The OAKS at Rock Barn

ARCHITECTURAL DESIGN GUIDE

Prepared by:

The OAKS at Rock Barn
Conover, North Carolina 28613

NOTICE: The date of this original document is February 5, 2004. This document is subject to revision and amendment on an annual basis or as deemed necessary by the OAKS HOA Board. Please contact The OAKS Architectural Control Committee, c/o The OAKS at Rock Barn, Attn.: Tom Shea, 3791 Clubhouse Dr. NE, Conover, NC 28613, (828)459-1820 to verify the date of the most current document. The most recent published version dated January 1, 2026, **shall supersede**, and **replace all previous versions** of the Architectural Design Guide for any new construction or property enhancements that has not been reviewed and approved by the OAKS Architectural Control Committee. A lot owner is required to use the most recently published version when planning their house or enhancement. Any superseded version shall not be accepted.

This Architectural Design Guide for "The OAKS at Rock Barn" is adopted pursuant to Article X of the "Master Declaration of Covenants, Conditions and Restrictions for The Oaks at Rock Barn."

The OAKS at Rock Barn

The Owner and the designated General Contractor are required to complete and submit the provided **OWNER HOUSE PLAN CHECK LIST** that supports this Architecture Design Guide.
ARCHITECTURAL DESIGN GUIDE

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The OAKS at Rock Barn

INTRODUCTION

Design Review Guidelines

The OAKS at Rock Barn ("The OAKS") is being developed as one of the premier communities that may be developed in the Rock Barn Jones Development ("RBJD"). Great care has been taken in the planning, design, and development phases of The OAKS to ensure that Rock Barn's natural beauty is retained for years to come. The streets and home sites have been designed to preserve wooded areas and to create a feeling of spaciousness in harmony with the natural environment and the Club Facilities. This Architectural Design Guide has been developed to provide broad guidelines for home construction, other new construction and to encourage the use of professional talent to assure the goal of making each home in The OAKS as special and aesthetically pleasing as the land itself.

Design Review Concept. To accomplish the goal of architectural integrity and balance with the existing environment and the Club Facilities, an Architectural Control Committee, hereinafter referred to as "ACC", has been established by Declarant (Rock Barn Properties, Inc.) to review and approve new building designs, exterior building or appearance alterations, building additions, site plans, landscape plans, exterior color combinations and any and all other elements which affect the appearance of a home or homesite. The ACC has established design criteria to aid home buyers, architects, designers and builders in their design and construction of private improvements.

The architectural objective at RBJD is that Buildings reflect design excellence and blend into, not intrude upon, the landscape, natural environment, or the Club Facilities. The desire is to encourage design which considers the total community and good planning, design, materials, colors, finishes and total development planning should seek this objective. Various housing styles and architectural designs are encouraged. The design criteria have purposely been kept to a minimum in order to encourage professional design creativity. The ACC and design criteria seek only to coordinate the many directions of all RBJD home buyers, architects, designers, and home builders, to create harmony with the natural environment and to protect the mutual interests and individual investments of all residents of the OAKS, the Declarant and the Club Facilities.

Upon completion of any ACC Approved construction effort wherein the Owner does inhabit the completed home, the version of the Architectural Design Guide used to govern the build shall become void. Any homeowner desired changes or enhancements from that time forward shall then be governed by the most current dated Architectural Guideline published.

Architectural Control Committee Responsibilities

The ACC is empowered to perform the following services:

1. To establish architectural criteria and exterior design themes for the community.
2. To establish design review criteria for the protection of enduring property values and to provide the best possible safeguards for continuing appreciation.
3. To review and approve the proposed Licensed Contractor for the construction process. Owner-Builders are discouraged unless they receive prior approval by the ACC.
4. To review all applications for compliance with design review criteria and with the Declaration.
5. To ensure compatible architectural designs and harmonious relationships with neighboring building sites.
6 To require high standards of design and quality construction.
7. To establish fees for the review of applications as may be required.
8. To ensure that all properties are properly maintained.
9. To monitor violations of design review criteria and notify Declarant and the appropriate Board for action.
10. To amend design review criteria as required from time to time.

11. To contact applicants whose plans and specifications have been disapproved, or approved, and to provide reasonable assistance and recommendations for adjustments to bring applications into compliance with design review criteria.
12. To maintain copies of applications, design documents and related records.
11. To inform the appropriate Board and Declarant regarding activities of the ACC and changes in criteria as they may occur.

Architectural Control Committee Policies

The ACC assumes no liability for Applicant's responsibilities which include, but are not limited to, the following: Non-Liability for Approval of Plans. ACC approval of plans shall not constitute a representation, warranty, or guarantee, whether express or implied, that such plans and specifications comply with good engineering design or with zoning or building ordinances, or other governmental regulations or restrictions. By approving such plans and specifications neither the ACC, the members thereof, any Association, any Member thereof, the Board thereof, nor Declarant assumes any liability or responsibility therefor, or for any defect in any improvements constructed from such plans or specifications. Neither the Committee, any member thereof, any Association, the Board thereof, nor Declarant shall be liable to any Member, Owner, occupant, or other person or entity for any damage, loss or prejudice suffered or claimed on account of (a) the approval or disapproval of any plans, drawings, and specifications, whether or not defective, or (b) the construction or performance of any work, whether or not pursuant to the approved plans, drawings and specifications.

