

Eagle Ridge Golf Community

Architectural Control Guidelines

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Eagle Ridge Golf Community Architectural Control Guidelines

INTRODUCTION

All residents benefit from the planning and design that has been an important part of the development of Eagle Ridge. The intent of the Architectural Standards, Criteria, and Design Requirements is to assure the residents that the standards of design and quality will be maintained. This, in turn, protects the property values and enhances the overall environment of Eagle Ridge Golf Community, hereinafter referred to as Eagle Ridge.

An essential element of Architectural Control is the recognition by all Owners of the importance of maintaining the ambiance of the Community. Design Requirements should be viewed as a benefit and not as a burden to the Community.

ARCHITECTURAL CONTROL COMMITTEE (ACC)

PURPOSE

The Declaration of Restrictions and Covenant (Declaration) of the Eagle Ridge Owners Association, Inc., hereinafter referred to as the Association, assures each Owner that the quality of Eagle Ridge design will be maintained. The Association is responsible for administering these Covenants and providing administrative support to the Architectural Control Committee, hereinafter referred to as the ACC. However, the developer retains the absolute right at all times to approve new home construction on Lots.

The ACC ensures that exterior alterations in Eagle Ridge comply with the requirements as specified in ARTICLE 5 of the Declaration. All requests for exterior alterations MUST be submitted to the ACC and its approval received BEFORE they may be undertaken.

The purpose of this Manual is to inform the Owners of the Design Requirements for Eagle Ridge and the procedures to be followed when requesting an exterior modification to their property. Each application received by the ACC will be evaluated on its own merits with reasonable flexibility for architectural function and creativity.

AUTHORITY

The authority for the ACC is set forth in ARTICLE 5 of the Declaration of the association, which was received by all Owners when they purchased their homes. The Declaration encumbers all of the homes within Eagle Ridge.

The Declaration is a contract between the Owners and the Association, wherein, per ARTICLE 5 the Owners agree to refrain from making any modifications to the exterior of the homes and property without first receiving approval from the ACC.

The ACC is responsible to the Board of Directors of the Association. The Board is the ultimate authority for the Association.

MEMBERS

The Architectural Control Committee shall consist of three (3) members. The Board of Directors shall have the right, power, authority, and obligation to select members of the ACC. However, the Developer retains the absolute right at all times to approve new home construction on vacant Lots.

MEETINGS

The ACC shall meet as necessary to review Applications received and present their findings within thirty (30) days of receipt.

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RESPONSIBILITIES

On behalf of the Association, the ACC, through the Board of Directors, is empowered to adopt, promulgate, amend, revoke, and enforce Design Requirements for the purpose of:

1. Governing the form and content of plans and specifications to be submitted to the ACC for approval or disapproval;
2. Governing the procedure for submission of plans and specifications; and
3. Establishing guidelines with respect to the approval or disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of any structure, landscaping, and all other matters that require approval by the ACC.

LIMITATION OF RESPONSIBILITIES

The ACC approval is based only on the aesthetic features of the approved modification. The ACC assumes no liability with regard to the structural integrity of any requests. The ACC makes no representation as to their expertise regarding either the structural adequacy, capacity or safety features of the proposed improvement or structure as shown on the submitted plans or on the ultimate construction of the approved modification. The ACC does not assume the responsibility for the performance or quality of work of any contractor.

ARCHITECTURAL CONTROL COMMITTEE POLICIES

The ACC does not seek to restrict individual taste or preferences. In general, its aim is to avoid harsh concepts in the landscape and architectural themes of Eagle Ridge and to foster thoughtful design so that there is harmony between neighboring residences. The ACC intends to be completely fair and objective in the architectural review process and to maintain sensitivity to the individual aspects of design. The approval of the ACC of plans or specifications submitted for approval, shall not be deemed to be a waiver by the ACC of the right to object to any of the features or elements if and when the same features and elements are included in any subsequent, plans and specifications submitted for approval for use on other Dwelling Units or Lots.

