

**BRAXTON POINTE HOMEOWNERS
ASSOCIATION, INC.**

**Design Guidelines and
Association Rules**

(Adopted September, 2020)

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE

INTRODUCTION **2**

DESIGN REVIEW PROCESS 3

APPLICATION PROCEDURES 4

DESIGN GUIDELINES 5

SUBJECT: NEW ADDITION, AND/OR REMODELING CONSTRUCTION GUIDELINES 6

SUBJECT: OUTDOOR STRUCTURE GUIDELINES 8

SUBJECT: PLAY EQUIPMENT GUIDELINES 10

SUBJECT: GENERAL IMPROVEMENTS, LANDSCAPE & MAINTENANCE GUIDELINES 14

SUBJECT: LIST OF RECOMMENDED PLANT SPECIES 19

Large Maturing Trees 19

Evergreen Trees 20

Ornamental Trees 21

Shrubs 21

Specialty Plants 22

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC ARCHITECTURAL CONTROL COMMITTEE

INTRODUCTION

The Braxton Pointe Association, Inc. (the "Association") Design Guidelines and Association Rules (the "Guidelines") are a supplement to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Braxton Pointe recorded in the official records of the Wake County Register of Deeds (the "Declaration") and are not to be considered as the sole statement of regulations. Capitalized words used in these Guidelines shall have the meaning ascribed to them in the Declaration, unless expressly provided otherwise herein.

The primary purpose of the Guidelines is to preserve and maintain the property values and the natural beauty of the development. Article II of the Declaration establishes the Architecture Committee (the "Committee"). The Committee is responsible for reviewing requests, making site inspections, and approving or disapproving all architectural requests.

This document is not intended to be comprehensive; rather it is a guideline for Owners considering modification to their Lot or exterior of their dwelling unit. These Guidelines are subject to revision without notice. Unless otherwise defined herein, capitalized words and phrases used in these Guidelines shall have the meanings set forth in the Declaration. If there is any discrepancy between the Guidelines and Declaration, the Declaration shall prevail.

The Declaration and the provisions requiring Owners and other persons to obtain the approval of the Board or Committee with respect to certain actions specified in the Association documents are independent of the obligation of Owners and other persons to comply with all applicable laws, ordinances and regulations, and compliance with provisions of the Association documents shall not relieve Owners or other persons from the obligation to also comply with all applicable laws, ordinances and regulations.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

DESIGN REVIEW PROCESS

1. Any change, addition, or modification to a site or a building exterior of a dwelling unit requires the prior written approval of the Committee. Owners with proposed changes should contract the management company, with whom the Association has contracted for association management to obtain the necessary architectural guidelines and submittal documentation.
2. Simply stated, no improvements, alterations, repairs, additions, or other work, including changes in exterior color, is to occur on any Lot or exterior of any dwelling unit from its improved state existing on the date such property was first conveyed by Builder to a purchaser without prior approval of the Committee. The responsibility of the Committee is to ensure the harmonious, high quality image of Braxton Pointe is implemented and maintained.
3. Any Owner requesting approval of any construction, installation, addition, alteration, repair, change or other work to their Lot or dwelling unit shall follow the application procedures listed in the Application Procedure Section below. Response to the submittals will be returned to the applicant within sixty (60) days of receipt. Please confirm that the management company has received your application.
4. If the Committee approves the Application, the Owner shall proceed with the work contemplated under the Application as soon as practicable and diligently pursue such work within sixty (60) days of issuance of the approval or such additional period of time as may be approved by the Committee.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE

ARCHITECTURAL REVIEW APPLICATION PROCEDURES

STEP 1. Prior to any alteration, addition or improvement for which approval of the ACC is required pursuant to the Declaration and these Guidelines, the Lot Owner (and not a contractor or third party) must complete a Request for Architectural Approval form (the "Application"). This form may be obtained by request from the Association's management company (or copied directly from this handbook) and used for making an application to the ACC. The fully completed form is to be sent to the Management Company at:

Community Association Services, Inc.
1930 N Salem St. Suite#101
Apex, NC 23527
Attn: Braxton Pointe Scott Cooley
Phone: 919-367-7711 x 1406 Fax: 919-367-7715

Written approval from the ACC must be obtained prior to the commencement of any alteration, modification, or improvement. Any project started prior to written approval by the ACC will be subject to removal at the Lot Owner's expense.

STEP 2. The Management Company, upon request from a Lot Owner, will promptly forward to the Lot Owner the Architectural Review Application Form, along with a copy of any Rules and Regulations and any architectural standard bulletins promulgated by the ACC, from time to time.

STEP 3. The Application must be fully completed, together with any and all supporting documents that are required by either the Declaration or by the architectural standards of the ACC, and returned to the Management Company at the address shown above.

STEP 4. The Management Company will mark and record the date the Application is received by it and assign it a Confirmation Number. The Management Company will then send the homeowner written confirmation that the application has been received and note whether it is a fully completed application. If complete, the Management Company will then copy and distribute the Application to the ACC for review and processing. If incomplete, a notice will be sent to the homeowner with an explanation of those items needed to make the request complete. The homeowner must then address those items on his/her application and resubmit the request to the Management Company. The thirty (30)-day time period for the ACC to act upon an application shall not begin until an application is deemed fully complete by the ACC.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

STEP 5. Completed Applications that are received by the Management Company by the tenth (10th) day of any month will be considered and acted upon by the ACC in that month. Any Application that is received by the Management Company after the tenth (10th) day of the month will be considered and acted upon by the ACC in the following month. An Application may be received only on a regular business day. The purpose of this rule is to allow the ACC time to duly consider and act upon all Applications received within a given time period on a regular and periodic basis. The ACC, however, may consider valid applications at any time during the month as time and schedules of the members allow.

