

**SHEPHERD'S VINEYARD
COMMUNITY ASSOCIATION, INC.**

Architectural Standards

And

Construction Specifications

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INTRODUCTION

These standards are intended as consistent guidelines to follow and the foundation to planning exterior changes to your property. Please retain these Standards as part of your permanent papers for reference now and in the future. You should make these Standards available to any renters of your home. Please read and follow these Standards. Approval **MUST** be obtained **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.

You are requested to duplicate copies of the application form attached at the rear of these Standards and forward finished applications to Shepherd's Vineyard's Management Company, PPM. No application for a change will be considered if not submitted with the application form and appropriate exhibits. The application will be stamped by PPM with the date it is received. This date will be the first day of the 30-day review and approval period. All applications will then be forwarded to the Architectural Review Committee for review.

Your cooperation and adherence to these Standards will not only be appreciated but will be in the best interest of the Shepherd's Vineyard community as a whole.

PURPOSE AND POLICY

The Shepherd's Vineyard Community Association presents the following Standards designed to assist homeowners in complying with the Declaration requirement (Article VII) of obtaining prior approval for exterior changes on any property individually owned or on property owned in common by all property owners in Shepherd's Vineyard. It is the intended effect that these Standards will result in equitable and consistent handling of all applications for Architectural Review Committee approval so the necessary value judgments will be kept to a minimum. These Standards are published to help the homeowner better understand the Covenants, which are the legal and binding authority and take precedence over any of these stated guidelines.

In a planned community such as Shepherd's Vineyard, the question naturally arises as to how to maintain a harmonious, quality development as the community matures. The following Standards attempt to provide a meeting ground between private interests and the broader interest of the Shepherd's Vineyard community as a whole.

Basic control for maintaining the quality of design is through the Declaration of Covenants, Conditions, and Restrictions of the Shepherd's Vineyard Community Association, Inc. The Covenants run with the land and are binding on all homeowners and renters and should be fully understood. The fact that each homeowner is subject to these Covenants should assure all homeowners that the

standards of design quality would be maintained in order to enhance the community's overall environment and to protect property values.

The Declaration established an Architectural Review Committee to be composed of 3 or more representatives appointed by the developer. The Shepherd's Vineyard Developer has delegated authority for appointing this Committee to the Shepherd's Vineyard Community Association's Board of Directors. Article VII of the Shepherd's Vineyard Declaration requires 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 further requires that the plans, specifications and location showing the nature, kind, shape, height, and/or materials be approved in writing as to the 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 and with rendering a decision to the applicant in writing within 30 days of receipt of the application. If the Committee fails to approve or disapprove a request for a change within 30 days after receipt of the application, then approval will not be required and Article VII of the Declaration will be considered to have been waived.

The Standards, which follow, are the procedures and guidelines applied by the Committee to assist the Association and its members in the design review process. It is hoped that these Standards will serve as a positive tool to assist in the full and free use of each homeowner's property in a manner that is consistent with the aesthetic and harmonious development of the Shepherd's Vineyard Community.

RESPONSIBILITIES

ARCHITECTURAL REVIEW COMMITTEE

The Architectural Control Committee conducts the review of all applications for exterior changes and renders its decision to the applicant, in writing, within thirty days of receipt of the application. If an application is denied, the applicant may appeal to the Board of Directors. The Board may reverse or modify the Committee's decision by a majority vote of the Board.

PROPERTY MANAGEMENT ORGANIZATION (PPM)

PPM will collect all architectural request forms submitted and will do an initial screening to assure completeness. Incomplete forms will be immediately returned to the homeowner. Completed submittals will be distributed to the Architectural Review Committee in a timely manner. PPM also acts as the clearinghouse for problems or concerns and channels these messages to the appropriate HOA committee. PPM is also responsible for sending the Board of Directors' response for each complete submittal that is reviewed.

HOMEOWNERS

Each homeowner has the responsibility to properly complete and submit an Architectural Request Form to PPM in accordance with the requirements of these Standards and according to the Architectural Control section of the HOA Declaration of Covenants.