Without limitation to the foregoing the ACC shall have no liability for:

1. Determination of environmental restrictions, drainage and grading requirements and all surface and subsurface soil conditions.
2. Determination of structural, mechanical, electrical and all other technical aspects of a proposed design that can only be determined by competent professionals such as Architects, Engineers, Land Planners and Contractors.
3. Compliance with the Declaration and all ACC criteria and approvals.
4. Compliance with all applicable laws, codes and ordinances of the City of Conover or any other governmental agency or body.
5. Accuracy of all stakeouts and surveys.
6. Performance of quality of work by any contractor or subcontractor.

Design Review Approvals. Construction of new homes or structures and any changes, modifications, alterations, or improvements to existing homes and/or Lots **must** receive ACC approval **prior** to obtaining building permits or commencing any work. The ACC map develops house plans which can be consulted for design guidance.

Review by ACC. Upon receipt of a properly completed application, along with an architectural processing and approval fee of **$2,000**, the ACC will review Applicant's plans and specifications and render its decision in writing:

With the exception of structures designed and/or constructed by Declarant, **prior written approval** by the ACC shall be required of all new construction. In addition, no alteration or modification to an existing dwelling unit, or any other structure, previously approved by the ACC, whether dwellings, changes in exterior paint color, or other similar improvements shall be constructed, and no alteration of the established drainage on a Lot shall be made unless complete plans and specifications therefore have been first submitted to and approved in writing by the ACC. The ACC shall exercise its best judgment (neither arbitrarily nor capriciously) to the end that all such

changes, improvements and alterations requested conform to and harmonize with the existing surroundings. Plans and Specifications shall be submitted in duplicate to the Committee.

The Plans and Specifications shall show the nature, kind, shape, height, materials and location of all construction, improvements and landscaping. The documents shall specify any requested variance from the setback lines, garage location or any other requirement. At such time as the plans meet the approval of the Committee one complete set will be retained by the Committee and the other set shall be marked approved on behalf of the Committee and returned to the Owner or his designated representative. If disapproved by the Committee one set of such plans shall be returned marked "disapproved" and shall be accompanied by a statement setting forth the reasons for disapproval. In no event shall the Committee give verbal approval or disapproval of any plans, and no person or entity shall be entitled to rely on verbal approval. If the Committee fails to approve or disapprove such plans and specifications within thirty (30) days after the date of submission, written approval of the matter submitted shall not be required and compliance with this Article shall be deemed to have been completed, so long as the submission does not otherwise violate or fail to conform to any restrictions or requirements of the ACC, in which event the submission shall be deemed disapproved by the Committee. An Owner submitting plans to the Committee shall have the burden of establishing the date upon which the Committee receives said plans.

It is the intent hereof that the Architectural Control Committee shall have the broad power and discretion to review, supervise and control any and all man-made buildings, structures, improvements and objects of every kind or description which may be placed, erected, installed or permitted to remain on any Lot, or within the street right of way adjacent to any lot, as well as any trees, shrubbery or plantings of any kind which may be planted, transplanted, placed upon or removed from any lot. The enumeration of specific use restrictions in the Master Declaration shall not be interpreted to limit the authority of the ACC, the only intended limit on its plenary authority being that it shall not act arbitrarily or capriciously.

In the event an application is DISAPPROVED. Applicants must make appropriate changes and resubmit for the same step for which plans, and specifications were disapproved.

Appeal. The decision of the ACC is final.

Variances. All requests to the ACC for variances from the requirements set forth in this Architectural Design Guide or any other rules or regulations **shall be made in writing by the Builder of Record and confirmed by the Owner**. No verbal requests for variance will be accepted. Any variance granted shall be considered unique and will not set any precedent for future decisions by the ACC.

Written Approvals/Oral Statements. Applications for review or approval will be returned with the ACC's decision, comments, and limiting conditions signed by a member of the ACC along with one set of submitted design documents.

The foregoing items shall be the sole source of reference regarding ACC approval and oral statements shall not be relied upon unless incorporated into written approvals, or noted on design documents and signed by a member of the ACC.

Approval Expiration. Applicants must begin construction within one hundred twenty (120) days of Final Plan approval by the ACC. Failure to do so will automatically revoke approval without prior notice from the ACC.

Time extensions may be requested from the ACC which shall have the sole right to grant or reject any request for an extension of time in its sole and absolute discretion.