STEP 6. The ACC may (i) approve an Application as submitted; (ii) conditionally approve an Application, if such conditions for approval are stated; (iii) deny an application, if the reasons for denial are stated; or (iv) return an Application and request additional information from the Lot owner regarding the project for which approval is sought. The ACC's decision on an Application and the date of that decision shall be stated in writing either on the Application or in a separate document that refers to the Application.

STEP 7. Upon its receipt of the ACC's decision on an application, the Management Company will mark the decision with the date that the decision is forwarded to the Lot Owner and will then forward a copy of the decision to the Lot Owner.

STEP 8. A Lot owner who is not satisfied with the ACC's decision on an application may (i) submit another, different application in which case the application process begins again, or (ii) appeal the ACC's decision as provided below.

STEP 9. In order to appeal the ACC's action on the application, the Lot Owner must submit to the Management Company, within thirty (30) days of the date that the decision is forwarded to the Lot Owner, a written appeal which encloses a copy of the application and the ACC's decision thereon and which sets forth the basis for the Lot Owner's appeal. The Management Company will record the date the appeal is received by it. Appeals that are received by the Management Company will be considered by the Board of Directors of the Association at its next regular meeting.

STEP 10. In the event of a conflict between these Guidelines and the Declaration, the Declaration shall prevail and take precedence.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE

Braxton Pointe Architectural Review Application Form

1. An Owner shall submit (i) a written request for approval to the Committee, substantially in the form attached hereto, specifying in detail the nature and extent of the addition, alteration, repair, change or other work the Owner desires to perform, including, without limitation, the distance of such work from neighboring properties, if applicable, (ii) any additional information, plans and specifications which the Committee may request, and (iii) any review fee imposed by the Committee pursuant to the Declaration (collectively, the "Application").
2. The approval of an Application by the Committee shall be in addition to and not in lieu of any approvals or permits which may be required under any federal, state or local law, statute, ordinance, rule or regulation.
3. The approval of an Application by the Committee shall not be deemed a warranty or representation by the Committee as to the quality of such construction, installation, addition, alteration, repair, change or other work or that such construction, installation, addition, alteration, repair, change or other work conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation.
4. It is the Owner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all counties, local, state and federal government agencies. The Committee, the management company and the Association assume no responsibility for obtaining these reviews and approvals. An approval by the Committee does not indicate or imply the request complies with local zoning or building code requirements.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

DESIGN GUIDELINES

1. **General Principles.** The purpose of the Committee is to insure consistent application of the Guidelines. The Committee monitors any portion of any Lot that is visible from other Lots or parcels, the street, or the Association common areas. The Guidelines promote those qualities in Braxton Pointe which enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography and overall design of the community.
2. **Design Compatibility.** The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the neighboring setting. Compatibility is defined as harmony in style, scale, material, color and construction details.
3. **Workmanship.** The quality of workmanship evidenced in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the Committee assume no responsibility for the safety or livability of the new construction by virtue of design and workmanship.
4. Building **Architecture.** In general, any exterior addition or alteration to an existing dwelling unit shall be compatible with the design character of the original structure.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC ARCHITECTURAL CONTROL COMMITTEE

ARCHITECTURAL REVIEW FORM

Name: _____ Date: _____

Address: _____ Lot # _____

Phone: _____ Email: _____

Mailing Address (if different) _____

The following information, including drawings and samples, must be submitted before application is considered complete and ready for review by the Architectural Control Committee. Please use additional sheets if needed.

Description of the improvement:

Construction Materials to be used:

Colors (please attach samples and specify where they are to be applied):

Estimated start date: _____ Estimated completion date: _____

This architectural request form must be accompanied by at least (2) different drawings:

1) Plot Plan- (You should use a copy of the surveyor's plot plan of your home that you received at the time of closing). On the plot plan, show to scale the improvement (i.e. deck, fence, landscaping, etc.) and its relationship/distances to property lines, easements, open space, drainage ditches, neighboring homes, etc.

2) Elevation- A "head on" view of the requested change, as would be seen in a photograph. This elevation drawing should show height, width, distance above finished grade, and details of the exterior finishes and colors. Be specific in order to expedite the architectural review process. Photographs or brochure pictures should be submitted along with this request when available/possible.

In applying for the above architectural change, I/we agree to follow to the best of my/our ability(ies) the

**BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE**

changes as described and to meet any and all codes, permits or other requirements deemed necessary by local, county, state or applicable authorities having jurisdiction. I/WE UNDERSTAND THAT CONSTRUCTION SHOULD NOT BEGIN UNTIL APPROVAL IS RECEIVED FROM THE ARCHITECTURAL CONTROL COMMITTEE. I/we also have notified our immediate neighbors as to this ACC request and their signature(s) below attest to their being informed of same.