APPROVAL NECESSARY

No building, outbuilding, garage, fence, wall, retaining wall, pool, spa, porch, or other structure or improvement of any kind shall be erected, constructed, placed and/or maintained on any properties, nor after construction of a dwelling or other exterior improvements upon a Unit or Lot shall any dwelling or other improvements on each Unit or Lot or color scheme thereof, be altered, changed, or modified unless the same shall be approved in writing by the ACC. The foregoing prior approval is intended to specifically apply to the painting of the exterior of a dwelling, the installation of a pool or spa, or any other maintenance, repair or modification which changes the exterior appearance of a dwelling or other improvements on a Unit or Lot.

TIME LIMITATIONS

After approval by the ACC, all improvements shall be completed within ninety (90) days from commencement of the improvement. Projects that remain uncompleted for long periods of time are visually objectionable and can be a nuisance and a safety hazard for neighbors and the Community. The ACC may establish a more specific time for completion as a condition of its approval.

In the event the ACC fails to approve or disapprove plans and specifications within thirty (30) days after they have been submitted in writing to the ACC in acceptable form, including all information necessary for their consideration and review, approval by the ACC shall be deemed to have been granted. The ACC shall have the right to request additional information if in its opinion, the information submitted is incomplete or insufficient.

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INSPECTIONS

Periodic inspections may be made by the ACC while construction is in progress to determine compliance with the approved plans and specifications and provisions of the Declaration. The ACC or any such agent of the ACC shall not be deemed to have committed a trespass or other wrongful act by reason of such inspection.

JOB SITE CONDITIONS

1. All job sites shall be kept in a neat and orderly condition.
2. Construction hours are subject to rules and regulations as established by the ACC and/or the Association from time to time, or the local ordinances, whichever is more restrictive.
3. All construction operations must be performed in accordance with local governmental ordinances, including, but not limited to, obtaining required permits from the Town of Garner.

APPROVAL

Upon approval by the ACC, a copy of the applicant's plans and specifications bearing such written approval shall be returned to the applicant. Approval of any application shall be final and the approval may not be thereafter reviewed or rescinded provided that there has been compliance to all conditions of approval. If the request for approval is disapproved by the ACC due to aspects of the request that can be remedied by the applicant the recommended changes can be made to the request and returned to the ACC for approval.

VIOLATIONS

If any alteration or modification is made without the required prior written consent of the ACC, the alteration or modification has been undertaken in violation of the Declaration. All unapproved alterations or modifications may be required to be removed until ACC approval is granted. In no event may any alteration or modification be allowed to remain if in violation of any of the Covenants and Restrictions contained in the Declaration, or in violation of any zoning or building ordinance or regulation.

The ACC, through the Board of Directors, is empowered to enforce its policies, as set forth in the Declaration and this Manual, by means specified in the Declaration, including an action in a court of law, to insure compliance. The Association also has the right to levy a fine on Owners for modifications made without the written request and approval from the ACC.

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KEY ARCHITECTURAL GUIDELINES

The ACC evaluates all submissions based on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the individual site and lot size, since what may be an acceptable design on an exterior in one instance may not be for another.

The following criteria are general in nature and apply to all of the dwelling units in Eagle Ridge.

Relation to Eagle Ridge Open Space

Factors such as removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off may also adversely affect Eagle Ridge open space common areas or the golf course.

Conformance with Covenants

All applications are reviewed to conform that the request is in conformance to all applicable Covenants and Restrictions affecting Eagle Ridge as recorded in the records of Wake County.

Validity of Concept

The basic idea of the proposed alteration requested must be sound and appropriate to its surroundings.

Design Compatibility

The proposed alteration must be compatible with the architectural characteristics of the applicant's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of material color and construction details.

Location and Impact on Neighbors

The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight and drainage. For example, fences or landscaping may obstruct views, or access to neighboring properties; decks or larger additions may infringe on a neighbor's privacy.

Location and Impact on Golf Course

The golf course is an integral part of the Eagle Ridge community. With many lots and homes backing to the golf course, the aesthetics of the backs of these homes and their rear yards is an important factor in maintaining a positive image for Eagle Ridge.

