

AVINGTON PLACE COMMUNITY ASSOCIATION
c/o HRW, Inc.
3815 Barrett Drive
RALEIGH, NC 27609

Date: January 1, 2008

To: AVINGTON PLACE COMMUNITY ASSOCIATION, INC.

**From: Board of Directors of
Avington Place Community Association, Inc.**

Re: ARCHITECTURAL REVIEW GUIDELINES

The Board of Directors has completed and approved the attached ARCHITECTURAL REVIEW GUIDELINES.

These guidelines give you a consistent standard to follow as the foundation to planning any exterior changes to your property, but they are not intended in any way to supersede the Restrictive Covenants.

They are distributed to current residents. Please retain this copy as part of your permanent papers to refer to now and in the future. These guidelines should also be made available to prospective buyers of your home.

We request that you make copies of the application form attached with this package when you submit your requests for architectural approval. **No request for a change will be considered unless accompanied by the application form and appropriate exhibits.**

Return your completed applications to the Management Firm whose address is shown on the application form. Applications will be accepted and stamped by the Management Firm as to the date received. Three days after this date will be the first day of the thirty-day review and approval period. All applications are duplicated and forwarded to the Architectural Control Committee.

Please read and follow these guidelines. You **MUST** obtain approval **IN WRITING** from the Architectural Review Committee **BEFORE** the start of any exterior change. The Committee is allowed up to 30 days to act on an application. Therefore, do not commit labor or materials until you have received written approval.

Your cooperation and adherence to these Guidelines will ensure that you receive a quick response to your application and will also be in the best interests of our community as a whole.

I. INTRODUCTION

In a planned community such as Avington Place, the question naturally arises as to how to maintain a harmonious, quality development. The answer at Avington Place is the Architectural Review Guideline process outlined in these pages. This process provides a meeting ground between private interests and the broader interests of the community and adjacent property owners.

Basic control for maintaining the quality of design is provided through the Restrictive Covenants filed with the Register of Deeds in Wake County for each phase of the Avington Place subdivision. These Covenants run with the land and are binding on all homeowners and renters and should be fully understood. Every homeowner is subject to the Covenants to assure all residents that standards of quality will be maintained to enhance the community's overall environment and protect property values.

The Restrictive Covenants establish an Architectural Review Committee to be made up of three or more representatives who are to be appointed by the Board. The Covenants require the Committee's prior written approval of any exterior change, addition, or alteration to any property. Such changes include any building, fence, wall or other structure that may be added or altered. It requires that the plans and specifications are showing the nature, kind, shape, height, materials, and location of the same be submitted in writing so they may be reviewed as to harmony in external design and location in relation to surrounding structures and topography.

The Architectural Review Committee is charged with conducting the review of all applications for exterior changes, along with the new home construction, and to render its decision to the applicant, in writing, within thirty days of receipt of a completed Application for Approval for Exterior Design Change, containing all necessary information described herein. Incomplete applications will be returned to the applicant without action.

The Guidelines on these pages are the procedures and standards applied by the Committee and the Board to assist the Association and its members in the design review process. We hope that the Guidelines serve as a positive tool to assist you in the full and free use of your property in a manner that is consistent with the aesthetic and harmonious development of our community.

II. REVIEW CRITERIA

The Architectural Review Committee evaluates each application on its individual merits. The Committee's decisions are based on the following standards as guidelines.

Validity of Concept

The basic idea of the exterior change must be sound and appropriate to its surroundings.

Landscaping and Environment

The exterior change must not adversely impact the natural landscape or the man-made environment.

Relationship of Structures and Adjoining Property

The proposed change must relate harmoniously to its surroundings and to existing buildings and terrain that are visually related to the change.

Protection of Neighbors

The interests of neighboring owners must be protected by making reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design which may have substantial effects on neighboring property.

Design Compatibility

The proposed change must be compatible with the design characteristics of the applicant's home and the general neighborhood setting. Compatibility is defined as harmony in design, style, scale, materials, color and construction details.

- A) Scale: The three dimensional size of the proposed change must relate satisfactorily to adjacent structures and its surroundings.
- B) Materials: Continuity is established by use of the same or compatible materials as used in the home.
- C) Color: Color may be used to soften the design but must be consistent with the residence's color scheme.