Owner's Signature: _____

Date: _____

Owner's Signature: _____

Date: _____

Neighbors'

Acknowledgement: _____

ARCHITECTURAL CONTROL COMMITTEE RESPONSE FORM

Homeowner: _____

Lot # _____ Address: _____

Request Summary: _____

Confirmation Number: _____

(Should your ACC request be denied, you may request, in writing, an appeal hearing before the Board of Directors as outlined on STEP 9).

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

SUBJECT: NEW ADDITION, AND/OR REMODELING CONSTRUCTION GUIDELINES

General. New construction, additions, or remodeling improvements including a room addition, screened porch, deck, in-ground pool, hot tub/spa, patio, walk, drive addition, re-painting, re roofing or other additions or alterations to the exterior appearance of a home or structures.

Materials. All material shall match the existing house including siding, trim, shingles, roof pitch, etc. as well as finish and color.

Colors. All exterior components shall have finish materials and color matching or otherwise complementing the existing house as determined by the ACC.

- Decks may be left the natural wood color, stained or painted to match the house with ACC approval. All decks must be maintained.

Location. All improvements (other than paving and landscaping) shall either be attached to the house or located in the rear yard.

- **No addition** (other than paving and landscaping) may extend beyond the building setbacks shown on the survey.
- **Pools** shall not extend beyond the building setbacks shown on the survey.
- **Decks, pools, hot tubs/spas and room additions** shall not extend outside of the rear corner (side walls) of the house.

Garages. Garages may not be converted to, or used as a living or work space except when additional garages are part of the improvements.

Deck. New decks must be attached to the house or structure, or be an extension of an existing deck. Exceptions may be made for unique conditions or designs. All new decks and deck additions with the exception of Meritage Builder inherited decks or deck additions must have skirting (lattice, siding, etc.) installed when the opening between the deck and grade exceeds 12". Existing decks may require upgrading to match a deck addition in order to maintain composition (railing, steps, etc, should match). Enclosing of existing decks shall be treated as a sunroom or screen porch as appropriate.

Screen Porch/ Sun Room. Sun rooms and screen porches shall be attached to, and integrated

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

into the existing house. All materials and components must be finished or painted to match the existing house (excluding screens). Brick siding or other approved skirting material must be installed beneath the structure to grade with the exception of Meritage Builder inherited screen porches/ sun rooms..

Pools/ Hot Tubs. In-ground swimming pools and hot tubs are allowed with approval by the ACC. Above ground swimming pools are not allowed. Small, portable wading pools up to 8' diameter and 12' depth are permitted with approval. Hot tubs must be located on, or integrated into a deck system attached to the house, Pools, hot tubes and associated paving/decks may not be located within the building setbacks.

Screening. Foundation planting beds at the house shall be extended to include room additions, decks, etc. Swimming pools, hot tubs, and other improvements must be screened from view from streets, open space areas and adjacent lots as determined by the ACC.

- **The minimum buffer/screen** shall consist of a single row of evergreen shrubs planted at a spacing of 4-feet on center with an installed height of 24-inches above grade and a minimum mature height of 4-feet. Taller plant material may be required for larger improvements. It is recommended that a mixture of evergreen and deciduous shrubs and trees be used for screening purposes. Existing plantings may be applied to the screening requirements.
- **No trees with a caliper greater than 3-inches** may be removed during construction without ACC approval. Fines or remediation may be assessed to the homeowner for trees removed without approval. Caliper measurements shall be taken from 6 inches above grade at the trunk.
- **All screen plantings** must be located on the lot with the requested improvement.

Debris. All construction debris shall be collected on a daily basis and placed in appropriate containers or hauled off. Debris may only be placed at the curb for pick-up for a period not exceeding 24 hours. Hazardous, toxic and similar materials must be secured at all times.

Submittal: Please submit a Review Request Form, the location of the new construction drawn on your lot survey of the property, house elevation views indicating the location, heights, roof lines, etc. of the house and the proposed addition (if applicable), the location of the landscaping, and a list of plants to be installed to fulfill the buffer/screen requirement. Construction documents may be required depending on the nature of construction.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

SUBJECT: OUTDOOR STRUCTURE GUIDELINES

General. Outdoor structure improvement guidelines apply to storage sheds, gazebos, playhouses, dog houses and other free-standing accessory structures. All such (and similar) improvements must be submitted to, and approved by the ACC.

Materials. All materials shall match the house including siding, trim, shingles, etc. and finish/color. Roofs are to be multi-pitched. In the event the house is all brick, all siding material (and color) must be submitted and approved by the ACC.

Location. Rear Yard (See Layout Exhibits);

All outdoor structures (excluding gazebos) shall be attached to, or located directly behind the house (not outside rear corners) and no closer to the rear property line than 10'. Outdoor structures on corner lots must be located away from the side street (not beyond the midpoint of the back of the house).

Skirting. If any side of an outdoor structure exceeds 18" off the ground, siding or skirting is required (describe and include a photo/sketch of the material).

Utilities. All utilities including electric, water, and/or sewer must be underground and must adhere to standard building codes.

Screening. All freestanding outdoor structures (excluding gazebos) shall be screened from view from adjacent lots, streets and common open space. A foundation planting bed shall be extended or added to all structures attached or incorporated into the house.

