drainage patterns (or approved modifications)
- Existing natural vegetation (location, size and variety)
- Locations of existing and future Residences within and outside of The Palisades

There are several principles of good architectural design that should also be considered in the design of The Palisades' residences. Among those principles are the following:

- The design character of The Palisades' Residences must reflect thorough consideration of all elevations, rather than just the front, and possibly the rear elevation. All elevations must maintain the same visual integrity, style, degree of design detailing and cohesion. A concentration of design elements in one or more elevations that detracts from the distinctly residential character of the Residence must be avoided.
- Owners, Builders, and their architects are encouraged to become familiar with the fine examples of classical traditional housing styles of Charlotte's historic Myers Park

Neighborhood, the simple elegance of the Streetscape, and the beauty of restrained classical architecture.

### **Building Materials**

The exterior appearance of each Residence shall be consistent with the high quality of the overall community. Residences will be seen from many sides and each side is important. All elevations of a Residence must be equally detailed and finished. Each elevation of the home shall be compatible in architectural design, material, and content with the other elevations. The exterior materials shall be architecturally consistent on all four sides of the home, and appropriate with the architectural vernacular Residence. Brick front only elevations will NOT be approved.

The maximum amount of exposed foundations shall be one (1) foot unless otherwise approved by the ACC. Foundations must be finished or stained to match adjacent materials. Excluding hardware, no reflective finishes or materials (except unfinished natural copper) are permitted on the exterior of any house, unless specifically approved by ACC. Exterior surfaces must generally be of materials that harmonize with the natural landscape. Recommended materials include brick, shingle, stone, stucco, textured masonry, Hardi-plank, Dryvit, or wood. No aluminum siding will be approved. Large expanses of wood must be planed, sanded and painted or may be discouraged. All materials and colors are subject to final approval by ACC.

All roofs and wall colors must be tones selected to blend with the natural colors of the vegetation and Golf Course as seen from a distance. Bright primary colors will not be permitted. Subdued accent colors may be used as approved by the ACC. In general, the color of all roofs should be at least as dark as or darker than the building walls or the general tone of the ground plane, whichever is the darker of the two.

All grilles, flashing, and other miscellaneous exterior items including, but not limited to, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the adjacent surface unless otherwise approved by the ACC.

Material or elevation color changes may not occur on an outside corner. The technique of "shirt fronting" of masonry veneer or stucco will not be permitted. Material changes are most successful when made as part of a larger offset, for example, at a masonry pier or recessed window.

Highly contrasting trim or material variations must be avoided in favor of those that blend all roof, and building material elements. No highly reflective finishes, except glass (which may not be mirrored) shall be used on any exterior surface. No mirror glass block shall be used. Copper that is left natural and allowed to patina is acceptable.

### **Vinyl**

Use of vinyl for low maintenance for trim, soffits, fascia, garage doors, and gables areas is permitted. Large expanses of vinyl are discouraged. Limited use of vinyl siding may be permitted on a case-by-case basis by the ACC.

Vinyl panels should be installed so that the seams overlapping the continuing panel face down the Golf Course (toward the green). Seams should not be visible from the front or side elevations from the Street Zone. The ACC reserves the right to make any changes pertaining to the use of vinyl, including limiting certain panel and trim colors or elimination of vinyl in certain areas.

### **Roofs**

Roofs are perhaps the single most important element of any home since most of the roofs will be viewed from many vantage points. As such, all roofs must be dark and non-reflective, appear well arranged, uncluttered by equipment, and present an interesting and well-massed form.

Locate all vent stacks, flue caps, exhaust fans and skylights to minimize clutter and to be out of view of the Street Zone and the Golf Course. Study the appearance of the roof and the visibility of all roof accessories to minimize their impact on neighboring properties and the Golf Course.

