

Homeowners Association of Amherst, Inc.

**Architectural Standards
and
Guidelines**

July 1999

Table of Contents

Table of Contents.....	i
Mission Statement.....	ii
Introduction.....	iii
Submittal and Approval Process.....	v
Additions and Changes to Homes.....	1
Awnings.....	2
Basketball Goals.....	3
Decks and Patios.....	5
Detached Structures.....	6
Driveways and Parking Pads.....	8
Exterior Color and/or Material Changes to Homes.....	9
Fences.....	10
Garden Plots.....	13
Landscaping.....	14
Excavation and Grading.....	16
Retaining Walls.....	17
Pets, Pet Houses and Pens.....	18
Solar Collectors.....	20
Skylights, Solar Tubes.....	21
Swimming Pools and Hot Tubs.....	22
Swing Sets and Jungle Gyms.....	23
Maintenance.....	25
Restricted Items.....	26
Clotheslines.....	26
Mailboxes.....	26
Parking.....	26
Storage.....	26
Radio/TV Antennas and Satellite Dishes.....	27
Appendix.....	29
Mailbox Specifications.....	30
Architectural Request Form.....	32
Articles 11 & 12 of Covenants.....	34

Mission Statement
Amherst Architectural Committee

To develop and advance a set of architectural guidelines that will promote a "look and feel" for our neighborhood where homeowners can reasonably expect preservation of their property values.

We do so while supporting homeowners' rights to realize the maximum enjoyment from their property without exerting undo control over the improvements they produce in attaining this goal.

Introduction

The architectural standards and guidelines are established to ensure the integrity of the neighborhood and to allow each lot owner the ability to enjoy their property within these guidelines. The basis for these standards are Articles 11 and 12 of the Declaration of Covenants, Conditions and Restrictions for the Amherst Subdivision which was adopted January 12, 1995.

While these covenants set certain standards and restrictions, these guidelines were developed to promote a "look and feel" for our neighborhood where homeowners can reasonably expect the preservation of their property values and, at the same time, maximize the enjoyment of their property and community.

The Committee has attempted to make these standards and guidelines as simple as possible while following the mandate of the Covenants. The request form is simple and direct, and the response time for approval is set at a minimum. For your convenience, a blank request form and a copy of Articles 11 and 12 of the Covenants are included in the Appendix. We encourage each homeowner to follow these standards and guidelines. When in doubt regarding the appropriateness of your plans, please submit a request form to the Committee in advance so that any controversies can be avoided. In this way, the Committee can work with you to suggest any changes that may be necessary to gain the Committee's approval for your project.

July 1999

Submittal and Approval Process

Each homeowner has the responsibility to complete an architectural review request form prior to making any changes to the exterior of their home or property other than those which carry preapprovals, as outlined in these architectural guidelines. (Submittal of items to document construction of **preapproved** projects is optional. A blank application is included in the Appendix of these guidelines and additional copies may be obtained from the current management company. The process will be the same for all submittals (except as noted above) with the required details varying depending upon the type of architectural change.

Items to be submitted:

1. Architectural request form completed in its entirety.
2. Plot plan outlining the position and/or placement of the change.
3. Drawing / plans showing the construction and effects of the change if required.
4. Samples of paint, siding or any other items the may be helpful to the committee in rendering a decision.

Submit your completed architectural request form to the current management company to perform an initial review of completeness. Incomplete submittals will be returned to the homeowner. Any homeowner who wishes to meet with the committee should include this request with their application. The management company will advise the homeowner of the final decision of the committee.

Reminders:

1. No changes should begin without written approval from the Committee. The current management company will provide the homeowner with a copy of the Committee's decision.
2. Building permits may be required by the Town of Apex. It is the responsibility of each homeowner to obtain these permits.
3. Please allow 30 days for the processing of any request for changes.

July 1999

Additions and Changes to Homes

Construction Guidelines and Restrictions:

1. No change shall encroach upon the setbacks for the lot as listed in the Declaration. (See Article 12, Section C)
2. Changes must match the house color and style.
3. City/Town/County Building Permits are the responsibility of each homeowner.

Items Requiring Application for Approval:

All external changes to homes require approval by the Committee. This includes, but is not limited to, new rooms, porches, garages or attached structures of any kind.

Preapprovals:

Normal maintenance to preserve the structure in its original state does not require approval by the Committee.

Additional Information Required in Your Application:

1. Plans and elevations showing the planned appearance of the structure.
2. Description and sample of material(s) to be used including siding, paint colors and shingles if applicable.