Additions/Remodeling/Improvements. Applicants for changes, modifications, alterations, and improvements to existing homes shall consult with the ACC to determine the design documents required for approval. No work shall commence without final approval of the ACC. This includes, without limitation, any free-standing structures of any kind or nature, repairing a home if another color is used other than the color originally approved by the ACC and removal of any tree six (6) inches or greater in diameter of a point three (3) feet above grade.

Construction Changes. All construction must be completed in accordance with the Application and Plans and Specifications as approved. Exterior changes must receive prior written approval from the ACC.

Construction Inspections. Periodic inspections may be made by the ACC while construction is in progress to determine compliance with the approved design documents. The ACC, Declarant, and any appropriate Board is empowered to enforce its policies, as set forth in the Declaration or these guidelines, by any action, including an action in a court of law or equity to assure compliance.

Enforcement. In the event of a breach, or any attempted or threatened breach, of any term, covenant, condition, restriction, right or procedure set forth herein, the ACC shall notify the Declarant and the appropriate Board, who, acting jointly or severally, shall be entitled, forthwith and in addition to any other applicable rights or remedies at law or in equity, to:

(1) Obtain a decree for specific performance of the provisions hereof.
(2) Enter upon the premises where any such violation exists or is threatened, and summarily abate, remove or otherwise eliminate, at the expense of the lot owner and any other person, jointly or severally, that is in breach or violation hereof, any structure, condition or thing that is contrary to any provision, or the meaning or intent, hereof, permissions for any such entry being granted by acceptance of a deed for any Lot subject hereto;
(3) Enjoin, abate or otherwise remedy by appropriate legal or equitable proceedings the continuance of any breach, attempted breach or threat thereof, without being required to show any actual or threatened damages or to post any bond or security; therefore, or
(4) Commence and prosecute an action for the recovery of damages, both consequential or punitive, for the consequences of breach, or any attempted breach or threat thereof.

All costs and expenses (including reasonable attorney fees) of any suit or proceeding hereunder shall be fully assessed against the defaulting party and shall constitute a lien, until repaid, against the real estate or interest therein of such defaulting party. All remedies hereunder, or otherwise available at law or in equity for the enforcement of the provisions hereof, shall be cumulative, and the failure or neglect to enforce any term, covenant, condition, restriction, right or procedure herein shall in no event, and under no circumstances, be construed, deemed, or held to be a waiver with respect to any subsequent breach or violation hereof.

The OAKS at Rock Barn

DEFINITIONS

Refer to the Master Declaration for definitions therein. In the event of conflict between a definition in this architectural design guide and in the Master Declaration then the Master Declaration shall control.

" Applicant". Any individual Lot owner or Builder seeking to make, construct or change any improvement on any Lot or residence in the OAKS.

"Architectural Control Committee." As defined in the Declaration.
" Association". As defined in the Declaration

"Board" and "Board of Directors". As defined in the Declaration.

"Buffer". An area of land with plantings, structures or other landscape features which are used to minimize or reduce conflicts.

"Builder". Any person that holds a valid and registered NC Contractor License meeting the dollar value of the planned build and that (1) acquires a Lot or Lots for the purpose of development and sale in the ordinary course of business or (2) enters into an agreement with an owner of a Lot to construct a house or make an improvement on a Lot.

"Builder of Record". A person who holds a valid and registered NC Contractors License and whose name is so designated as the Contractor on all City, County, or State building permits.

"Building". A structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used, or intended to be used for shelter or enclosure of persons, animals and/or property.

"Building Lines". The setback line established by the City of Conover Zoning Ordinance, generally parallel with and measured perpendicularly from the front Lot Line, defining the limits of a front, rear, or side yards in which no Building or structure may be located.

"Building Setbacks". Oaks HOA may modify the minimum setbacks as warranted to ensure structure placement conformity in the subdivision. HOA setbacks shall supersede the minimum established by the City of Conover.

"Business Activities". No business activities of any nature included but not limited to home rentals or leasing are allowed. However private offices may be maintained within residences constructed on lots so long as such use is incidental to the primary residential use of the lot and is approved by the HOA Board of Directors.

"Club Facilities". As defined in the Declaration.

"Common Area" or "Limited Common Area". As defined in the Declaration.

"Community-Wide". The standards of conduct, maintenance, or other activity generally prevailing. Community-Wide Standards shall be a part of the Rules and Regulations of the Association.

"Commercial Vehicle" – Any vehicle, private or commercially owned, that is transporting construction personnel, building materials, supplies of any nature, any equipment related to the building effort or trailers to the building site.

"Corner Lot". Any Lot at the junction of and abutting two (2) or more intersecting Streets.

"Declarant". Shall mean and refer to Rock Barn Properties, Inc.

“Declaration”. That certain MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS *FOR THE OAKS* AT ROCK BARN as amended from time to time.

"Developer". Shall mean and refer to Rock Barn Properties, Inc., a North Carolina Corporation, its successors, and assigns.

"Development". Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, dredging, filling, grading, paving, excavation or drilling operations and tree removal.