- The minimum buffer/screen shall consist of a single row of evergreen shrubs planted at a spacing of 4-feet on center with an installed height of 24-inches above grade and a minimum mature height of 4-feet. Taller plant material may be required for larger improvements. It is recommended that a mixture of evergreen and deciduous shrubs and trees be used for screening purposes. Existing plantings may be applied to the screening requirements.
- No trees with a caliper greater than 3-inches may be removed during construction without ACC approval. Fines or remediation may be assessed to the homeowner for trees removed without approval. Caliper measurements shall be taken from 6 inches above grade at the trunk.
- All screen plantings must be located on the lot with the requested improvement,

**BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE**

Prohibited. Prefabricated storage buildings not up-fitted to complement the house. Single plane shed or lean-to style roofs. Tree houses.

Debris. All construction debris shall be collected on a daily basis and placed in appropriate containers or hauled off. Debris may only be placed at the curb for pick-up for a period not exceeding 24 hours. Hazardous, toxic and similar materials must be secured at all times.

Submittal. Please submit a Review Request form, elevation views or photograph of the structure including roof, the location of the structure drawn on your lot survey of the property, the location and type of any required landscape screening and a list of all materials and finishes.

Structure	Size	Height
Storage Shed	12'x16' maximum	Overall, no greater than 10-feet
Playhouse	No greater than 6'x8'	Overall, no greater than 8-feet
Doghouse	No greater than 4'x4'	Overall, no greater than 4' feet

Structure	Gazebo
Design	Gazebos must be architectural in design complementing the house architecture.
Size	12 foot diameter maximum
Height	Overall, 10' maximum recommended
Colors	Natural wood color (stained) or painted/ trimmed, in its entirety, in the same quality and color of the house. Gazebo is to be located directly behind the house on the lot no closer than 10' from the rear property boundary.
Screening	Landscaping around the foundation of a gazebo is required. The minimum plantings shall consist of a continuous evergreen hedge with a mature height equal to the finish floor level of the gazebo. 12'x16' maximum Overall, no greater than 10 feet

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

SUBJECT: REAR YARD FENCE GUIDELINES

General: All fence and similar enclosures must be approved by the ACC as to style, location, size and materials. Fences should perform the functions of enclosing spaces, and providing security or providing vehicle screening with minimal visual impact, thus maintaining the sense of natural openness throughout the community additional setbacks or limitations may be imposed on Lots abutting Common Open Space or other natural areas.

Height: Minimum: Four foot (4') Maximum: Six foot (6') height with the exceptions of fences used for visibly screening vehicles that exceed 18.5 feet in length, 6.25 feet in height or 7 feet in width from the street and Neighboring Property and must have ACC approval prior to installation.

Color: Treated lumber fences may be left natural or stained with approval from the ACC. Ornamental aluminum fences shall be black, or other approved dark finish.

Recommended:

Treated lumber, with lattice topper - 5' max. height, 6' height with lattice topper (Height exception can be made for this fence type only when used for the screening of vehicles from street and neighboring properties and must have ACC approval prior to installation.)

Treated lumber, Scalloped Top – natural only, 4' – 6' height.

Treated lumber, Arched Top – natural only, 4' – 6' height.

Traditional picket fence – 4' max. height, with minimum of 1 ½" spacing.

Shadowbox Fence – 5' max. Height, 6' height with ornamental topper (lattice, etc.).

Standard (open) ornamental aluminum picket fence, 4' – 6' height.

Brick wall/columns (*Brick color must match house if applicable.*)

- There may be only two gates per lot
- A single gate may have the maximum width of 5 feet and a double gate may have a maximum width of 8 feet. There may only be one double gate per lot.
- Fences may be designed with brick columns and/or walls.
- All four sections of fence shall match (unless connecting with and adjacent, existing fence.)
- Fences shall be constructed with the decorative side facing out (if applicable)

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

Prohibited:

Front yard fences

Electric or barbed wire fences

Chain link fences

Painted wood fences (other than approved natural stain)

Bright color or white fences

Dog runs or pens

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

SUBJECT: PLAY EQUIPMENT GUIDELINES

General. Play equipment should not detract from the aesthetic quality of the community nor from the privacy of adjacent homeowners. All play equipment shall be manufactured by a play equipment supplier for the intended use. Home-made or modified products may be rejected due to safety concerns and/or objectionable appearance.

Storage. All non-payment play equipment (i.e.: basketball goals, trampolines, portable/inflatable pools, playhouses, hitting nets, etc.) shall be removed from the yard and stored (out of sight) when not in use or located/screen so as not be visible from any streets, adjacent lots or common open space. Homeowners not storing non permanent or portable play equipment shall be in violation of the ACC Guidelines and subject to fines and penalties. A variance from the storage requirements may be granted by the ACC instances where it would be unreasonable to store play equipment (such as larger pieces) in which case a location and screening plan must be submitted.

Screening. All play equipment must be completely screen year round from streets, common open space and adjacent lots. Play structures that cannot effectively screened with either existing or proposed plantings within two years will not be approved or may subsequently be considered a violation.

- The minimum buffer/screen shall consist of a single row of evergreen shrubs planted a spacing of 4-feet on center with an installed height of 24-inches above grade and a minimum mature height of 4-feet (or as necessary to screen the play equipment). It is recommended that a mixture of evergreen and deciduous shrubs and trees be used for screening purposes. Existing plantings may be applied to the screening requirements. No trees with a caliper greater than 3-inches may be removed during construction without ACC approval. Fines or remediation may be assessed to the homeowner for trees removed without approval, Caliper measurements shall be taken from 6 inches above grade at the trunk. All screen plantings must be located on the lot with the requested improvement.