CHANGES THAT REQUIRE APPROVAL

The Committee's prior approval is required for ANY CHANGE in the exterior of a property pursuant to Article VII, Section 2 of the Declaration; such Article is shown below:

(Insert from Declaration)

ARTICLE VII

ARCHITECTURAL CONTROL

No building, fence, or other structure shall be erected, placed or altered, nor shall a building permit for such improvement be applied for on any Property in Shepherd's Vineyard until the proposed building plans, specifications, exterior color or finish, plot plan (showing the proposed location of such building or structure, drives, and parking areas) shall have been approved in writing by the Company, or by the Architectural Review Board of the Association IF SUCH REVIEW RESPONSIBILITY HAS BEEN DELEGATED TO THE association By the Company. In addition, the Company may require written approval of a landscape plan. The Company further reserves the right to promulgate and amend from time to time architectural standard and construction specifications (hereinafter referred to as the "Architectural Standards and Construction Specifications") for specific neighborhoods and areas or for all Properties within Shepherd's Vineyard and such Architectural Standards and Construction Specifications shall establish, define and expressly limit those standards and specifications which will be approved in said neighborhoods and areas or within the Properties, including, but not limited to, architectural style, exterior color or finish, roofing material, siding material, driveway material, landscape design, and construction technique. Refusal or approval of plans, location, exterior color or finish, or specifications may be based by the Company upon any ground, including purely aesthetic considerations, which in the sole and uncontrolled discretion of the Company shall seem sufficient. No alteration in the exterior appearance of any building or structure, including exterior color or finish, shall be made without like prior written approval by the Company. One (1) copy of all plans and related data shall be furnished the company for its records. In the event approval of such plans is neither granted nor denied within thirty (30) days following receipt by the Company of written demand for approval, the provisions of this paragraph shall be thereby waived.

This requirement applies to every homeowner's private property and any common areas.

REVIEW CRITERIA

The Architectural Review Committee evaluates each application on the individual merits of the application. The Committee's decisions are based on the standards in the following sections.

VALIDITY

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

LANDSCAPE AND ENVIRONMENT

The exterior change must not unnecessarily destroy or blight the natural landscape or the achieved man-made environment.

RELATIONSHIP OF STRUCTURES AND ADJOINING PROPERTY

The proposed change must relate harmoniously among its surroundings and to existing buildings and terrain that have a visual relationship to the change.

PROTECTION OF NEIGHBORS

The interests of neighboring owners and tenants 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 style, scale, materials, color and construction details.

1. Scale: The three dimensional size of the proposed change must relate satisfactorily to adjacent structures and its surroundings.
2. Materials: Continuity is established by use of the same or compatible materials as used in the home.
3. Color: Color may be used to soften or intensify visual impact.

WORKMANSHIP

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

TIMING

A 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. As a general rule of thumb, minor additions should be able to be completed within seven days, whereas more labor intensive additions may take up to thirty days. All projects must be completed within one year or less of approval or must be resubmitted.

DO NOT PURCHASE MATERIALS OR COMMIT TO ANY CONTRACTOR in anticipation of instant approval by the Committee. Wait until you have received written application approval prior to purchasing or committing to such work. Remember many design changes require a permit from the Town of Apex. Please try to plan well in advance to allow time to have your application processed.

DESIGN APPLICATION PROCEDURES

The procedures for application, review, inspection, 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 conformance with Article VII of the Declaration and the guidelines outlined herein and briefly outlined below:

1. To create a community which is aesthetically pleasing and functionally convenient, and
2. 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 like type of materials, size, height, color, location, etc. Provide a sketch of the location of a building, pen, or fence as it relates to your house and lot. Mail, fax or hand deliver the application to PPM whose address is shown on the application form. Incomplete applications will be returned and, thus, cause further delay in obtaining approval.

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 the application is received by PPM.

An application with all necessary information will be considered on each applications 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) views the site and may talk to the applicant or neighbors.

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

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

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

The Committee 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 as noted in the application with conditions. The Committee may inspect work in progress and request the applicant to correct any non-compliance with the approved design.

FINAL APPROVAL AND WALKTHROUGH

In cases of conditional approvals, final approval will be given once the Architectural Review Committee has reviewed the completed project.

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 renter, 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 apparent and flagrant violations. Additionally, all residents have the right to bring to the attention of the Committee or Board any apparent violation of any provision of these Architectural Standards.

The Committee investigates each reported violation and attempts to bring the owner or renter into compliance. Committee members and the problems explained and resolutions agreed upon make an on-site visit to the resident. Should the owner or tenant fail to follow up on agreed upon corrections, the Committee will submit the matter to the Board of Directors for final resolution. This could lead to the Association filing legal action against the owner or tenant.

DESIGN GUIDELINES

This section of the guidelines provides specific guidance regarding particular design situations frequently encountered in Shepherd's Vineyard. 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.

GENERAL STATEMENTS

1. **Height:** Any structure higher than 15 feet requires special approval, including but not limited to tree houses and large constructed play equipment.
2. **Corner Lots:** It is recognized that corner lots may need special treatment and consideration when applying the guidelines (i.e. setbacks and rear yard restrictions) since those lots are viewable on two sides from the front streets.