"Front of Lots". As shown on any recorded plat, and otherwise: The front of a Lot shall be considered to be that side of the Lot which fronts on a Street. In the case of a comer Lot, the narrowest side fronting the Street shall be considered to be the front of the Lot. In case the comer Lot has equal frontage on two or more Streets, the Lot shall be considered to front on that Street on which the ACC approved Plat shows the front of the house to be facing.

"Front Yard". That portion of a Lot extending across the front of the Lot, between the side Lot Lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

“Height of Building" The vertical distance from the median elevation of the finished grade at the foundation along the side(s) of the building facing a Street to the highest point of the roof, excluding chimneys.

"Interior Lot". Any Lot other than a corner Lot.

"Lot". As defined in the Declaration.

"Lot Depth". This means distance between front and rear Lot Lines.

“Lot Lines”. A line bounding a Lot as shown on a surveyor plat of the subdivision.

"Lot Width". The distance between the side Lot Lines at the front setback line measured along a straight line parallel to the front Lot Line or parallel to the chord thereof.

"Member". As defined in the Declaration.

“Nuisances”. In addition to those restrictions provided for in Section 13.1,2,3,4,5,6,7,8,9 of the Master Declaration CCRs for the OAKS at Rock Barn, no noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may cause embarrassment, discomfort, annoyance, or nuisance to the any neighbor or the neighborhood at large. No trade materials or inventories may be stored upon any premises and no trucks larger than a standard pickup truck, commercial vehicles, trailers of any type, campers, mobile homes, yard equipment or tractors may be stored or regularly parked on a premise after the county CO has been issued.

"Rear Yard". That portion of a Lot extending across the rear of the Lot, between the side Lot Lines and being the minimum horizontal distance between the rear Lot Line and the rear of the building or structure.

"Residence". A structure permanently affixed to the land with one or more floors and a roof supported by columns or walls and designed and intended for use and occupancy exclusively by a single family. Also, can be referred to as a home or a house.

"Right-of-Way". A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment such as a landscaped area.

"Side Yard". That portion of a Lot that is located between the side Lot Line and the nearest building or structure.

" Signs". Any structure, device or contrivance and all parts thereof which are entered or used for advertising, directional or identification purposed or any poster, bill, bulletin, printing, lettering, painting, device, or other advertising of any kind whatsoever, which is placed, posted, or otherwise fastened or affixed to the ground and/or structures within the boundaries of the Property.

"Street". A public way for the purpose of vehicular travel, including the entire area within the right-of-way. All City of Conover and Catawba Country laws and restrictions shall be always adhered to.

"Utilities". All services, including sanitary sewer, storm sewer, pressured water, golf course irrigation lines, natural gas, electricity, telephone, cable television, etc.

"Variance". A modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and were owing to conditions peculiar to the Property and not the result of action by the Applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

"Yard". A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three' (3) feet above the general level of the graded Lot upward.

The definitions contained in Article I of the Declaration are also hereby incorporated into this section, and in the event of conflict with any definition in this Architectural Design Guide the Master Declaration shall control.

ARCHITECTURAL CONTROL COMMITTEE AND PLAN REQUIREMENTS

Architectural Control Committee Composition and Meetings

.

The ACC shall review plans at the preliminary design stage and at the completion of working drawings. The members of the ACC effective 1/1/2025 are:

Leonard Lawing
Clif Armstrong
Tom Shea

The terms of the members shall be continuous until such time as a new member is appointed in their respective place. Alternate members shall serve in that order when present at a meeting of the Committee. A majority shall be required for the action of the Committee. Subcommittees may be appointed, and appeals may be taken therefrom as provided in this guide.

The address of the ACC is Rock Barn, Conover, North Carolina. The OAKS HOA and ACC do not at this time have any regular scheduled meetings, but rather, at the wish of the HOA Directors, will schedule meetings as required. Special meetings may be called and variations on submission time may be granted by the ACC at its sole discretion. The regularly scheduled meeting time may be changed by the HOA Directors or the ACC at its sole discretion. The ACC will not meet when it has nothing to take up.

Plans will be reviewed according to the guidelines hereinafter included. **No construction, including grading, tree removal, or Site alteration shall commence on any Lot without the prior written approval of the ACC**. No exterior alteration, additions, paint color changes, including any form of outbuilding, shall commence without written approval of the ACC. The basis for approvals shall be the plans as approved by the ACC and on record with the ACC. Proposed changes in plans following approvals must be resubmitted in writing to the ACC. The ACC chairperson shall have the authority to determine if such change is sufficiently minor as to be inconsequential to the character and quality of the development, in which case the chairperson may approve the change without full ACC review and approval.

The ACC is established pursuant to Article X of the Master Declaration; its members are the same for all areas subject to the Master Declaration, for example The Oaks at Rock Barn.