Debris. All construction debris shall be collected on a daily basis and placed in appropriate containers or hauled off. Debris may only be placed at the curb for pick-up for a period not exceeding 24 hours. Hazardous, toxic and similar materials must be secured at all times.

Submittal. Please submit a Review Request form and the location of the play equipment improvements drawn on your lot survey of the property along with the manufacturer's product information and picture or sketch depicting type and arrangement of the play equipment. Additional plans or information may be necessary and requested depending on the extent of the improvements.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

B-ball Goal

- Backboard: Transparent backboard material.
- Post/Frame: Metal components, black color.
- Location: Side load garage; locate goal at the back end of the drive. Front load garage; locate goal at the outer side of the drive no closer to the street than the midpoint of the driveway (midpoint is the total length of the driveway from the garage to the sidewalk divided by two (2))
- Portable: Goals shall be portable and be stored so they are not visible from the street or adjacent lots when not in use.
- Prohibited: Goals shall not be attached to the house, garage or other structure.
- Screening: Goals shall not be located in the street or in the street right-of-way. Goals with locations approved by the ACC shall not be subject to the screening requirements.

Play Sets

- Equipment size: Maximum 225sq. ft.coverage, with a height of eight (12) feet maximum height.
- Materials: All structures shall be constructed out of timber or material with a similar neutral/earth tone finish. Components such as slides, climbing apparatuses, etc, may be plastic or rubber.
- Colors: Timber may be stained or left natural in color. All stains must have ACC approval. All plastic or rubber components shall be dark or neutral colors. Awnings, canopies, roofing or similar material colors must be approved. Bright or florescent colors are not permitted as well as patterns, graphics, text, logos, etc. upon any part of the play equipment.
- Location: All play equipment shall be located directly behind the house (not outside rear comers) and no closer than 20 feet from the rear property line. No play equipment shall be located in the side yards.
- Screening: Required.

Trampoline

- Equipment size: 15 foot diameter maximum.
- Colors: All components shall be finished (painted, coated, etc.) with dark colors. No bright or florescent colors are permitted.
- Location: All play equipment shall be located directly behind the house (not outside rear comers) and no closer than 10' feet from the rear property line. No play equipment shall be located in the side yards.
- Screening: Required.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE

SUBJECT: SATELLITE RECEIVER (DISH) GUIDELINES

- General:** All satellite receiver dishes must be approved prior to installation. Unapproved installations shall be in violation and subject to removal, fines and penalties.
- Dish Size:** 30-inches or less (i.e. DSS, Primestar, DirecTV)
- Quantity:** Each lot may have (1) one satellite receiver attached to their house or in their yard. Additional satellite receivers will require a variance from the ACC.
- Location:** Satellite receivers shall be installed so that it is not directly visible from streets, adjacent lots or from the Common Open Space (in order of priority). Mounting locations in order of preference):
1. Ground mounted directly behind and within 10-feet of the house.
 2. Roof mounted behind the central peak on the back side (rear yard) of the roof and not higher than the peak of the roof
 3. Wall mounted on house side wall on the back % of the house
 4. Roof mounted at the side of the house, partially or fully screened from view from street.
 5. Ground mounted in front of the house.
 6. Satellite receivers are prohibited from being located on the front of the house's roof.
- Color:** In the event partial visibility of a receiver is necessary, the ACC may require the dish to be covered or painted to match the surrounding features.
- Screening:** Screening around all the satellite receivers is required, as necessary to buffer views from streets, adjacent lots, and Common Open Space. The minimum screen/buffer shall consist of a single row of evergreen shrubs planted at a spacing of 3-feet with an installed height of 24-inches and a minimum mature height of 3-feet (or as necessary to screen the receiver). It is recommended that a mixture of evergreen and deciduous shrubs and trees be used for the screening purposes (this type of screening may be located along the property boundary in lieu of being adjacent to the structure with ACC approval). Existing trees and shrubs

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

may be used to fulfill the screening/buffer requirement and should be located on the survey for ACC review.

Submission. Please submit a Review Request form, your lot survey indicating the location of the satellite dish(s) on the property, an elevation view or sketch of the house with wall mounted receiver, a landscape plan, and a list of plants to be installed to fulfill the buffer/screen requirement. Existing trees and shrubs may be used to fulfill the screening/buffer requirement and should be located on the survey for ACC review.

**BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE**

SUBJECT: GENERAL IMPROVEMENTS, LANDSCAPE & MAINTENANCE GUIDELINES

General. All lots shall be maintained in a neat and attractive condition (as determined by the ACC) by their respective owners. Upkeep and replacement of the lawn, natural areas, trees, shrubbery and planting beds shall be the sole responsibility and expense, and is expected of the homeowner to insure the continuity and aesthetics of the exterior design of the community.

All landscape planting improvements affecting the size or location of planting beds or lawn areas must be submitted for approval. Generally, supplementing, replacing or adding plants to an existing planting bed does not require approval except in cases where plant material may be a nuisance or otherwise negatively impact the community (refer to List of Recommended Plant Species).