The roof, its shape and material, must be carefully designed. In general, major roof slopes should be from a minimum of a 7:12. The roof forms throughout the community should be compatible with one another to help achieve a pleasant, homogenous character. Flat roof elements generally will not be permitted on the main structure of the Residence except with ACC approval under limited circumstances. Roof pitches that are not consistent from the front to back of the Residence are strongly discouraged, and may not be visible from the Street Zone, Neighboring Lot or Golf Course.

Roof materials and colors should be compatible throughout the community and should be compatible with other exterior materials and colors. Roofs of slate or tile may be used, as well as 25-year rated architectural asphalt shingles. The use of wood shingles or wood "shakes" left to weather naturally is also acceptable. All roof stacks, flashings and metal chimney caps must be painted to match the approved roof colors. Stacks and vents to the extent possible should not be visible from the Street Zone or Golf Course.

#### **Pitched Roofs**

- The objective is to minimize reflectivity and glare through the use of colors and texture
- No mechanical equipment of any kind may be located on a pitched roof
- Gutters are required

#### **Flat Roofs**

- May not be visible from the Golf Course, Street Zone, or any Neighboring Lot
- All mechanical equipment, antennas, and solar equipment must be ground mounted and screened from view from the Street Zones
- Are architecturally appropriate for sunrooms on certain architectural styles

### **Gutters, Downspouts & Subdrainage**

Gutters and downspouts re required at all residences and large detached buildings such as garages. Discharge from downspouts shall include velocity dissipaters and/or discharge spreaders at each outlet to limit concentrated flows. Downspouts may be connected to a subdrain system providing multiple outs with velocity dissipaters and/or discharge spreaders to limit concentrated flows. Subdrains may also be connected with a simple outlet into a discharge sump. A discharge sump is basically a 2'-3 diameters x 4'-5' deep hole or trench filled with gravel. The subdrain outlet connects at the bottom of the sump thereby forcing the discharge up through the gravel to the surface. Further velocity dissipation should not be required with a sump. Rutting and/or erosion at discharge locations should not be evident and may be cause for additionally required runoff controls

### **Skylights and Clerestory Windows**

Light emanating from interior spaces through skylights and clerestory windows can cause glare and light pollution at night. Avoid direct lighting and shield interior lighting away from these areas to minimize their brightness at night.

- Skylights are prohibited on sloped roofs facing the street or on the front of any sloped roof facing a side yard.
- All skylights, where permitted, must be tinted gray or bronze with the metal parts painted to match the roof. Clear or white skylights are prohibited.
- Skylights will be subject to ACC approval.

### **Windows**

Window areas with major fenestration should be oriented to afford privacy while taking advantage of special views, such as water bodies or the Golf Course. Windows should be carefully proportioned and located to enhance both the exterior appearance and interior light quality and views. Windows must be designed to be architecturally compatible with the style of the Residence.

Simulated divided light windows are acceptable, and double paned, glazed, "Low-E" glass is strongly encouraged. Window glass shall be plain in color, although decorative stained glass windows appropriate to the house design may be acceptable. Glass or glass with coatings or films shall not reflect over 50 percent of ambient external light. Mirror-type glass is not appropriate.

### **Awnings and Shutters**

Awnings and canopies must be compatible with the architectural style of the Residence, and shall not be permitted or affixed to the exterior of any residence without prior approval of the ACC.

### **HVAC Equipment**

No air conditioning or heating equipment or apparatus shall be installed on the ground in front of, or attached to any front wall of any Residence. Additionally, air conditioning and heating equipment, meters and similar mechanical apparatus on each Lot shall be screened from view from the Street Zone, Neighboring Lot, and the Golf Course.

### **Cantilevers, Chimneys, and Projections**

If the use of any form of cantilevered, supported or projected construction is visible, the exposed side(s) must present a finished appearance that is consistent with the architectural style of the Residence and the area must be properly landscaped or maintained.

All cantilevered construction, building projections, including windows surrounds, fireplace masses, balconies, and terraces must occur entirely within the Building Envelope, unless approved by the ACC.