Preliminary Plans

Prior to commencing preparation of working drawings (final engineering and architectural), the Applicant shall submit to the ACC preliminary plans to assure conceptual acceptability; two (2) copies of the plans shall be submitted. Preliminary plans should recognize the particular assets of a Lot and strive to preserve or enhance those assets. Structures shall be located so as to blend with, not intrude upon, the natural environment and the Club Facilities. To the extent possible, buildings and other improvements should be situated so as to respect the privacy of residents on adjacent Lots. Submitted preliminary plans shall include the following drawings and information:

Site Plan - Scale to be 1"=20'-0" or larger. It is recommended that the preliminary" site plan shall show the following minimum information:

a. Existing conditions including Lot dimensions, all building setback lines, topography and significant natural features, such as ravines, creeks, masses of trees and individual trees of 5" or greater in diameter measured at a height of three feet above existing grade.

b. Proposed changes in existing conditions including building location, driveway location, type and location of other improvements such as pools, tennis courts, retaining walls, changes in topography and tree removal.

2. Sketches of building elevations showing exterior appearance and intended use of materials and color of all sides at a scale of 1/4" = 1’-0".

3. Floor plan sketches at a scale of 1/4" = 1'-0".
4. Any request for variances.

Storm water, erosion and sedimentation must be controlled and handled properly during and after construction. Downstream adjacent property must receive and not impede the flow of storm water originating from upstream natural watersheds. Whenever possible grading should be limited to protecting trees and other natural vegetation. Trees and other site amenities to be saved should be protected during construction with temporary fencing or barriers. Retaining walls shall be constructed or faced with stone, brick, wood timbers or other approved materials. Retaining walls, terraced banks and planted slopes should be utilized to accommodate grade changes.

Final Plan Review

Prior to commencement of any construction activity, two (2) sets of complete building and site plans with completed architectural review application for building and other permitted structures shall be submitted to the ACC for review and compliance with the design guidelines. The following list of drawings may be required by the ACC as part of this package at the scales requested:

1. **Site Plan -** Scale to be 1" =20' or larger. The site plan is to indicate all special assets of your Lot and all proposed improvements:

a. Existing and proposed contours at two (2)' foot intervals or less
b. Existing environmental features (e.g., ravines, creeks, significant tree stands, and the like)
c: Building footprints with dimensions and Lot setback distances.
d. Grade elevations at the major corners of the house and first and lower-level floor elevations
e. Driveway/auto court location with dimension and type of surface materials
f. Retaining walls and/or fences with sufficient detailing to describe intended use and character.
g. Location of utilities and all easements
h. Sidewalks
i. Such other information as may have been requested during the Preliminary Plan review.

2. **Architectural Plans and Specifications -** Scale to be 1/4"= 1'-0" or as otherwise approved by the ACC. a. Floor plan
b. Decks, terraces, and balconies
c. Elevations showing **all** sides of the house and any other proposed structures clearly showing the design and exterior appearance.
d. Finish materials and colors and typical detailing of windows, eaves, and transitional corners

Landscape Plan.

At the time of Builders submission of Owners House Plan Check List, two (2) copies of a preliminary landscape plan shall be delivered to the ACC for review. On or about the time the structure is "dried in", two (2) copies of a final landscape plan shall be delivered to the ACC for review. The ACC will place a strong emphasis on landscaping during the architectural review process as quality landscaping is vital to the appearance of each individual home and thus the overall community. In reviewing the landscaping plans, the ACC will evaluate the relationship between Applicant's home and Lot, adjacent homes, views, and the Club Facilities. Minimum requirements are as follows:

a. Two (2) sets of plans at 1/4" = 1 '-0", 1" = 20 ft. scale showing the locations, bounds and sizes for all plant materials, mulches, planting beds, ground covers, other miscellaneous landscape materials, sidewalks, and lighting. For all plant materials including trees, shrubs, and ground covers, graphically depict each in a scale representation equal to a mature plant and label each type using the botanical name for genus, species, and variety. Provide a separate listing on the landscape plan or detached scheduling that associates plant symbol with the specific name, common name and quantity to be used. HV AC compressors are to be indicated on the

plan and method of screening indicated. It is important to note that the golf course Lot side is just as important as the front.

b. Planting timetable. Weather and time of the year permitting, it will be required that all plant materials be installed within thirty (30) days of occupancy of residence. Where time of the year does not permit this, the Applicant and the ACC must agree on a date by which all plantings must occur, or normal Plan Approval will not be granted by the ACC.
c. All Lots must have underground irrigation systems and Owners are required to sod their yard before occupancy with turf-type tall fescue or such other type of sod as the ACC may determine.

Action by ACC

The ACC will review properly submitted preliminary plans, formal plans, and landscape plans at regularly or specifically scheduled meetings. Within thirty (30) days after consideration of the submission, the ACC will return one (1) copy of the plans to the Applicant either with comments addressing the reason(s) why the plans have not been approved or stamped approved by the ACC. Upon receipt of final approval of plans by ACC, the Applicant must apply for and obtain all necessary approvals from the City of Conover and any other agencies having jurisdiction, including payment of any requited fees, prior to commencing construction. Approval by the ACC does not in any way guarantee approvals by the City of Conover or other such agencies and all said approvals are the responsibility of the Applicant.