Scale

The size of the proposed alteration should relate well to the adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.

Color

Color may be used to soften or intensify visual impact. The parts of an addition to a house that are similar to the existing house, such as roof and trim, should be matching in color. No permission or approval is required to repaint in accordance with the originally approved color scheme.

Materials

Continuity is established by use of the same or compatible materials as were used in the original house. For instance, an addition with vinyl siding may not be compatible with a stucco house.

Workmanship

Workmanship is another standard, which applies to all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Poor workmanship, besides causing the Owner problems, can be visually objectionable to others.

Wetland/Preserve Areas

Certain areas within and contiguous to Eagle Ridge are designated as wetland and/or preserve areas for which the Association has the ultimate maintenance responsibility. Such areas are protected by various regulatory agencies, and as such, may not be disturbed by residents and/or the Association.

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APPLICATION PROCEDURES

Applications for exterior changes may be obtained from the offices of the Association or from the Property Management Company. Completed applications should be hand delivered or sent to the association office, which will then forward them to the ACC for review at its next scheduled meeting.

An application form is available from Talis Management Group, Inc., or can be downloaded from the Eagle Ridge Homeowners' Association web site.

SITE PLAN

A site plan or property survey should be included with the application showing the location of existing structures and the boundaries of the Property. Proposed changes or additions should be indicated including dimensions and distances from the home and adjacent properties.

MATERIALS AND COLOR

Samples of the materials and colors to be used and an indication of existing colors and materials should be provided. In most cases, a statement that the proposed wall, for example, is to be painted to match the existing house trim or house color is sufficient. Where materials and/or colors are compatible but different from those of the existing structures, samples or color chips should be submitted for clarity.

DRAWINGS AND PHOTOGRAPHS

A graphic description of the request should be provided. This may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal.

TOWN OF GARNER

After receiving approval from the ACC, a permit may be required from the Town of Garner or other governmental authorities. The Applicant must determine whether this requirement applies to the requested modification.

THIRD PARTY COMMENTS

Written comments from neighbors and other residents concerning proposed changes may be furnished to the ACC. These comments will be considered during the review process. The ACC however, must still make its decisions based on standards set forth in the Declaration and further described in this Manual.

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**ARCHITECTURAL STANDARDS, CRITERIA AND DESIGN
REQUIREMENTS**

**SUPPLEMENT TO THE DECLARATION OF RESTRICTIONS AND
COVENANTS**

The following are ACC approved standards that are not specifically outlined in the Eagle Ridge Declaration of Restrictions and Covenants.

1. WINDOWS, DOORS, SCREENED ENCLOSURES AND PATIOS

- a. Bright-finished or bright plated (other than white) metal exterior doors, windows, window screens, louvers, exterior trim or structural members shall not be permitted. The use of black or white anodized aluminum to match the original trim is the preferred material.
- b. Screened enclosures shall not be permitted on the front or sides of dwelling units.
- c. The use of reflective tinting or mirror finishes on windows is prohibited.
- d. Security bars on windows or doors are prohibited.
- e. All screen enclosures must have a hip, gable or mansard roof.

2. SOLAR PANELS

Solar water heating panels shall be reviewed on an individual basis, and if approved by the ACC must be installed so as to present the least obtrusive condition.

3. EXTERIOR WALL FINISHINGS

- a. The use of the following materials is appropriate:
 1. Stucco
 2. Vinyl Siding
 3. Stone (natural or synthetic)
 4. Brick
 5. Masonite
- b. The use of the following materials is inappropriate:
 1. Rough Sawn Siding
 2. T-111 Siding
 3. Aluminum Siding

In general, colors should be muted. Most paint manufacturers have "traditional" or Williamsburg" color charts from which selections should be made. All exterior colors and materials must be approved by the ACC.

- c. Exterior colors that, in the opinion of the ACC would be inharmonious, discordant and/or incongruous to the Eagle Ridge Community shall not be permitted.