Workmanship

The quality of work must be equal to or better than that of existing structures. Poor practices may cause the owner problems and may be visually objectionable to others.

Timing

An approved property change may be built or installed either by owners or by a contractor. However, projects that remain uncompleted for a long period of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must contain a proposed maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, the Committee may disapprove the application.

DO NOT PURCHASE MATERIALS OR COMMIT TO ANY CONTRACTOR in anticipation of instant approval by the Committee. Wait until you have received written approval prior to purchasing or committing to such work. Remember many design changes require a permit and the City may not issue a permit without the written approval of the Committee. Please try to plan well in advance to allow time to have your application processed. Although the majority of applications are handled within two weeks, during the busy/vacation seasons, processing may take up to thirty days.

III. DESIGN APPLICATION REVIEW PROCEDURES

The Association's procedures for application, review, inspection, appeal, and enforcement of design review are outlined in this section.

Objectives

The Architectural Review Committee, in examining each application for design approval, considers whether or not the exterior change is in compliance with the Restrictive Covenants and the Architectural Review Guidelines outlined herein and briefly described below:

- A. To preserve and enhance property values in the community, and
- B. To maintain a harmonious relationship among structures, vegetation, topography and the overall design of the community.

Application Procedure

Complete the Application form and attach all required exhibits. Include full details of the proposed change. If the change is structural, fencing, or grading, submit a sketch or plan and outline specifications. Talk to your neighbors about your change. They may be able to offer valuable input. Be sure to include such information as type of material, size, height, color, location, etc. Provide a sketch of the location of a building or fence as it relates to your house and lot on a copy of your property map.

Mail or hand-deliver the application to the Management Firm whose address is shown on the application form. Incomplete applications will be returned and cause further delay.

The Committee will review the application within thirty days and will respond to you in writing. Should you not hear from the Committee within thirty days, please call to follow up. Occasionally, items do get lost in the mail and the thirty-day review period does not start until three days after the application is received by the Management Firm.

An application with all necessary information will be considered by the Committee on its individual merit, using these guidelines as a basis for making a decision. Their review process is outlined below.

Review Procedures

During the Committee's consideration of an application, a Committee member (or members) may view the site, talk to the applicant or neighbors, and verify from the neighbors that they are aware of the proposed change. While neighbor's views are very important to the Committee, neighbors do not have "veto" authority.

A quorum of the Committee is a majority of the total number of people currently serving on the Committee.

The Committee considers the application and any data or comments received from, or presented at the meeting by, immediate neighbors and other members.

After discussion of the application as submitted, the Committee will vote on approving it, approving it conditionally, or disapproving it. If the change is conditionally approved or disapproved, the Committee must note in writing on the application the reason or reasons why it was not approved as submitted.

The Committee gives written notice to the Management Firm and they in turn notify the applicant by use of a duplicate copy of the application or by writing a letter stating the decision.

The Management Firm records its action and the notification to the applicant by placing copies of the executed application and/or letters in the Committee's archives.

Conditional approval means that work may proceed if the conditions are satisfied as agreed to by the Committee.

The Committee may inspect work in progress and request (either orally or in writing) the applicant to correct any non-compliance with the approved design.

Final Approval and Walk-through

The Committee reserves the right to request a final approval walk-through of the completed project.

Appeal Procedure

If the applicant disagrees with the decision of the Committee in its review or inspection, the following process is noted for an appeal: 1) Within fifteen days after receipt of a notice of disapproval, file a written appeal with the Board of Directors at the address of the Management Company. 2) The Board of Directors establishes the date and the time appeal will be heard; normally this will be made at the next scheduled Board meeting. To reverse a Committee decision requires a majority vote of the Board.

Correction Procedure

Remedies: An exterior change made without the required approval of the Committee, or the Board on an appeal, constitutes a violation of the Restrictive Covenants. A violation requires removal or modification of the work at the expense of the property owner, or payment of damages incurred by the Association in an effort to have it removed or modified.

Reports: The Committee inspects authorized construction in progress and the community in general to identify violations. Additionally, all residents have the right and responsibility to bring to the attention of the Committee or Board any apparent violation of any provision of these Architectural Review Guidelines or Covenants.