July 1999

Awnings

Construction Guidelines and Restrictions:

1. The awning covering material shall be fabric only.
2. Fabric used should blend with the color of the house.
3. The awning can be either stationary or retractable.
4. Any supporting wood structure must be the same color as the house or deck.
5. The awning must be attached to the house or deck and not freestanding.
6. Upon deterioration, the awning must be repaired, replaced or removed.

Items Requiring Application for Approval:

All proposals for attachment of awnings require approval by the Committee

Preapprovals:

None

Additional Information Required in Your Application:

1. Front and side views of awning with location on house.
2. Description and sample of material(s) to be used.

Basketball Goals

Construction Guidelines and Restrictions:

1. Approval of fixed basketball goals are based upon the merits of each individual application.
2. Portable basketball goals should not be left out along the street right-of-way.

Items Requiring Application for Approval:

Fixed goals mounted on poles or attached to the house require approval by the Committee

Preapprovals:

Any commercially available portable goals

Additional Information Required in Your Application:

1. Picture and description of goal.

July 1999

This page intentionally left blank

Decks and Patios

Construction Guidelines and Restrictions:

1. Deck materials are generally treated wood and must be weather resistant.
2. Deck posts may be made of brick, pressure treated wood or other suitable material.
3. Patios may be constructed of concrete slabs, bricks or stone, either with a sand fill or grout.
4. Patios and decks should be located behind the house and may not extend around corners.

Items Requiring Submittal for Approval:

All proposals for construction of decks or patios require approval by the Committee.

Preapprovals:

None

Additional Information Required in Your Submittal:

1. Plot plan showing the location of the deck and patio in relationship to other structures and property lines.
2. Front and side view drawing showing the style of the deck or patio, including any railings, steps, etc...
3. Description of materials used, including samples of stain if applicable.

July 1999

Detached Structures

Construction Guidelines and Restrictions:

1. Construction of detached structures must adhere to the setbacks specified in Article 12, Section C of the Declaration. (See attached copy).
2. Structures should match the design and color of the main dwelling as much as possible. Materials should match those used for the exterior of the main dwelling in color and style. Additional guidance and restrictions can be found in Article 12, Section D, Paragraph 3 of the Declaration.
3. Permanent structures must be installed to be as inconspicuous as possible. The preferred location is in the rear of the property, directly behind the house. Each application for approval however, will be reviewed on its own merits.
4. All permanent detached structures must be placed on a foundation.
5. All structures must be properly maintained.
6. Metal sheds and tree houses are prohibited from being constructed within the subdivision.

Items Requiring Submittal for Approval:

All detached structures require approval prior to construction. Example of such structures include storage sheds, greenhouses, garages and playhouses

Preapprovals:

Small portable commercially available play houses do not require the approval of the Committee.

Additional Information Required in Your Submittal:

1. Standard plot plan showing the location of the existing dwelling and the proposed detached structure.
2. Front & side views of the proposed structure.
3. Description of any proposed live screening, if required.

Driveways and Parking Pads

Construction Guidelines and Restrictions:

1. Driveways and vehicle parking pads should be concrete. Use of any other materials (ie brick, stone, etc.) shall be reviewed on an individual basis. Aggregate base, thickness, reinforcement, etc. must comply with good construction practices.
2. Close attention must be paid to structure placement, setbacks and encroachment onto buffer areas, Association owned common property and neighboring lots.

Items Requiring Application for Approval:

All proposals for changes to driveways or additions of parking pads require approval by the Committee.

Preapprovals:

None

Additional Information Required in Your Application:

1. In addition to the standard plot plan showing location of the driveway modification or parking pad, include a description of the materials to be used in the construction.

Exterior Color and/or Material Changes to Homes

Construction Guidelines and Restrictions:

1. Brick facades must remain unpainted unless originally painted by the builder

Items Requiring Application for Approval:

All proposals for changes in the color of a home or a change in the exterior materials (ie from vinyl to hardboard or brick) facing a home, require approval by the Committee

Preapprovals:

Periodic repainting and restaining with the existing color does not require approval by the Committee.

Additional Information Required in Your Application:

1. Description and sample(s) of colors and/or material(s) to be used.
2. If changes effect only a portion of the dwelling, a drawing depicting the location of the changes on the home.