4. ROOFS

- a. Roof colors shall be an integral part of the exterior color scheme of the building. Roofs shall be either black or dark gray in color.
- b. No change in color or existing roofing material shall be permitted without the approval of the ACC. Roofing material must be either asphalt or fiberglass shingles, with a minimum 20 year warranty.
- c. Flat roofs are not permitted except as described in paragraph d. below. All roof pitches shall be a minimum of 4:12 ratio.
- d. Flat deck first floor patio roofs, which also serve as second floor balconies, may be approved by the ACC. The second story balcony must be accessible from a second story door and must have a continuous railing at its perimeter. The first floor roof structure/second story floor must match as close as possible the existing house roof in materials and design.

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5. GARAGES, DRIVEWAYS, WALKWAYS AND EXTERIOR LIGHTING

- a. Any change from the existing garage door must be approved by the ACC. Circular driveways may be permitted where drive enters and exits on the same street.
- b. No curbside parking areas are to be created by altering existing curb or street paving.
- c. All proposed exterior lighting should be detailed on the request for architectural modification. No exterior lighting shall be permitted which, in the opinion of the ACC, would create a nuisance to the adjoining property Owners.
- d. Driveways and walkways shall be constructed of a hard impervious material such as concrete, brick, pavers or stamped concrete and must be approved by the ACC. No asphalt drives or walkways will be permitted.
- e. Driveway aprons must be concrete and may not be widened without the approval of the ACC.
- f. Any proposed walkway must be approved by the ACC prior to installation. This includes concrete walkways, stepping stones or paver bricks.

6. AWNINGS, CANOPIES & UMBRELLAS

- a. Definitions:
 - i. **Awning** - An attachment to the exterior of a house, usually mounted over windows, doors, or patios that provides protection from the weather. Awnings are generally comprised of a frame which is made of a metal or a composite material, and a cover, which is generally made of canvas, vinyl, or similar fabric. An awning can be fixed or movable. Movable awnings can be opened and closed, either by manual or automatic means.
 - ii. **Canopy** -A fabric covering over a rigid free-standing frame. The fabric can be canvas, vinyl, or other suitable material.
 - iii. **Umbrella** - A canopy with a single center support, usually a pole. Most umbrellas open and close using a slide mechanism on the center pole.
- b. Awnings are not permitted on the front of a house or the street side, if the house is on a corner lot. Canopies are not permitted on a lot forward of the rear corners of the house. Awnings, canopies and umbrellas with coverings other than fabric, canvas, or vinyl are not permitted on any house or lot. All canopies and umbrellas must be permanently attached to a patio, table, swing set, deck or play equipment. Design and color of all awnings and canopies **MUST BE** coordinated with the house and **APPROVED** by the ACC prior to installation. It shall be the Owner's responsibility to replace or remove any awning, canopy or umbrella that have become worn, tattered, discolored, or otherwise unsightly. The ACC reserves the right to ask and require any Owner(s) to remove any canopy(ies) that the ACC deems unsightly, dangerous, not in harmony with the rest of the neighborhood, or restricts the view from neighboring property.

7. LANDSCAPING

- a. All proposed landscaping must first be submitted to the ACC with a survey prior to installation. Proposed landscaping must be shown on a lot survey, which includes the house, all impervious surfaces and existing landscaping.
- b. Removal of any existing landscaping must be approved by the ACC. Replacement of like kind and size will be required.
- c. All landscaping installed with approval by the ACC must be maintained to the standards as set forth by the Association.
- d. No landscaping may be planted within any golf course maintenance easement, water management tract or utility easement.

8. FENCES & RETAINING WALLS

- a. Wooden fencing is acceptable, but must be pressure-treated lumber of grade 2 or better and must not exceed five (5) feet in height. Any prohibition of temporary fences does not apply to the Declarant, or assigns, when used for Model Homes, sales and marketing purposes.

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- b. Black wrought iron fencing, at a height ranging between four (4) feet and five (5) feet is approved within the community. (See **Note** below for fencing requirements for all golf course lots and lake lots on Mediate Drive).
- c. PVC fencing at a maximum height of five (5) feet is acceptable.
- d. Chain link fences of any height are not allowed.
- e. No fencing shall be placed in any golf course maintenance easement. No fencing shall be installed in any utility easements without the prior written consent of the utility companies.
- f. Fencing is not allowed on a Lot forward of the rear corners of the house on that lot.
- g. All fencing must be approved by the ACC prior to beginning construction or installation.
- h. Masonry retaining walls are permitted, but must be approved by the ACC prior to beginning construction or installation.