The Committee investigates each reported violation and seeks the cooperation of the owner. Notification of a violation is made to the resident in order to identify the problem, and request a resolution. Should the owner fail to follow through on the Committee's proposed resolution or some other resolution which is acceptable to the owner and the Committee, the Committee will turn the problem over to the Board of Directors for continued resolution with the resident. This could lead to the Association filing legal action against the owner.

IV. DESIGN GUIDELINES

This section of the guidelines provides specific guidance regarding particular design situations frequently encountered in Avington Place. Generally acceptable methods for achieving the required objectives and standards are indicated below. They are suggested methods rather than mandatory methods. Additionally, design methods that are generally not acceptable are also indicated for your guidance.

Please remember that these are only guidelines and, as such, they do change. Every effort will be made to re-issue these guidelines whenever significant changes do occur.

Repair

Owners are responsible for repairs to existing structures, additions, etc. No application to effect repairs and restoration to *original condition* is needed.

FENCES/WALLS: Require application with copy of property map.

Fences will be allowed in rear yards but should not proceed further forward than the rear corners of the house. Fences are not permitted to extend to the front yard. Preferred fencing material is pressure treated lumber. Any changes to the natural wood surface such as stain, sealant, or paint must be submitted for review. The fence must be properly maintained and kept in good repair. Chain link, and other metal fencing is NOT permitted.

There are three styles of approved fencing: 1.) 48" Dogear-style wooden picket
2.) 5' & 6' Scalloped-style wooden privacy
3.) 4' Scalloped wooden privacy fence

Whenever possible, the fence should have at least one inch of spacing between vertical boards. As with all fence construction, the supports and posts shall be installed on the interior side of the fence structure.

Satellite Dishes/Antennas:

Satellite Dishes may be installed up to one meter in diameter. *The Association reserves the right to review placement of the dish.* The guidelines are as follows:

1. Should be located on the side or rear of home.
2. Must be adequately screened from neighbors' views so as not to be obtrusive.
3. Dish size may not exceed one meter (40 in.) in diameter.

Parking and Storage of Vehicles, Boats, Trailers, Etc.

Vehicles may be parked or stored only on portions of a Lot improved for that purpose, such as, garage, driveway, carport, and/or parking pad. *Alterations or additions to parking surfaces require prior approval.*

Parking or storing of boats, marine craft, hovercraft, aircraft, recreational vehicles, pick-up campers, travel trailers, motor homes, camper bodies, or similar vehicles or equipment in the driveway or front yard of any dwelling or on any public street in the Development is prohibited. On-street parking of automobiles is strongly discouraged, both for public safety and aesthetic reasons. Children walking, playing, skating or bicycling could easily be struck by a passing vehicle due to the limited visibility of both a child and other drivers around parked cars. Any homeowner who finds it necessary to park a car on the street (other than temporary parking by guests) must be sensitive to the concerns of their neighbors and prepared to relocate the vehicle if such parking creates a potentially hazardous situation.

Recreational vehicles such as a boat or trailer must be screened from public view. Screening such as plant material and fencing for such purposes required approval. No vehicle of any type which is inoperative or abandoned may be parked on any Lot. No vehicle may be dismantled or allowed to accumulate on any Lot.

Mailboxes

No approval is required but they must be black, metal material

Clotheslines

Clotheslines are not permitted.

Windows

Window air conditioner units are prohibited

Window fans are prohibited

Decks: Require approval with copy of property map.

Addition of a deck is considered a major design change to an existing dwelling, since a deck is nearly always physically connected to the house itself. As such, deck plans will always require the prior approval of both the Architectural Control Committee and the City of Raleigh. Multiple building permits may be required if the project calls for electrical installations such as lights, power outlets, covered gazebos with ceiling fans, hot tubs, etc. Only materials specifically designed for exterior applications, with weather and moisture resistant properties, such as pressure treated deck lumber or cedar decking material may be used. Placement of major weight-bearing posts or pilings in concrete is preferred both for strength and prolonged service life of the structure. Homeowners should also refer to the Declaration of Covenants, Conditions and Restrictions, as well as consulting with the City or Raleigh officials, concerning boundary setbacks and utility easements before committing to any deck project or construction contract.

Dog Pens and Dog Houses: Require approval with copy of property map.