Fences

Construction Guidelines and Restrictions:

1. No fence shall be erected along the front line of any Lot or along the side line of any Lot that adjoins a street.
(Source: Declaration Article 12, Section D, Paragraph 15)
2. No fence of chain link construction shall be approved by the Committee.
(Source: Declaration Article 12, Section D, Paragraph 15)
3. No fence in excess of four feet in height shall be approved by the Committee.
(Source: Declaration Article 12, Section D, Paragraph 15)
4. All fences should be constructed of weather resistant wood, either pressure treated, cedar or redwood.
5. Recommended fence styles include picket, stockade or split rail.
6. Picket and stockade style fences should have no more than 3 1/2" of space between boards.
7. Fences may be left natural color (if sealed) or stained with a transparent; semi-transparent or opaque white stain. It is recommended that the fence be sealed or stained within 6 months of completion. Painted fences or those stained with an opaque stain other than white are prohibited.
8. Fences should not extend past the rear line of the house towards the front lot line on the side of the house adjacent to utility meters.
9. Fences that extend to the front line of the house should be screened with live plantings. Fences that extended beyond the front line of the house are prohibited.
10. All fences should be constructed within 6-12" of the property line, except as noted in item 1. Fences with other setbacks will require that an application for approval be submitted to the Committee.
11. It is recommended that property owners do not construct fences that infringe on easements or other rights-of-way. Such construction is done entirely at the risk and expense of the property owner should removal or destruction of such a fence be necessary during repair and/or maintenance of the subdivisions utilities. If the homeowners has doubt as to the location of their lot lines, easements or other rights-of-way, it is recommend that the homeowner have a

proper survey performed of their lot.

Items Requiring Application for Approval:

Any proposed fence that varies in any construction detail or location from the above guidelines must be approved by the Committee. Any fence that varies from restrictions specified in the Declaration must be approved by the Board and will require such variance to be filed with the Register of Deeds in accordance with Article 15 of the Declaration.

Preapprovals:

None at this time as restricted by the Declaration of the Covenants.

Additional Information Required in Your Application:

1. Plot (top down view) to indicate exact location of the fence in relation to the house and property lines. Running dimensions and gate locations of the fence must be included on the plot plan. Also include amount of setback from property lines.
2. Elevation (front view) of fence or diagram showing picket style.
3. Description of materials used in construction (type of wood, etc.), type of finish, if used (stain, etc.),

This page intentionally left blank

Garden Plots

Construction Guidelines and Restrictions:

1. Regular maintenance of the garden is required.
2. Debris must be removed at the end of the gardening season.
3. Stakes and any other structural items required for harvesting should be removed at the end of the gardening season.
4. Garden plots are to be placed in the rear of the lot.

Items Requiring Application for Approval:

1. Gardens placed on lots in locations other than as described above or those which do not meet the guidelines and restrictions below will require approval by the Committee.
2. All compost piles require submission of an application to the Committee for approval of their location.

Preapprovals:

Gardens that are wholly located in the rear portion of the lot do not require approval of the Committee.

Additional Information Required in Your Application:

1. Standard plot plan showing the location of the garden.

July 1999

Landscaping

The Committee wishes to encourage all homeowners to enhance the appearance of their lots through the use of landscaping improvements. These guidelines are published to provide the homeowner with a sense of the Committee's interest in seeing that these improvements are in harmony with the general surroundings of the neighborhood.

Construction Guidelines and Restrictions:

1. Addition of low growing shrubs and bedding flowers should not encroach upon neighboring properties.
2. Following initial construction, no tree (other than those that are dead, damaged beyond repair or that pose a threat to personal property) taller than 20 feet and/or having a trunk exceeding ten (10) inches in diameter at a height of two (2) feet above ground level should be removed to accomplish landscaping or other improvements.
3. Hedge or screen plantings should not extend beyond the front of the house towards the front lot line.
4. Hedge or screen plantings that form a barrier between lots should be setback from the property line to allow for growth and have an agreement with the adjacent lot owner allowing for maintenance access.
5. The Committee has chosen not to restrict the homeowners' choice, placement or arrangement of lawn or garden ornamentation on or within their lot.
6. No changes, modifications or plantings are allowed on Common Property without written approval from the Board. Plantings in rights-of-way, such as those which are typical to hide utility connections and around mailboxes, is done entirely at the risk and expense of the property owner. Such plantings could become damaged or be removed during repair and/or maintenance of the subdivision's utilities. Homeowners should also employ caution with tall plantings that may obstruct motorist's views of driveways
7. Landscaping improvements should be consistent with all other related guidelines including those covering Excavation and Grading, Retaining Walls, Garden Plots and Fences.

Items Requiring Application for Approval:

Landscaping improvements that are structural; that significantly change the contour of a lot; that effect drainage on or into adjacent lots; that form a barrier or screen between lots other than that described above; or do not meet the above guidelines will require approval of the Committee.

Preapprovals:

All landscaping improvements that meet the above guidelines and are in harmony with the surroundings of the neighborhood do not require approval by the Committee.