Chimneys are an important element in the home's composition and should be consistent with the overall architectural style of the Residence. Chimneys shall be constructed from an approved exposed masonry or stucco finish. No exposed metal fireplace flues or spark arrestors will be permitted. Any exposed portion of a chimney must be consistent architecturally with the house exterior. Gas direct vent fireplaces without chimneys are acceptable, provided the vent is screened from the Street Zone, Neighboring Lots, and the Golf Course.

All exterior mechanical equipment including but not limited to transformers, vents, air conditioning compressors, pool pumps, meters, etc. must not be a visual or auditory nuisance to Street Zone, Neighboring Lots or to the Golf Course.

### **Garages**

The use of side entry is required when possible. Single width garage doors on front entry garages are required because of their smaller scale and the improvement to the architectural character of the Residence and the Streetscape. Two car garage doors may be approved on a case-by-case basis by the ACC provided that the door simulates a two bay garage. The door shall be a minimum four-panel design and any windows, hardware, finish design, or other features in the garage doors shall be consistent with the architectural style of Residence.

Garages requiring doors over 8' in height must not be visible from the street and the building mass created must be well integrated into the overall massing and composition of the home.

A minimum two (2) car garage size is required for each Residence. Carports and large parking areas are not permitted. Garage doors, even though located on the side or rear of the Residence must be screened with planting or set back from the face of the Residence. Conversion of garages to eliminate their primary function to park a car within is prohibited.

### **Blank Walls**

Blank walls on corner lots will not be permitted due to the visual impact from the Street Zone. Windows and other architectural details shall be required.

**THE AAC MAY LEVY FINES FOR FAILURE TO COMPLY WITH ANY PROVISIONS HEREIN INCLUDING FAILURE TO CONFORM TO THE ACC APPROVED PLANS.**

**EXTERIOR IMPROVEMENTS**

**Driveways**

The ideal driveway links strongly with the front entrance to the Residence. Driveway paving that is consistent with the architectural style and finish of the Residence is encouraged (brick, combination brick and concrete, textured concrete, etc.). On flat sites, mounding may be considered to help driveways blend with their sites. All driveways must be at least two (2) feet from the property line. A three (3) foot landscape buffer is recommended. Curved driveways are acceptable. Pervious materials are encouraged and will be approved on a case-by-case basis by the ACC.

In the event retaining walls are required at drives, such walls shall match or compliment the residence materials. Timber retaining walls at drives are not acceptable. A planting strip between the drive and retaining wall is recommended and required if the exposed wall exceeds 4' in height. Walls should follow the grade contour unless approved otherwise. Any exposed portion at the back of walls shall be finished to match the face or otherwise screened from view. No walls shall be constructed within a public or private street ROW.

Driveway entrance gates may be approved by the ACC, on a case-by-case basis at its sole discretion.

**Walkways and Sidewalks**

The entry walkway should link with the driveway through an entry garden. Ideally the walks should be curving to match the gently sweeping Lot features. Entry walkways may be constructed of concrete, brick or concrete faced or edged with brick or stone or entirely of brick or stone as approved by the ACC. Sidewalk installation is the responsibility of the Builder or the Owner. Maintenance of the sidewalk and the walkway is the responsibility of the Owner.

**Walls and Fences**

All walls and fences must be approved, in writing, by the ACC as to location, style, size, and materials prior to construction. Fences, walls, and hedges should be considered as design elements to enclose and define courtyards, to extend and relate the building forms to the landscape, as well as to assure security and privacy elements. Every effort must be made to retain the feel of open spaces. Walls, fences, copings, or boundary plantings may not be constructed or maintained in such a manner as to interfere with the vision of drivers at any intersection of streets or roads.

Except where prohibited by existing landscape easement areas or a trail easement as defined in Section 10.8 of the Master Declaration, approved perimeter fencing in the rear yard is allowed on Lots with prior ACC approval.