Note- Golf Course lots require a specific style of fencing: 3-1/2 weight black aluminum picket fencing, 42" high, with 56" high stacked stone pillars. Specifications for golf course lot fencing can be obtained from Talis Management Group, Inc., or downloaded from the Eagle Ridge Homeowners' Association web site. Lots located on the lake on Mediate Drive require the same style of fencing as that on golf course lots, but do not require the stacked stone columns.

9. BASKETBALL GOALS

- a. Permanent and movable basketball goals are allowed. The placement of permanent basketball goals requires the approval of the ACC, which will consider how the placement and use would impact on neighboring homes and vehicular traffic.
- b. Basketball goals, whether permanent or moveable, may not be positioned so that they can be used on a street right-of-way nor can they be stored on the street right-of-way.
- c. Lights for night basketball play are not permitted. Use shall be restricted to daylight hours.

10. SWIMMING POOLS

- a. Proposed pool, decking, screen enclosure and landscaping plans with survey must be submitted to the ACC for review.
- b. Only fencing and landscaping are permitted within 20 feet of the rear property line on all lots in Eagle Ridge Golf Community.
- c. Above ground swimming pools shall not be permitted. Swimming pools shall not be permitted on the street side of the residence without the approval of the ACC.
- d. No decking, screening or landscaping may be installed on any portion of the golf course maintenance easement.
- e. All pool equipment and heaters must be screened from view with landscaping from adjacent properties and roadways.
- f. Spas or hot tubs will be permitted only when their placement does not interfere with the neighboring homes and will not create a nuisance. It is recommended that with the application for approval to the ACC, comments from neighbors be included. Any spa or hot tubs that are permitted must also conform to all local zoning ordinances regarding this type of installation.
- g. The pool Owner is solely responsible for the safe operation of his pool including, but not limited to, fencing to restrict access and diving boards.

11. AIR CONDITIONERS, GARBAGE AND TRASH CONTAINERS

- a. Window and/or wall air conditioning units shall not be permitted.
- b. All garbage and trash containers shall be placed in an enclosed or landscaped area as approved by the ACC so as not to be seen from the street or adjacent properties except on days of garbage pick-up. Open storage of refuse is prohibited.
- c. On the days of scheduled garbage/trash pick-up, such refuse shall be in trash receptacles and placed near the roadway.

12. ANTENNAS, FLAGPOLES, SIGNS AND MAILBOXES

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- a. No exterior television or radio masts, towers, poles, antennas or aerials may be erected. Satellite dishes are permitted but shall be permanently mounted to the structure or in the ground in accordance with local standards.
- b. A flagpole for the display of the American flag, the North Carolina State Flag, seasonal flags, team flags or school flags shall be permitted. Flag poles may be attached to the house or free-standing. Free-standing flag poles shall be of fiberglass or aluminum, permanently mounted in a concrete base and no more than twenty (20) feet in height. Free-standing flag poles must be approved by the ACC. Attached flagpoles shall be no more than ten feet in length. No flag shall be larger than thirty-two (32) square feet in size. There shall be no more than two (2) flagpoles per Lot. No flagpole shall be used as an antenna.
- c. Temporary "For Sale" or "For Rent" signs may be erected or displayed on a unit structure or lot, but must be removed as soon as the Unit is either sold or rented. No signs that advertise business services of any type are permitted. Temporary signs showing support for a candidate for political office are permitted during election periods, but must be removed and discarded by the Owner when the election is over. Only one such political sign per candidate is permitted. Security and invisible fence pet signs may be no larger than 12" by 12" and must be located within three (3) feet of the main house or within one (1) foot of the mailbox post. No sign shall be nailed or attached to a tree.
- d. Mailboxes have been designed and installed for each Neighborhood by the Builder. No modifications of the original installed mailbox will be approved by the ACC. By regulating the style of mailbox units, the ACC hopes to reduce the visual impact created by random design.
- e. No separate newspaper boxes are permitted.