Additional Information Required in Your Application:

1. Description (including approximate mature height and breath) of proposed plantings and improvements.

Excavation and Grading

Construction Guidelines and Restrictions:

1. Fill or cuts must not encroach upon adjoining lots.
2. Grading must not result in drainage onto adjoining lots.
3. Excavation and grading should be consistent with all other related guidelines including those covering Retaining Walls and Landscaping.

Items Requiring Application for Approval:

Excavation that significantly changes the contour of a lot, effects drainage on or into adjacent lots or does not meet the above guidelines will require approval of the Committee.

Preapprovals:

Any excavation or grading that meets the above guidelines and are in harmony with the surroundings of the neighborhood do not require approval by the Committee.

Additional Information Required in Your Application:

1. Front and side views (elevation) with measurements showing existing and proposed grades.
2. Front and side views (elevation) showing existing and expected drainage / runoff patterns.
3. Water control plan showing methods of diverting drainage away from adjacent lots.

Retaining Walls

Construction Guidelines and Restrictions:

1. Retaining walls should be constructed of or faced with pressure treated wood, brick, interlocking landscaping block, natural or artificial stone. No exposed concrete or cinder block walls will be permitted.
2. Retaining walls should not exceed 4' in height above / below the existing grade at any given point along the wall.
3. Terracing of walls will be required for those which exceed 4' in total height.
4. Retaining walls should be built in a fashion consistent with established construction practices and in a manner designed to minimize their failure.
5. Retaining walls should be set back from property lines a distance equal to their height (if failure of the wall would result in debris and/or back-fill falling onto an adjacent lot(s).)

Items Requiring Application for Approval:

Retaining walls located in the front of a lot, any retaining wall that exceeds 4' in height above / below the existing grade or any retaining wall that does not meet the above guidelines will require approval by the Committee.

Preapprovals:

Walls located entirely along the side of a dwelling or in the rear of a lot that also meet the above guidelines will not require approval from the Committee.

Additional Information Required in Your Application:

1. Front view and cross-section of wall showing existing and proposed grade with measurements of both changes in grade and wall height (s).

July 1999

Pets, Pet Houses and Pens

Construction Guidelines and Restrictions:

1. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that: Dogs, cats or other household pets may be kept provided they are not bred or maintained for any commercial purpose and provided that such pets do not constitute a danger or nuisance to other Lot owners or to the neighborhood.
(Source: Declaration, Article 12, Section D, Paragraph 14)
2. Pen fencing must be consistent with Article 12, Section D, Paragraph 15 of the Declaration. Per that article, no chain link of metal fencing is allowed
3. For the purposes of these guidelines, pet pens are considered above ground structures and must conform to the corresponding lot line setbacks as set forth in the Articles of the Covenants (ie. no closer than 8 feet to a lot side line, no closer than 25 feet to the lot rear line).
(Source: Declaration, Article 12, Section C)
4. Pens must be located in either the back or side yard, whichever is least conspicuous.
5. Screening should be provided as much as possible
6. While off the homeowner's property, pets must be restrained in accordance with current Wake County leash laws and/or regulations.

Items Requiring Application for Approval:

All pet pens require submission of an application for approval by the Committee.

Preapprovals:

Any commercially available pet house does not require the approval.

Additional Information Required in Your Application:

1. Description of the materials to be used.
2. Description of the type, size and number of animal(s) to be enclosed.
3. Description of the plantings to be provided for screening.

Solar Collectors

Construction Guidelines and Restrictions:

1. Solar collectors must be installed as inconspicuously as possible
2. Whenever possible, collectors should be placed on the rear of the home or on the side that has the least public exposure.
3. Collectors must be attached to the roof. The ideal location is one that is mounted flat / flush to the roof. Free standing or ground mounted collectors are not permitted.
4. Every effort must be taken to camouflage the plumbing and supports for the collectors. This camouflaging may require completely encasing the collectors.
5. All metal parts should be painted to match roof coloring. Exposed piping should be kept to a minimum. Exposed piping running down the side of the dwelling is not permitted.
6. No disruption to trees on Association common areas is allowed.

Items Requiring Application for Approval:

All proposals for solar collectors require approval by the Committee

Preapprovals:

None

Additional Information Required in Your Application:

1. Plot plan showing visibility from streets and neighboring lots.
2. Drawing showing the location of the unit.

Skylights, Solar Tubes and Roof Mounted Attic Fans

Construction Guidelines and Restrictions:

1. Skylights, solar tubes and roof mounted attic fans should be placed on the rear portion of the dwelling's roof.
2. Roof mounted attic fans or solar tubes should not extend beyond the ridge line of the roof so as not to be visible from the street.