Chain link fences are not permitted in residential areas (except if installed by the Developer), unless specifically approved by the ACC for tennis courts, and, in this case, the chain link fence shall be dark colored and vinyl clad. Maximum height for fences is 6 feet, except that a 10-foot high fence may be allowed in conjunction with tennis courts. The ACC will review requests for height increases and material usage variance on a case-by-case basis. Fencing materials must be consistent on all perimeter faces of the fence. Wood privacy fences are not permitted.

The maximum uninterrupted height of a solid fence or wall as defined above shall be six (6) feet from finished grade to top of the wall or fence.

All fences and walls shall be maintained in a structurally sound and attractive manner. (See Residential Improvement Guidelines for more information regarding fences.)

#### **Landscape Walls**

A wall typically under thirty (30) inches in height that is used to define landscape beds and/or is used for grade retention is a landscape wall. All landscape walls built anywhere on Lots should be made from stone, brick, or other approved materials, and the walls shall complement the elevation of the Residence. Final design, materials, and location of all walls must be approved by the ACC, with the exception of fencing or walls constructed and erected by the Developer and its assigns. Timber walls are prohibited.

#### **Retaining Walls**

Any wall holds back earth or grade on one side is a retaining wall. A "fill" retaining wall is exposed to Neighboring Lots. A "cut" retaining wall is primarily exposed to the Lot (and may also be visible to Neighboring Lots or the Street Zone depending on conditions). All retaining walls built on Lots must be made from stone, brick, or other approved permanent materials. Final design, materials, and location of all walls and fences must be approved by the ACC, with the exception of fencing or walls constructed and erected by the Developer and its assigns.

- The maximum uninterrupted height of a "fill" retaining wall, plus fence, is nine (9) feet measured vertically from grade to top of wall at any point along the wall, unless specifically approved by the ACC on a case-by-case basis.
- Any fencing on top of any retaining wall must be of an "open" or transparent type
- Retaining walls may require additional submittal/approval by governing agencies. The ACC does not review the structural design or the functional capacity of any wall.

#### **Screen Walls**

Screen walls are placed inside and/or rear yards for the purpose of screening cars, garbage containers, HVAC equipment or other items from view, and must be approved by the ACC prior to construction.

- Screen walls in the front yard are prohibited

- The maximum height of a screen wall in other locations is six (6) feet unless otherwise approved by the ACC.

#### **Pool Fences/Barriers**

The height and construction of all walls surrounding pools must comply with applicable State of North Carolina and Mecklenburg County/City of Charlotte regulations and these Guidelines. Pool fences must be approved by the ACC. Pool equipment must be screened.

#### **Patios and Courtyards**

Patios and courtyards must be designed as integral parts of the Residence. Patio and courtyard furniture, including umbrellas, must meet the intent of the Guidelines, and must be manufactured for outdoor use. Brightly colored patio and courtyard furniture and accessories are not permitted. These standards also apply to furniture and accessories that may be visible from Streets, Neighboring Lots or the Golf Course.

#### **Decks**

Due to the topography and the impervious limits at The Palisades, decks will be a predominate feature on the rear elevations of Residences. All decks must be approved by the ACC as to location, size, and materials.

Material selection, color, and design are key features and should be considered as design elements to extend and to relate the building form to the landscape, as well as to assure security and privacy elements. Every effort must be made to retain the feel of the architectural character of the Residence, and not to detract from the views from the Golf Course or a Neighboring Lot.

Areas beneath decks and elevated terraces are not to be used for storage unless the areas are permanently shielded from public view. All decks shall be maintained in a structurally sound and attractive manner.

#### **Pools**

The construction of hot tubs and in ground swimming pools is permissible; however, their location, design and use of materials, including fencing, landscaping and equipment must be approved by the ACC.

The elevation of the top of any swimming pool or hot tub construction on any Lot may not exceed two (2) feet above the natural grade unless integrated into a deck system or terraced construction with prior ACC approval.

Unless attached to or integrated with the principle Residence on a Lot, screened pool enclosures are not permitted. Pool covers must be neutral in color and cannot be more than one (1) foot in height above the edge of the pool.