13. ACCESSORY STRUCTURES, PLAY EQUIPMENT AND DECORATIVE OBJECTS

- a. Storage sheds are permitted and shall be placed to the rear of the property and only with approval of the ACC. Design and color of the shed shall match that of the house on said lot to the extent possible. No lot shall be permitted to have more than one shed.
- b. Location on the lot and screening requirements may be a condition of ACC approval.
- c. Decorative objects, including but not limited to sculptures, statuettes, birdbaths, bird feeders, fountains, benches and trellises, may be placed or installed on any lot without the approval of the ACC, however, the ACC reserves the specific right to ask and require any Owner(s) to remove any decorative object(s) without reason or cause.
- d. Play equipment, including but not limited to swing sets, sand boxes, slides, trampolines, skate board ramps and jungle gyms, may be placed or installed on any lot without ACC approval but not forward of the rear corners of the house positioned so as to be as least visible from the street as possible, not within the prescribed lot setbacks, and not within any utility easement. Exposed metal swing sets, slides, sand boxes, jungle gyms and other such play equipment are prohibited. The ACC reserves the specific right to ask any Owner(s) to remove or relocate any play equipment that the ACC alone deems unsightly, dangerous, not in harmony with the rest of the neighborhood, or restricts the view from neighboring property.
- e. No clotheslines or similar structures shall be permitted on any portion of a Unit Owner's property.
- r. Above-ground and sub-surface fuel tanks are prohibited.

14. ATTIC VENTILATORS, SKYLIGHTS, GUTTERS AND DOWNSPOUTS

- a. Attic ventilators or other apparatus requiring penetration of the roof should be as small in size as functionally possible and should be painted to match the roof color. They should be located generally on the least visible side of the roof and not extend above the ridgeline. Approval of any ventilators must be obtained from the ACC prior to installation.
 - b. Gutters and downspouts must match the trim on the house and be as inconspicuous as possible. Run-off must not adversely affect the drainage on adjacent properties. All gutters and downspouts must have the approval of the ACC prior to installation.

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15. PATIO, PATIO ENCLOSURES AND DECKS

- a. Patio enclosures are an extension of the home and have a significant impact on its appearance. All enclosures should be designed to conform to the contours of the house color and materials should be compatible with the existing home and surrounding homes. All patio enclosures must have ACC approval prior to the commencement of construction.
- b. The roof of the patio enclosure should conform to the roof on the home as closely as possible. Insulated aluminum roofs will not be permitted.
- c. All patios, patio slabs and courtyards must be approved by the ACC prior to installation.
- d. All decks shall be constructed on the rear of the house. Material shall be pressure-treated lumber of grade 2 or better. All decks must be approved by the ACC prior to installation.

16. PERMANENT BARBECUES

- a. Permanent barbecues may be permitted but should not be a dominant feature on the landscape and should be located so they will blend as much as possible with the surrounding area. Supplemental planting should be provided to soften the visual impact of the barbecue, particularly when little or no natural background or screening is available.
- b. No permanent barbecue shall be installed until approval is received by the ACC.

17. MAJOR EXTERIOR ALTERATIONS

- a. The design of major alterations should be compatible in scale, materials, and color with the applicant's house and adjacent houses.
- b. The location of major alterations should not impair the views or amount of sunlight and natural ventilation on adjacent properties.
- c. Where possible, roof pitch should match the type used in the applicant's house.
- d. New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well with the location of exterior openings in the existing house.
- e. If changes in grade or other conditions, which will affect drainage, are anticipated they must be indicated. Generally approval will be denied if adjoining properties are adversely affected by changes in drainage.
- f. Construction materials should be stored so that impairment of views from neighboring properties is minimized. Excess material and debris should be immediately removed after completion of construction.

**THIS DOCUMENT MAY BE REVISED FROM
TIME TO TIME AS NECESSARY**