CONFORMANCE

The Applicant and/or Lot owner shall be responsible for ensuring conformance with the approved plan documents and the standards set forth in the DECLARATION and this ARCHITECTURAL DESIGN GUIDE.

Site Inspections, Temporary Site Approval and Final Site Approval.

The ACC shall have the right to enter upon or view by any reasonable means / methods in order to 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 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 item(s) cannot be reasonably completed within a thirty (30) daytime 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) daytime 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 being altered until a Final Site Approval or a Temporary Site Approval has been issued by the ACC.

Builders and home buyers 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 Lot owner.

The OAKS at Rock Barn

DESIGN GUIDELINES

Building Size and Height

Minimum square footage for homes will be established at the recording of the Supplemental Declaration. In general, the initial requirements will be as follows and these are the minimal requirements for the OAKS:

A minimum of 2500 square feet for a one-story

A minimum of 3000 square feet for a two-story

The maximum height permitted for any dwelling unit shall be 40 feet as measured from the normal grade at the front door (wall that most nearly parallels the street) to the highest point of the house, excluding the chimneys.

Building Setbacks

Setback requirements help ensure that The OAKS will be pleasing in appearance from views not only from the street but also from the Club Facilities. No residence shall be located on any Lot in violation of building setback lines as shown on the recorded plat of the property required by the applicable zoning ordinances, or the Master Declaration.

Minimum Setbacks City of Conover: Front – 25', Rear – 25', 1 story Sides – 8', 2 Story Sides – 12.5'.

Oaks HOA Required Setback (Interior Lot) – Front 40', Rear – 25', Sides – 12.5'.

Oaks HOA Required Setback (Corner Lot) – Front 40', Rear – 25', Side – 12', Street Side – 40.0'.

Setback requirements may not be modified without prior approval by ACC.

Decks, porches, terraces, wing walls 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, except as variations in the case of unique site characteristics, which the ACC may consider on a case-by-case basis. Patios, driveways, walks, etc., may usually encroach into setback areas.

Exterior Materials

The exterior appearance of each residence shall be consistent with the high quality of the overall community. Homes will be seen from many sides, and each side is important, particularly if visible from the Club Facilities. All sides of a home should be detailed and finished. Each elevation of the home shall be compatible in design, material, and content with the other elevations. The maximum number of exposed foundations shall be one (1) foot, unless otherwise approved by the ACC under certain circumstances. Excluding hardware, no reflective finishes or materials are permitted on the exterior of any house, unless otherwise approved by ACC.

Windows, Doors and Skylights

Areas with major fenestration should be oriented to afford privacy while taking advantage of special views, such as water bodies or golf. Windows should be carefully proportioned and located to enhance both the exterior appearance and interior light quality and views.

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.

Skylights will be subject to ACC approval.

Roofs

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.

Roof materials and colors should be compatible throughout the community and should be compatible with other exterior materials and colors. The use of wood shingles or wood "shakes" left to weather naturally is acceptable. Roofs of slate, or tile

may also be used. 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 Streets or Club Facilities.

Chimneys

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 landscape screened.

Garages

No front-loading garages are allowed. Minimum 2-car to maximum 3-car garage that faces either the side lot line or rear lot line. This is required for all lots including a corner lot.

Ideally, garage doors, even though located on the side or rear of the residence, are screened with planting, or set back from the face of the house. Curved. driveways are acceptable. Basements are not considered garages therefore overhead garage style doors are not allowed.

The ideal driveway links strongly with the front entrance, making it easy for a person to use the from door before reaching the rear. Special driveway paving is encouraged but not necessary (brick, combination brick and concrete, textured concrete, etc.). On flat sides, mounding may be considered to help driveways blend with their sites. All driveways must be at least one foot from the property line. A 3-foot landscape buffer, however, is encouraged.

Walkways and Sidewalks

The ideal entry walkway should link with the driveway possibly through the 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 with brick, preferably edged in brick or all brick.

Mechanical Equipment

All exterior mechanical equipment including, but not limited to, transformers, vents, air conditioning compressors, pool pumps, meters, etc. must not be a nuisance to neighboring lots or to the Club Facilities.

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. 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 or be incompatible with adjoining property and the Club Facilities. All post top exterior lighting shall be of the incandescent ornamental (Ballard) type used around the Club House and Golf Shop.

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 traveled roadways, neighboring Lots or Club property will be reason for disapproval.

Mailboxes

The ACC will require the installation of a private individual mailbox be purchased through Declarant, Rock Barn Properties, Inc., prior to its final site inspection. The mailbox shall be located on the same side of the street as all other current mailboxes and further based on the assigned postal address. The mailbox shall conform to the standard design and specifications as established 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.