### **Tennis Courts**

The construction of tennis courts is permissible; however, their location, design and use of materials, including fencing, lighting, grading, materials, and landscaping, must be approved by the ACC.

### **Guest Houses and Guest Suites**

A free-standing guest house that complies with all applicable City/County Regulations may be constructed on any Lot, upon Approval by the ACC, provided all improvements are placed within the Building Envelope, and meet the requirements of these Guidelines. Only one Guest House shall be approved per Lot. Such structures must be integrated visually with the design of the Residence on the Lot, using walls, courtyards, and landscaping elements to connect these structures. A guest suite may be incorporated into any Residence.

A guest house or guest suite may be used and occupied by invited guests of the Owner or tenant of the main Residence, but may not be leased or rented for use and occupancy by a person, group or family separate and apart from the Owner or tenant of the main Residence.

### **Outbuildings and Storage**

Pre-fabricated storage buildings are not permitted. Storage buildings that are an integral part of the architecture of the Residence may be permitted, subject to ACC approval. Outbuildings or freestanding accessory structures such as pool houses, gazebos, playhouses, swing sets and garages are permitted but must be approved by the ACC. The design and detail of the outbuilding must be consistent with the style, materials and colors of the Residence and must be otherwise acceptable to the ACC in all respects. No open storage of any kind is permitted. See Residential Improvement Guidelines for additional information regarding outbuildings.

### **Refuse Areas**

Garbage and refuse shall be placed in containers and shall be capped or contained in such a manner that they are inaccessible to animals. These containers shall be concealed screened to an extent that they are not visible from the Street Zone, Neighboring Lots, or the Golf Course.

All above ground garbage and trash containers, mechanical equipment and other outdoor maintenance and service facilities must be screened from Neighboring Lots, the Street Zone, and the Golf Course.

### **Wiring and Utilities**

All wiring and utilities shall be underground except for temporary electrical service for homes under construction. All residences shall be pre-wired for monitored security and for broadband Internet per the requirements set forth in The Palisades Water Quality Plan and pre wired for cable TV.

All utilities and utility connections shall be located underground, including electrical and telephone cables and wires. Transformers, electric, gas or other meters of any type, or other

apparatus shall be located at the rear of the buildings constructed on Lots or, if approved by the ACC in writing, located elsewhere on the Lot provided they are adequately screened as required by the ACC in accordance with the provisions of these Guidelines. Electric meters must be concealed in a form acceptable to the utility company and screened from view from the Street Zone.

#### **Antennae**

ACC approval is required for all exterior satellite dishes, and the ACC will reject any satellite dish that is insensitively designed, located, or greater than 30" in diameter. Any negative visual impact from the Street Zone, Neighboring Lots or the Golf Course will be reason for disapproval. No other exterior antennas, aerials or other apparatus for the reception or transmission of television, radio, or other signals of any kind shall be placed, allowed, or maintained upon the exterior of any Lot, of any living unit or other structure on a Lot, or Common Area unless installed in such a manner as not to be visible from the traveled roadway, neighboring Lots or Golf Course property and unless the prior written approval of the ACC is obtained. The Association shall have the right, without obligation, to erect an aerial, satellite dish, or other apparatus for a master antenna or cable system for the benefit of all or a portion of the Property, should any such master system or systems be utilized and require any such exterior apparatus. No radio station or shortwave operations of any kind shall operate from any Lot or Common Areas, except for communication equipment utilized by the Association and the Golf Course. See Residential Improvements Guidelines for additional information regarding satellite receivers.