REPAIRS

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

ANTENNAS/SATELLITE DISHES

Any satellite dish or disc that is one meter or less in diameter or any antenna that is designed to receiver television broadcast signals are permitted without

application and approval of the Committee so long as 1) the dish, disc or antenna is located on a part of the lot so as not to be clearly and readily visible from any street or any neighboring lots, provided that such a location does not preclude the reception of an acceptable quality signal, or is located anywhere on the lot but is reasonable and adequately screened to prevent visibility from any street or any neighboring lots; and 2) the lot owner registers the disc or dish in writing with PPM stating the owner's name and address, the name, type, height, diameter and sketch of the lot and dwelling showing the existing location.

CLOTHESLINES

Clotheslines will be considered on an individual basis. Generally, use of clotheslines are discouraged except with prior approval.

DOG HOUSES AND DOG PENS

Doghouses should be painted to match the exterior of the applicant's house with the exception that brick is not required. Roof material should also match that of the roof of the house. The suggested maximum size is 3 feet by 4 feet and only one doghouse is allowed per yard. Dog pens are to be constructed so that the animal can see out. The height of a pen may not exceed six feet. The maximum square footage of a pen is 60 square feet. The dog house and/or pen should be located on the property in an area that is not highly visible from the street and must be located at least ten feet from a neighbor's property line. The dog pen should be located behind the house and within the building envelope and not in side yard areas that are visible from the street. They must be properly maintained and kept in good repair and free of material that may create unpleasant odors. The fencing for a dog pen has the same requirements as all fences (i.e. no chain link, welded wire, etc. allowed).

FENCES/ WALLS

Fences/ walls are not permitted to extend on any lot closer to any street than the front or side building setback. No fence may extend past the front corners of the house. Such fence or wall must meet the requirements of the zoning ordinance of the Town of Apex. Rear yard fencing has a preferred height of four feet; however, in no case should the height exceed six feet. Fences must be properly maintained and kept in good repair. All fences should be natural treated finished wood or finished with a natural stain. If the fence is to be stained, a color sample must be submitted for approval. Suggested types of fence are picket or shadow box. Fences and railings of maintenance-free white PVC or vinyl are approved providing they follow the guidelines of the wood fences with regard to style, configuration, and height. No wire or split rail fences are allowed. Black aluminum and stockade fences will be considered on an individual basis. Fence construction shall consist of vertical members supported on horizontal members with horizontal members on the inside of the fence.

Fences on properties backing up to the greenway shall be treated wood unfinished with no less than 4" spaces between vertical slats for water flow. We request that fences be no closer than 10 feet from the center line and or 5' of the stream bank.

GRADING

MAJOR changes to the topography of your lot could result in flooding or improper drainage into a neighbor's yard; therefore, such changes need to be approved prior to being started. The Board nor the AR Committee accepts any liability for any damage caused by such grading action, whether approved by the Committee or not.

SIDING

By design the siding shall be a horizontal lap profile. Sidings such as painted wood, vinyl, hardboard, brick or fiber cement are acceptable. The profile shall have no less than seven inches of lap exposure. Sidings such as painted wood shingles or simulated wood shingles are acceptable if they are installed in a horizontal lap application method. Traditionally entire homes are sided with the same product, however, accent areas i.e. gable ends and dormers may be of a contrasting style and shall be approved on an individual basis by the SVHA architectural review committee. When sidings such as vinyl are used, where the color is in the material itself, the trim details shall be a complimentary but contrasting color.

PLANTS AND GARDENS

Committee approval is not required for most plantings or landscaping treatments that are biodegradable. However, if any planting in hedge or row form is being considered for the front or side/front yards that will act as a "fence", then an application for such addition must be submitted to the Committee for approval. Caution should be exercised in digging deep holes so as not to cut into any electric cable, etc. It is suggested that before digging, homeowners contact the appropriate utility company. Vegetable gardens must be kept in rear yard.

PLAY EQUIPMENT

Any play equipment for children should be located at least five feet from any property line in the rear of the yard, not on the side or front of the lot. Such equipment includes swing sets or other more stationary items. No single unit should exceed 18 feet by 10 feet by 15 feet in height. Play equipment should be limited to one constructed unit per house (small, low items such as sandboxes are excluded). Committee approval is not needed for most play equipment in the rear yard. Any play equipment, including swings, in the front or side yard does need committee approval.