Doghouses should be painted or stained and roofed to match the exterior of your home. Dog Pens may be made of either vinyl-coated black, dark green, dark brown chain link fence or pressure treated wood such that the animal can see out. The height of a coated chain link fence cannot exceed six feet and a wooden fence cannot exceed five feet.

The doghouse and/or pen should be located on the property in an area that is not visible from the street and must be positioned at least 25 feet from a neighbor's property line. The area surrounding the pen should be landscaped such that drainage is not a problem. It must be properly maintained, kept in good repair, and free of materials that may create unpleasant odors.

Grading

MAJOR changes to the topography of your lot could result in flooding or improper drainage into a neighbor's yard. *Therefore, such changes are required to be approved prior to being started.* Neither the Board nor the Committee accepts any liability for any damage caused by such grading action, whether approved by the Committee or not.

Pools:

No above ground pools permitted except small inflatable wading pools. *In-ground pools require approval.*

Plants and Gardens: May require approval.

Committee approval is not required for *most* plantings or landscaping treatments that are biodegradable. Consult your Management Firm prior to installation. Before starting any digging, please identify and locate all wires and/or cables that could get cut so as not to cause harm to yourself or interrupt any services to your own house or your neighbor's house. Bushy clippings, mulch piles, firewood and the like should be stored toward the rear of your lot so as not to be visible from the street.

Trees may not be removed or installed without approval if they exceed 6" in diameter.

Play Equipment: Require approval with copy of property map.

Any play equipment should be located at least 10 feet from the neighbor's property line and should be placed behind your house so as not to be visible from the street. Such items include swing sets, sand-boxes, or other more stationary equipment. *Committee approval is required for all stationary play equipment.* Consult your Management Firm prior to installation.

Shed/Storage Buildings: Require approval with copy of property map.

Whether attached or free-standing, all sheds MUST receive Committee approval and must meet the following criteria:

- 1) Siding: Must be quality materials finished to match the home.
- 2) Roof: Must be similar to the home in pitch, materials, and color.
- 3) Base: May be required to have a concrete slab foundation depending on location on the property. Homeowner may be required to provide landscaping around the base of the unit.
- 4) Size: Minimum of 60 square feet; 300 square feet maximum.
- 5) Placement: Must be behind the house, at least 10 feet from neighboring property boundaries on the sides and at least 5 feet from the rear property boundary; and not in the side yard areas which are highly visible from the street.
 - 5a) Exception: Homes abutting the Raleigh City Park, containing 30' easements, may possibly be approved with only 5 feet from neighboring property boundaries on the sides.

EXTERIOR PAINTING

All exterior color changes must be reviewed by the Committee. Attach a sample of each paint color choice to your submitted application.

Signs

The following types of signs are permitted and are not considered a violation of the Covenants prohibiting signs and billboards:

A. PERMANENT SIGNS

1. Signs displaying house numbers, name of the resident(s) and/or name of the home, if any.
2. Signs affixed to a mail box post which carry the name of the Avington Place Community Watch.

No other permanent signs should be displayed.

B. TEMPORARY SIGNS

1. A single real estate "For Sale" sign of not more than six square feet.
2. A contractor's or builder's sign during construction or approved alteration, (including landscaping) provided that the signs are removed within 30 days of the completion of construction, alteration, etc.
3. A "Parade of Homes" sign immediately prior, during and after the "Parade".
4. "Open House" signs are permitted only during the hours during which the premises are open. This includes all such signs anywhere within the borders of the Subdivision, its entrances and streets, but not located on the property of another homeowner without his/her permission.

No other temporary sign is permitted unless approved by the Architectural Committee.

All permitted signs may not be placed forward of the front property line nor within 25 feet of any adjacent property line.

C. "BILLBOARDS"

All "billboards" are prohibited (except as permitted in B.(2) above). A "billboard" is a sign of ANY size which carries the Name, Address and/or the telephone number of a business firm, including, but not limited to, Burglar Alarm or Security Companies, Newspapers and magazines or other types of services.

IF YOU HAVE ANY QUESTIONS REGARDING ANY INFORMATION PROVIDED

WITHIN THESE ARCHITECTURAL GUIDELINES, CONTACT THE MANAGEMENT FIRM FOR CLARIFICATION.