Items Requiring Submittal for Approval:

Proposals for installation of these items in locations other than on the rear portion of the roof requires approval by the Architectural Committee

Preapprovals:

Proposed installations that are located on the rear face of the dwellings roof and that meet the above guidelines do not require the approval of the Committee.

Additional Information Required in Your Submittal:

1. Front and side views of house showing proposed installation of item.
2. Description and dimensions of proposed skylight, solar tube or roof mounted attic fan.

July 1999

Swimming Pools and Hot Tubs

Construction Guidelines and Restrictions:

1. No permanent, above ground pools will be permitted.
2. Any wood support structure must be the same color as the house or deck.
3. In-ground pools or permanent hot tubs cannot be located within a buffer or easement.
4. Pool or hot tub must be properly maintained.
5. In-ground pools or hot tubs must be screened from view from any street.
6. Existing decks used as platforms for hot tubs must be properly reinforced to carry the anticipated weight of the completely filled unit.
7. Any municipality requirements pertaining to in-ground pools and hot tubs must be adhered to.

Items Requiring Application for Approval:

All proposals for in-ground pools and any hot tubs require approval by the Committee

Preapprovals:

Small, portable "kiddie" pools do not require approval from the Committee.

Additional Information Required in Your Application:

1. Plans and specifications showing the nature, kind, shape, height, materials and location.
2. If an existing deck is to be used as a platform, reinforcement plans for the existing deck.
3. Plan for screening, either fencing or live screening.

Swing Sets and Jungle Gyms

Construction Guidelines and Restrictions:

1. For the purposes of these guidelines, swing sets and jungle gyms are not considered above ground structures.
2. Permanent play equipment must be installed to be as inconspicuous as possible. It should not be placed closer than 10 feet from the rear of the swing set nor closer than 5 feet from the side to any adjoining property line. The preferred location is in the rear of the property, directly behind the house.
3. Live screening is recommended along the property lines in order to block the view from and minimize noise into neighboring lots.
4. Non-permanent play equipment should also be placed inconspicuously so that it does not detract from the neighborhood surroundings.
5. Both wooden and metal swing sets are permitted to be constructed in the subdivision so long as either is properly maintained.

Items Requiring Submittal for Approval:

Swing Sets and Jungle Gyms that do not meet the above guidelines for location require approval by the Committee.

Preapprovals:

Swing Sets and Jungle Gyms that meet the above guidelines are preapproved and do not require an application to the Committee for approval.

Additional Information Required in Your Submittal:

1. Description and sample of material(s) to be used.

July 1999

This page intentionally left blank

Maintenance

It is the responsibility of each homeowner to maintain his property in a way that does not detract from the overall appearance of the neighborhood.

The following is a list of areas that should be reviewed on a regular basis to insure your home and property is in good repair:

1. Shrubbery, Trees and Lawns
2. Driveways and Sidewalks
3. Decks
4. Fences
5. Play Equipment, especially metal swing sets
6. Roofing
7. Wood Trim
8. Paint and Stain
9. Storage of Garbage Cans, when possible, should not be visible from the street.

Restricted Items

Clotheslines

1. Outdoor poles, clotheslines and similar equipment are prohibited.
(Source: Declaration, Article 12, Section D, Paragraph 11)

Mailboxes

1. All new mailboxes or replacements shall conform to the mailbox design approved for the community. (See Appendix 1 for specifications)

Parking

1. No stripped, partially wrecked or junked motor vehicle or part thereof, shall be permitted to be parked or kept on any Lot. Any vehicle on a lot must have a current inspection sticker and registration.
(Source: Declaration, Article 12, Section D, Paragraph 8)
2. No truck or other vehicle in excess of one-ton load capacity nor any mobile home, trailer, camper, similar vehicle or boat shall be parked or kept overnight or longer, on any Lot, in such a manner as to be visible to the occupants of other Lots or the users of any street or recreation area.
(Source: Declaration, Article 12, Section D, Paragraph 9)

Storage

1. No trade materials or inventories may be stored in plain view upon any lot.
2. Temporary storage of materials for modification projects should be discreetly placed and maintained in an orderly manner on the side or at the rear of lots.

Radio/TV Antennas and Satellite Dishes

1. Direct broadcast satellite dishes are under the jurisdiction of the Federal Communications Commission and as such, cannot be restricted as to their size or location.
2. It is recommended however, that dishes be mounted on the rear of the house or roof whenever possible.
3. Satellite dishes that intercept broadcast signals intended for others are prohibited.

This page intentionally left blank.

Appendix

July 1999

Mailbox Specifications

Contact property management company with color palette inquiries.