All hardscape improvements (i.e. improvements other than plant materials, such as paving, trelliage, bird houses, statuary, borders, walls, etc.) must be submitted for approval. Avoid mixing types or styles of hardscape materials (such as a wall with stone and another with timber, or two types of edging, etc.).

Location Of Improvements. Refer to the Lot Survey for the location of drainage, utility and landscape easements on the lot. Existing improvements and underground utilities within these easements must be maintained and protected. Contact a utility locator service or the designated user prior to any projects involving digging. Homeowners and their contractors are responsible for any repairs due to their work. Limit improvements in these easements as the easement serves as a repair route for service vehicles and repair equipment. Any obstacles within a recorded easement may be removed (and not replaced) by the utility (or designed user) without notice as deemed necessary. Improvements shall not impede or block drainage swales or otherwise redirect established surface drainage patterns. Hardscape improvements are generally not allowed within the street ROW (the area between the curb and sidewalk, or 10-12' behind the curb without sidewalk). Landscape improvements are also discouraged in the ROW and must be submitted and approved.

Topography. Topography of the property is designed to allow suitable drainage for your lot and adjacent lots. If the finished grades are to be modified (raised or lowered), a grading and drainage plan must be submitted to the ACC for review. Overall drainage patterns must not be modified. Piping concentrating runoff generally is not allowed.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

Lawns. All yard areas shall be established as turf grass, planting beds or mulched/ maintained as natural areas. Bare areas shall not be permitted. Lawns should be mowed regularly and trimmed around fixed structures (e.g. house, mailbox, outbuilding, fences) to a comparable height of the mowed lawn. Measures shall be taken to satisfactorily maintain turf areas (mowing, raking, watering, weeding, pest control, etc.) year round. Turf grasses shall not grow beyond an 8" height or "head-out" as applicable unless weather conditions preclude regular maintenance.

Landscaping. Supplemental landscaping for aesthetic and environmental purposes is encouraged. Planting areas should be designed with flowing forms and a mixture of plant types. Avoid linear plantings of a single species, plants that maybe a hazard or nuisance to adjacent Lots (i.e, weak wooded trees, plants that create "litter", etc.), or plants that may be impractical for their location (i.e. low branching or evergreen trees near sidewalks, etc.) All planting improvements other than plant replacements and the addition of plants within an existing bed shall require ACC approval. All ornamental plants, shrubs, hedges, etc. shall be contained within common planting beds. All planting beds are to be mulched and maintained. Trees and individual specimen plants may be placed in the lawn with a mulch saucer.

Natural areas. General maintenance of existing trees and shrubs is expected from the homeowner. It is recommended that existing plants be contained within, or incorporated into a planting bed. Maintenance should include, but is not limited to: weeding, fertilizing, mulching and watering as well as the removal, disposal, and replacement of dead trees, shrubs limbs, grasses and other undesirable vegetation on your property.

- No tree over 2" caliper, measured 6" above grade shall be removed from a lot without approval from the ACC. Homeowners are encouraged to maintain small saplings of desirable species as a succession forest plant. Under brushing and vista pruning of natural areas is allowed, however, the area must be mulched or otherwise stabilized upon completion. Drainage easements shall be maintained and kept free from debris blocking or diverting water from properly flowing.

Garden Areas. Garden areas are allowed as approved by the ACC. Gardens shall be of a size and scale appropriate for the lot and should not exceed 450 square feet. Gardens should not be visible from streets and may be required to be screened from adjacent lots if determined to be a visual nuisance. Gardens shall not create a nuisance or hazard of any kind to adjacent lots or common open space areas. Gardens that are not properly maintained as determined by the ACC shall be in violation.

Irrigation. Underground irrigation systems are allowed as approved by the ACC. Irrigation

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

systems should not impact streets, walks, adjacent lots, common open space or environmentally sensitive areas. The homeowner shall be responsible for any damage to systems located within the street ROW or other easements,

Lighting. All exterior lighting must be approved by the ACC. Fixtures should enhance the design of the house, lot and community. Light source shall not create a nuisance or emit glare directly to streets and adjacent properties. Soffit mounted spotlights are discouraged. Motion sensor lights shall only be activated upon movement within the light/yard area (not public use areas such as streets or sidewalks).

Retaining Walls. Walls should add an aesthetic element to the landscape design as well as complement the house and lot. The following wall materials are recommended;

- Timber/RailRoad ties (new material only if visible from the street or common open space).
- Landscape Stone (landscape stone is typically categorized or named).
- Brick, matching house if applicable.
- Manufactured segmental block (i.e. keystone) matching or complementing the style and colors of the house.

Walks/Drives/ Patios. All paving additions or extensions must be approved by the ACC. Paving is allowed within building setbacks however no closer than 1 foot from any property lines. Large expanses of paving are discouraged.

Garden Pools: Garden pools are allowed as approved by the ACC. Vertical fountains of water and up lighting are discouraged. Pools that are not maintained or are otherwise determined to be a health or safety hazard as determined by the ACC shall be in violation of the ACC Guidelines.