Wiring and Utilities
All wiring and utilities shall be underground except for temporary electrical service for homes under construction. It is recommended that all residences should be pre-wired for cable TV.

Antennae
Many of the techniques and hardware of satellite dishes are still in the development stage. ACC approval is required for all exterior satellite dishes, and the ACC Will reject any satellite dish of any size, shape or color which is insensitively designed or located. Any negative visual impact on traveled roadways, neighboring Lots or Club property 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. No radio station or shortwave operations of any kind shall operate from any Lot or Common Areas, except for communication equipment utilized by any Association and Declarant.

Outbuildings and Storage
Detached buildings of any type are strongly discouraged. Storage buildings which are an integral part of the architecture of the home may be permitted, subject to ACC prior approval. Gazebos, playhouses, swing sets, and similar items may be permitted but must have prior approved by the ACC. If approved, these items must be located so that they are not directly visible from the street. No open storage of any kind is permitted. Should applicants receive the ACC initial temporary approval, they must next contact each adjacent neighbor in writing describing the requested change to solicit their approval and copy the ACC. Upon receipt of each response, the ACC shall make the final determination as to approve or disapprove the Applicants Request.

Refuse Areas
Garbage and refuse shall be placed in containers and located in the garage or other inside areas.

Basketball Backboards
All backboards shall be placed at the rear of the driveway turnaround when possible. Transparent backboards are preferred. Location must be approved by ACC.

Miscellaneous Athletic Equipment
Any athletic equipment such as hockey nets, or soccer nets shall not be visible from the street when not in use.

Entrance Gates Are Not Allowed

Walls and Fences.
All walls and fences must be approved by the ACC as to location, size and materials. 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 for special cases where, subject to ACC approval, walls, fences, copings, or boundary plantings are permitted for the creation of privacy on Lots adjacent to the Club Facilities, no wall, fence, coping, or boundary planting may be constructed on the boundary line of any Lot where it adjoins the Club Facilities.

All retaining walls built anywhere on Lots should be made from stone, brick, landscape ties, or other approved materials. Final design and materials must be approved by the ACC.

No fence or wall shall extend beyond the front setback line, or front and side setback line on any corner lot, with the exception of fencing or walls constructed and erected by the Declarant. All fences, walls, and enclosures are subject to approval by the ACC.

Signs.
No signs, billboards, banners, letters and/or numbers of any kind or nature including, but not limited to commercial, subcontractor, Realtor, lender, and similar signs, whether permanent or temporary shall be erected or maintained on any Lot, except signs required as a matter of law and signs approved by the ACC. Approved signs must be green, gold and white, no more than 4 square feet and in an approved shape. The Developer and its assigns are exempt from this requirement.

Swing Sets
No outdoor swing set, playground equipment, trampoline or other similar structure may be constructed or installed on any lot without the written approval of the ACC. If approved, these items must be located so that they are not directly visible from a street.

Awnings and Canopies
Awnings and canopies shall not be permitted or affixed to the exterior of any residence without prior approval of the ACC. Areas beneath decks and elevated terraces are not to be used for storage unless the areas are permanently shielded from public view.

Miscellaneous
No objects such as soccer, hockey nets or sculptures, birdbaths, fountains, and the like shall be placed or installed on the building site in any area that is visible from a traveled roadway adjacent lot or the golf course without the prior approval of the ACC. A flagpole for display of the American Flag will be permitted subject to ACC approval of the size, placement, color, finish, and design. No flagpole can be used as an antenna. No clothes lines will be allowed.

GENERAL COMMUNITY STANDARDS

Remodeling and Additions
It is required that all plans for remodeling including re-painting, re-staining, and re-roofing or additions. that alter the exterior appearance of any permanent structure or homesite be approved by the ACC. All of the requirements and guidelines set forth in this document apply to these types of improvements.
It should be clearly understood that colors and construction materials of houses that have been approved in the past, may in the future be found to be inappropriate. All remodeling and additions shall be governed by the most recent published Architectural Design Guidelines and will require ACC approval before commencing any work.

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 prevents 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 onto adjacent lots or homesites. The builder is responsible for street cleanup **on a daily basis**. The Builder is responsible for all subcontractors' site cleanup. 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 Declarant.
3. No alcoholic beverages are permitted on the job site.
4. The playing of any audio equipment in a loud manner that may be annoying to residents or golfers is prohibited.
5. Any agents, subcontractors, employees or builders who violate construction site requirements or any other ACC criteria may be removed and prohibited from entering The OAKS by the ACC.
6. Firm 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. There shall be no construction performed on any Sunday or Federal Holiday. ACC may approve exceptions to these times based on allowable circumstances. The Declaration contains special restrictions on construction activities during golf tournaments.