BASKETBALL GOALS

Basketball goals, both permanent and portable, must be installed on the rear third of the driveway or parking pad. Portable goals must be returned to the rear third of the driveway or parking pad when not in use. All goals must be mounted on a single pole painted black or a trim color to match the house. The backboard should be predominantly white, clear or gray in color. It is recommended that there be only one goal per house.

SHEDS/STORAGE BUILDINGS

Detached freestanding storage sheds are discouraged. Where possible, storage sheds should be attached to the house. In most cases this is less expensive than a freestanding structure and would be more aesthetically pleasing as well as more convenient. However, if an owner has inadequate storage and there is no, the owner can apply for approval to erect a storage room to the house, the owner can apply for approval to erect a freestanding storage shed. Whether attached or freestanding, all sheds must receive Committee approval and meet the following criteria:

1. Siding: Must be quality materials similar in color and composition to the house.
2. Roof: Must be similar to the home in pitch, materials, and color.
3. Base: Must have suitable foundation and/or constructed floor system. If the shed is detached, the foundation should be like the exterior house unless the shed is placed on a concrete slab in which case the exterior siding should be placed to six inches above grade as per NC State Building Code. If the shed is attached, it should match the house in all aspects.
4. Size: Maximum of 120 square feet (i.e. 10' x 12').
5. Placement: Must be behind the house, at least 10 feet from all neighboring property lines, and not in the side yard areas that are highly visible from the street.
6. Trim: Including but not limited to the eaves, shingles, window/door trim, etc. should be like the main house.
7. Doors: Doors and window casings should be like the main house.

Whether attached or freestanding, all sheds must receive prior Architectural Review Committee approval.

UNIFORM SIGN REGULATIONS

No sign of any kind shall be displayed on any lot except "for sale" or "for rent" signs of not more than six square feet in size and signs of six square feet expressing support for or opposition to political candidates or referendum issues. Such

political signs shall not be placed on a lot earlier than sixty days before the election and shall be removed within two days after the election is held.

BOATS, TRAILERS, ETC.

Mobile house trailers, campers, boats, jet skies and boat trailers may be parked on a lot so no part extends beyond the front face of the house. All automobiles parked on the front or side of the house must be parked on a paved surface. Vehicles parked on the streets are subject to the laws and ordinances of the Town of Apex. No tractor-trailer trucks, cabs or inoperable automobiles may be parked on any lot within Shepherd's Vineyard.

DECKS

A deck should not extend past the side of the house. If the house has a side entrance toward the back of the house immediately adjacent the deck, then a four foot extension expressly for the purpose of allowing a stairway to the side entrance will be allowed. All decks should be on the rear of the house. The deck should be no more than 1/8th of the back yard area as defined by a line drawn across the back line of the house to either side lot line back to the rear lot line.

LAMPS & YARD LIGHTS

One walkway/entrance light on a post is allowed. The post should not exceed six feet in height to the base of the light fixture and shall be wood or metal painted black or to match the house trim. Halogen, mercury vapor, sodium, etc. high power lamps are not permitted. The lamp should be similar to or match the existing house exterior lights (such as those on the front porch/stoop, not floodlights).

LAWN ORNAMENTS

All lawn decorations are discouraged in the front and side of the house unless it is a live, growing entity. This is in addition to the existing guidelines regarding hedgerow plantings. Certain lawn ornamentation (e.g. bird baths) that are appropriate will be permitted on an individual basis provided they do not detract from the appearance of the neighborhood.

MAILBOXES

All new posts must be PVC or Vinyl when replacing the existing wood posts. All new mailboxes must be either black, white or green in metal or PVC. All should be maintained regularly.

SOLAR PANELS

All panels visible from the street shall be mounted on the roof of the house. All panels visible from the street shall only be mounted parallel to the pitch of the

roof and shall extend no more than 6" off the surface of the roof. Tilt-mounted panels are approved for use only on the rear facing roof, and only when not visible from the street. Panels are not permitted to overhang the edge of the roof. The panel coverage area should not exceed 60% of the total roof area. All installations must carry a warranty and must be completed by a licensed installer.

SWIMMING POOLS

Swimming pools shall be permitted on a case-by-case basis according to the guidelines established by the Architectural Review Committee.

OTHER DESIGN DATA

Many additions to a homeowner's property may require approval of the Town of Apex, Wake County and/or the State of North Carolina. These guidelines are not intended to be a substitute for or summary of those specifications or requirements. It is strongly advised that any homeowner undertaking any modification to the house or lot consult the Town of Apex to insure that the necessary permits are obtained and building code and inspections are fulfilled.

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