#### **Exterior Lighting**

All exterior lighting must be approved by the ACC prior to installation. Exterior lighting should be used to enhance the overall design concept of the home in an aesthetically pleasing manner. Exterior lighting must not infringe upon adjacent neighbors; therefore, glare shields may be required to eliminate bright spots and glare sources. All light sources must be concealed and directed from view of any Neighboring Lot, Street Zone, and the Golf Course. Exterior lighting should utilize low-voltage or similar non-glare direct task type fixtures and they should be as close to grade as possible. All lighting conduit and fixtures must be as inconspicuous as possible, especially by day if lights are above grade level. No exterior lighting will be permitted which in the opinion of the ACC would create a nuisance to Neighboring Lots, including the Golf Course, or would otherwise be incompatible with The Palisades' development. Soffit mounted spot lights are discouraged. All decorative light fixtures must be compatible with the architectural style of the Residence.

#### **Solar Energy**

Many of the techniques and hardware of solar energy are still in the developmental stage. ACC approval is required for all solar energy collectors, and the ACC will reject any collector of any size, shape or color which is insensitively designed or located. Any negative visual impact on the Street Zone, Neighboring Lots or the Golf Course will be reason for disapproval by the ACC.

### **Mailboxes**

The ACC will require the installation of a private individual mailbox prior to its final site inspection with materials, colors and specifications shown on Neighborhood Guidelines. The mailbox shall be located adjacent to the curb near the driveway to allow easy access by mail carriers. The mailbox shall conform to the standard design and all material and color specifications as established by the ACC. No deviations will be permitted. A vendor for the acquisition of the mailbox will be provided by the ACC. Numbers or letters to be placed on the mailboxes shall be standard as approved by the ACC. The payment for the mailbox and its installation will be the responsibility of the property owner or Builder. No modification of any mailbox shall be permitted.

### **Miscellaneous Provisions**

All propane tanks, water tanks, or similar storage facilities shall be located underground with all visible projections screened from view. Tanks for the storage of gasoline or diesel fuel, and other hazardous materials are not permitted.

### **Sight Line Limitations**

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations shall be placed or permitted to remain on any corner Lot within the triangular areas shown on the record plat as "Sight Triangles."

### **Combination or Subdivision or Lots**

Should the Owner of a Lot own an adjacent Lot(s) and desire that two (2) or more such Lots be considered as one Lot, then such Lots shall be considered as one Lot for the purposes of these Guidelines the recordation in the Office of the Register of Deeds of Mecklenburg County, North Carolina, of an instrument by such Owner expressing such intent (such instrument to refer specifically to this section in this Declaration and to identify the Lots to be considered as one Lot for purposes of these Guidelines and a copy of such recorded instrument shall be promptly delivered by such Owner to the ACC); and in each such case, Building Envelopes, setback lines, and easements reserved in this Master Declaration shall be adjusted accordingly by the ACC. No Lot shall be subdivided by sale, lease or otherwise without the prior written consent of Declarant. Provided, however, Declarant reserves the right to change the size, boundaries or dimensions of any Lot owned by Declarant for any reason.

### **Non-Liability for Approval of Plans**

ACC approval of any action pursuant to these Guidelines shall not be deemed a warranty or representation by the ACC as to the quality of the action, or that the action conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation. Neither the ACC nor the Association shall be liable to any Owner or other person for any damage, loss or prejudice suffered or claimed on account of (i) the Approval or Disapproval of any plans drawings and specifications, (ii) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, including but not limited to the structure, foundation, footings, etc., (iii) the development, or manner of development of any property within The Palisades, or (iv) the execution of an estoppel, or

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Charlotte, NC 28278

PHONE: 704.583-1513

FAX: 704.588-5111

similar certificate pursuant, or relating to the Guidelines, whether or not the facts therein are correct, provided any such action was taken in good faith.

**Governmental Requirements**

Nothing herein contained shall be deemed to constitute a waiver of any governmental requirements applicable to any Lot and all applicable governmental requirements or restrictions relative to the construction of Improvements on and/or use and utilization of any Lot shall continue to be applicable and shall be complied with in regard to the Lots. Each Owner shall comply with all laws, regulations, ordinances (including, without limitation, applicable zoning ordinances) and other governmental rules and restrictions in regard to the portion of the Property owned by such Owner.

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