Mulch: Mulching of planting beds is required as well as natural areas if under brushed. *Large expanses of mulch areas are discouraged. The following mulches are recommended. Please request ACC approval prior to installation if there are any questions.*

- Pine needles
- Hardwood/Pine shredded wood mulch (red, brown or black mulch must be maintained regularly to avoid color fading)
- Landscape pea gravel in earth tones **only** complimenting house colors (no white, gray, blue, green, or yellow colors allowed)

All other mulches must have ACC approval prior to installation. ~~Stone, gravel or colored mulch is discouraged.~~

Edging. Edging is the material often used to separate planting beds from lawn areas and

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC

ARCHITECTURAL CONTROL COMMITTEE

similar applications and is generally installed flush with the surrounding grade. The following edging materials are recommended;

- Black, plastic edging installed flush with the lawn
 - Metal edging installed flush with the lawn (Black, Brown, or Green in color)
 - Landscape stone or brick border (matching house if applicable).
 - Precast black (i.e. keystone) border to match or complement the colors of the house.
- All edging must have ACC approval prior to installation.

Mailboxes. The customer community mailbox is the standard approved by the ACC. Numbers or letters placed on the mailbox shall conform to ACC standards. Mailbox specifications and vendor(s) for the acquisitions and service of the mailbox are available from the ACC. Cost and maintenance of the mailbox shall be the responsibility of the homeowner or builder. Mailboxes shall not be altered or modified in any way.

Signs. No signs, banners, billboards or similar placards shall be erected on any lot with the following exceptions, realtor signs, small, discreetly located alarm warning signs and signs required by law. The developer and assigns are exempt from this guideline,

Decorations. Seasonal and holiday decorations generally do not require approval. All decorations must be tasteful and not offensive as determined by the ACC. Decorations shall not create a nuisance to adjacent lots, streets or common open space areas. The ACC reserves the right to order the removal of any decorations as may be determined inappropriate. Seasonal and holiday decorations shall not be installed earlier than 30 days prior to the holiday and must be removed no later than 30 days following the holiday.

Garden Ornament. No decorative objects such as sculptures, birdbaths, fountains and similar features shall be placed on a lot where visible from streets, adjacent lots and common open space areas without approval by the ACC.

Outdoor Furniture. Permanent or otherwise "installed" outdoor furniture must be approved by the ACC. All furniture not located on a patio, deck or other similar surface may require screening and must be approved by the ACC. All outdoor furniture shall be appropriate for the application and properly maintained. Furniture with bright colors, graphics, patterns, etc. may be considered a nuisance and violation by the ACC.

Debris/ Refuse. Garbage and refuse shall be placed in appropriate containers and shall be capped/contained. All refuse containers shall be concealed within the building or enclosed to an extent that they are not visible from the street, adjacent lots and common open space areas (see Roll-out Enclosure Exhibit). Roll-out containers shall not remain at the street beyond the pick-up day. Bulk debris may be placed at the curb for pickup for a period not exceeding 24 hours. Yard waste may not be dumped or stored on any properties in the

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC ARCHITECTURAL CONTROL COMMITTEE

community. All construction debris shall be collected on a daily basis and placed in appropriate containers or hauled off. Hazardous, toxic and similar materials must be secured at all times.

Prohibited. Interior or exterior window treatments with graphics, bright colors or patterns or as otherwise determined a visual nuisance by the ACC. Temporary window coverings such as sheets, paper, etc. are not allowed to remain beyond 7 days. Outdoor clothesline.

Submittal. Please submit a Review Request form and the location and list of the landscape improvements drawn on your lot survey of the property. Additional plans may be necessary depending on the extent of the improvements.

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE

SUBJECT: LIST OF RECOMMENDED PLANT SPECIES

Consult with your local supplier: Many of these plants may have improved varieties of cultivars with Better ornamental characteristics and resistance to diseases.

Large Maturing Trees	
Botanical Name	Common Name
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Betula nigra	River Birch
Carpinus caroliniana	American Hornbeam
Carya ovata	Shagbark Hickory
Fagus grandifolia	American Beech
Fraxinus Americana	White Ash
Fraxinus pennsylvanica	Green Ash
Ginkgo Biloba	Ginkgo
Liriodendron tulipifera	Tulip Poplar
Nyssa sylvatica	Black Gum
Platanus acerifolia	London Planetree
Quercus alba	White Oak
Quercus laurifolia	Scarlet Oak
Quercus palustris	Laurel Oak
Quercus phellos	Pin Oak
Quercus shumardi	Willow Oak
Taxodium distichum	Bald Cypress

**BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE**

Ulmus Americana	American Elm
Ulmus parvifolia	Lacebark Elm
Zelkova serrata	Japanese Zelkova

Evergreen Trees	
Botanical Name	Common Name
Cedrus deodara	Deodar Cedar
Cupressocyparis leylandii	Leyland Cypress
Cryptomeria japonica	Japanese Cryptomeria
Ilex opaca	American Holly
Ilex x attenuata Fosteri	Foster's Holly
Ilex x attenuata Savannah	Savannah Holly
Juniperus virginiana	Eastern Redcedar
Magnolia grandiflora	Southern Magnolia
Pinus nigra	Austrian Pine
Pinus sylvestris	Scotch Pine
Pinus taeda	Loblolly Pine
Pinus thunbergii	Japanese Black Pine

**BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE**

Ornamental Trees	
Botanical Name	Common Name
Acer palmatum	Japanese Maple
Chionanthus virginicus	White Fringetree
Cornus florida	Flowering Dogwood
Comus kousa	Kousa Dogwood
Cercis Canadensis	Eastern Redbud
Koelreuteria paniculata	Goldenrain Tree
Lagerstroemia indica	Crepe Myrtle
Magnolia soulangeana	Saucer Magnolia
Magnolia stellata	Star Magnolia
Malus floribunda	Flowering Crabapple
Malus x zumi	Zumi Crabapple
Prunus serrulata kwanzan	Kwanzan Cherry
Prunus subhirtella pendula	Weeping Cherry
Prunus yedoensis	Yoshino Cherry

Shrubs	
Botanical Name	Common Name
Azalea species	Azalea
Buxus species	Boxwood
Camellia japonica	Camellia
Chaenomeles speciosa	Flowering Quince
Cleyera japonica	Cleyera

**BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE**

Euonymus alatus	Winged Euonymus (Burning Bush)
Ilex cornuta carissa'	Carissa Holly
Ilex cornuta burfordii	Burford Holly
Ilex cornuta burfordii nana	Dwarf Burford Holly
Ilex crenata 'convexa'	Convex Japanese Holly
Ilex crenata 'hetzii	Hetzii Japanese Holly
Ilex crenata 'rotundifolia'	Roundleaf Japanese Holly
Ilex 'Emily Brunner'	Emily Brunner Holly
Ilex glabra	Inkberry Holly
Ilex latifolia	Lusterleaf Holly
Ilex vomitoria nana	Dwarf Yaupon Holly
Juniperus chinensis	Chinese Juniper varieties
Juniperus horizontalis	Creeping Juniper varieties
Myrica cerifera	Wax Myrtle
Nandina domestica nana	Dwarf Nandina varieties
Pieris japonica	Japanese Andromeda
Pittosporum tobira	Pittosporum
Rhaphiolepis umbellate	Indian Hawthorn
Rhododendron species	Rhododendron

Specialty Plants	
Botanical Name	Common Name
Camelia species	Camelia (espaliered)
Ilex species	Tree-form Hollies (limbed up)

**BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL CONTROL COMMITTEE**

**SUBJECT: PROCEDURE FOR REQUESTING
ARCHITECTURAL APPROVAL**

ARCHITECTURAL CONTROL APPLICATION INSTRUCTIONS

STEP 1. Prior to any alteration, addition or improvement for which approval of the Architectural Review Committee ("the ARC") is required pursuant to the Declaration, the Homeowner (and not a contractor or third party) must complete a Request for Architectural Request Form ("the Application"). The Application may be obtained by request to the Association's management company (or copied directly from this handbook) and shall be used for making an application to the Committee. The completed form is to be sent to the management company at:

CAS, Inc. 1930 N. Salem Street, Suite 101 Apex, NC 27523 Phone: 919-367-7711 x1504
joe@casnc.com Attn: Braxton Pointe ARC

STEP 2. The Management Company, upon request, will promptly forward to the Lot Owner the Application, along with a copy of any Rules and Regulations and any architectural standard bulletins communicated by the Committee from time to time.

STEP 3. The Application must be completed, and submitted to the Management Company, together with any supporting documents that are either required by the Declaration or by the architectural standards of the Committee, at the address shown above.

STEP 4. The Management Company will record the date the Application is received, then email copies of the Application to the Committee and contact the homeowner with confirmation that the application has been sent to the Committee. NOTE: Business days are Monday through Friday. Applications received on Saturday or Sunday will be considered as received on the first business day of the following week.

STEP 5. The ARC shall have 7 business days from the date of receipt to advise the Management Company if additional information is wanted, or if the application is incomplete. It is the responsibility of the ARC chair to comply with this requirement.

The Management Company will forward the request for information to the homeowner; failure of the homeowner to respond to such request within ten (10) business days of receipt shall result in the denial of the Application without further ARC deliberation or action. Complete applications that are submitted will be approved, approved with conditions, or denied within 10 business days from the receipt of the Application.

Note For Roof Applications: The homeowner must include a color picture from the

BRAXTON POINTE HOMEOWNERS ASSOCIATION, INC ARCHITECTURAL CONTROL COMMITTEE

Manufacturer's website or brochure along with the color name for verification purposes. Without this information the application will not be approved by the committee.

STEP 6. Upon its receipt of the Committee's decision on the Application, the Management Company will email or US mail a copy of the approval letter to the homeowner.

STEP 7. A Homeowner who is not satisfied with the Committee's decision on the Application may (i) submit a new application with changes or corrected information in which case the application process begins again, or (ii) appeal the Committee's decision as provided below.

STEP 8. In order to appeal the Committee's action on the Application, the Homeowner must submit to the Management Company, within thirty (30) days of the date that the decision is forwarded to the Homeowner, a written appeal which includes a copy of the Application and the Committee's decision thereon and which sets forth the basis for the Homeowner's appeal. Appeals will be considered by the board of Directors of the Association at its next regular meeting.

STEP 9. Work on approved applications must begin within 90 days from the approval date. If work cannot begin within the 90 - day period from approval, a new application will be required. Work must be completed by 180 days from the approval date. If your project will take longer than 180 days to complete, contact the management company.

STEP 10. In the event of a conflict between these Rules and Regulations and the Declaration, the Declaration shall control and take precedence.