7. All construction vehicles and trailers MUST both enter and exit the location of the worksite through the designated Construction Gate located on Shook Road. The ACC will ensure that the proper access code is provided.
8. All construction vehicles and trailers MUST abide by Rock Barn Country Club and the City of Conover restrictions for NO Overnight Parking of said vehicles or trailers.
9. All construction vehicles shall abide by all Rock Barn Country Club posted speed limits, golf cart right away and City Stop signs. All infractions will be turned over to the proper authorities and Rock Barn Management for any warranted actions. The Builder shall be held responsible for the actions of any commercial vehicles or trailers that are supporting the Builders job site and have been approved by the Builder to enter the Rock Barn Country Club complex.
10. The Builder / Contractor of Record shall be responsible for any cost related to and all immediate repair or replacement for any damage done to any city, county utilities or internet cables of any nature that are located on the site.
11. The Builder / Contractor should contact the Catawba Country MS Utility service prior to any commencing any ground disruption. Should any public utility lines and/or the main internet/tv cable be cut or damaged in any manner, the Builder of Record will be assessed a fee of $500 per day starting the next full day after the cut until full service is restored. This HOA assessment does not take the place of any fines or charges that may be levied by the county or cable provider.
12. The Builder / Contractor of Record shall be responsible for any and all actions taken or not by any subcontractor or vendor that violates in any manner the intent or spirit of the then current OAKS Design Guidelines Conditions and Restrictions and further supported by the Master Declarations for the OAKS at Rock Barn as published.

Landscaping and Maintenance by Owner and Association or Sub-Association.

Every property owner is responsible for preventing the development of any unclean, unsightly, or unkempt conditions of buildings or yards which shall reduce the beauty of the neighborhood as a whole or the specific area. Any proposed additions or changes in landscaping such as fences, fountains, lighting, drives, walks, landscape structures and statuaries must be approved by the ACC. The OAKS home owners association shall provide basic landscaping work for all Lots which shall include mowing of grass, weeding, pruning of trees and shrubs, raking and yard debris disposal (specifically excluded is the maintenance of any building exterior, sidewalk, driveway, porch or patio); the association will replace or repair trees, shrubs, or grass only where replacement is necessary from normal wear, and the Owner shall be responsible for replacement caused by any other reason (such as casualty loss).

Tree Preservation

The cutting of the forest canopy is prohibited, especially along golf courses or lake frontage lots, except for removal of dead trees, branches, and unsightly material, such as sucker growth, for maintenance. However, selective thinning of underbrush and pruning of lower limbs of trees will be permitted to enhance views. Any such pruning and the cutting down of any live tree 5" in diameter or greater (measured at a point three (3) feet above ground) must be approved by the ACC in advance; violation of pruning or tree cutting standards are subject to the ACC or any association, or the Declarant, requiring replacement of the specimen with a specimen of the general size and condition, and such other enforcement as the ACC, any Association, or the Declarant may determine as a sufficient remedy for the violation.

Temporary Improvements

No temporary building or structure shall be permitted except for those trailers, barricades, trash receptacles or portable toilets that may be required during the construction of a permanent improvement and will be approved or required on a case-by-case basis by the ACC.

Design Duplication.

Applicants should select building sites and home plans which will not result in the construction of repetitious designs within close proximity of each other. Similar designs or design duplications are discouraged and subject to disapproval without sufficient variations in exterior colors, materials, finishes, trim and detailing. Elevations that are

similar in appearance are prohibited on any four adjacent homesites or any three homesites immediately across the Street. The approval of plans for a specific site does not automatically imply approval by the ACC of identical or similar plans for another building site.

Conflict

In the case of any conflict between the OAKS Architectural Design Guide and the Declaration, the Master Declarations for the OAKS at Rock Barn as published will prevail.

Use Restrictions and Purpose

Residential. Each of the lots in the OAKS shall be restricted exclusively to single-family residential use and shall be only occupied by a single family, its nurses, aids, servants, or caretakers, and guests.

Business Activities. No business activities shall be conducted on any portion of any lot within the OAKS, however private offices may be maintained in residences so long as such use is incidental to the primary residential use of the lot. The property shall not be used in any way or for any purpose, which may endanger the health of or unreasonably disturb the owners of any lot or any resident thereof. The OAKS HOA Board of Directors shall, in its sole discretion, determine what constitutes business activity, health hazard, or unreasonable disturbance.

Motor Vehicles, Trailers. No motor vehicles, (other than private passenger vehicles), including, but not limited to mobile home, house trailer, camper, motor home, boat or boat trailer plus any kind of commercial vehicle, truck, tractors, trailers or storage containers may be stored or parked on any part of the owner's lot or on any adjacent street to the lot after the County Certificate of Occupancy has been granted to the homeowner.

Enforcement

The Declarant and the OAKs HOA ACC shall have the right to enforce, by any proceeding at law of in equity against any person or persons violating or attempting to violate any restrictions, condition, covenant, reservations, lien, and charge now or hereafter imposed by the provisions of this Declaration. Reference Article XIII, Section 2 for more information.

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