

Merion Homeowners Association, Inc. Architectural Guidelines

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I. PURPOSE AND POLICY

The Architectural Review Committee (ARC) was established by Article X of the Merion Homeowner's Association By-Laws. The primary purpose of the ARC is to preserve and maintain the property values and the natural beauty of the development.

It is part of the charter of the ARC to maintain consistent standards while remaining flexible and open-minded to changes in our community and our lifestyles. This standard is intended to be a dynamic document that allows for individual creativity of design, with each request being reviewed on its own merits. The aesthetics of the modification will be primary consideration of the Committee.

The ARC is restricted to four members with volunteers solicited during the annual homeowners meeting. The ARC meets as needed. The ARC reviews architectural review requests on an ongoing basis. The committee also attends to other relevant business, such as writing or revising this document, and reporting on area inspections and follow up inspections. Homeowners who are concerned about a neighbor's home improvement plan should contact our property manager, Mike Smith , Omega Association Management (919-461-0102) or the ARC immediately.

II. RESPONSIBILITIES

These are the responsibilities of all parties as they relate to the architectural guidelines.

Board of Directors

The Board of Directors is responsible for handling disputes the ARC cannot resolve as well as making decisions about violations and related penalties or legal remedies, and final interpretation of the Covenants and Restrictions. The Board of Directors has directed the ARC to follow these guidelines in evaluating applications for property modifications.

Architectural Review Committee

The responsibilities of the ARC are outlined in Article VIII of the Merion Subdivision Covenants document.

Homeowners

Each homeowner has the responsibility to properly complete and submit an Architectural Request Form to the ARC in accordance with the requirements of these guidelines. Each homeowner is also responsible for adherence to this policy; any decisions made

by the ARC, and report any problems or violations to the ARC.

III. GUIDELINES

It is the interpretation of the Merion ARC and the Board of Directors that the provisions of Article VII of the Merion Subdivision Covenants apply to a wide variety of aesthetic considerations in the community. Every attempt has been made to include in this guideline those considerations that have the potential to impact property values. Suggestions for improvement of this document should be given to the ARC.

The following are examples of the types of changes, additions or deletions that would either (1) require submittal of an Architectural Request Form, or (2) not require a submittal or (3) are prohibited.

While every effort has been made to identify all aspects of change, if you have any doubt if your situation is adequately addressed, you should contact the ARC for guidance.

NOTE: It must be recognized that the submittal/approval process is administered by volunteers on their own time (nights and weekends) and is inherently lengthy. The ARC and the Board of Directors meet once within each calendar month. It is imperative therefore, that each homeowner **plan in advance** and allow for the possibility of the ARC not reviewing your request for 30 days.

Throughout this document the term "changes" shall include additions and deletions.

Types of Changes Which Require Submittal

NOTE: The official document for changes is the Merion Subdivision Covenants document (specifically Articles VIII through X). The following is provided as examples of things to consider when contemplating a change.

Changes to the exterior of the home, such as:

Addition of:

1. Fences
2. Decorative lighting
3. Solar collectors

Appearance, such as:

1. Color
2. Materials (such as siding)

Other exterior changes, such as:

1. Storage buildings
2. Home additions
3. Decks and patios

4. Driveway extensions and parking pads
5. Enclosures
6. Awnings
7. Hedges and screen plantings
8. Landscaping
9. Mailboxes
10. Parking
11. Poles, free-standing
12. Recreation or sport equipment
13. Signs
14. Swimming pools and hot tubs
15. Tree removal - live
16. Vegetable Gardens (greater than 20'X20')
17. Play equipment (permanent and non-permanent. See play equipment guidelines)

Specific Changes Which Do Not Require a Submittal:

1. Basketball goals attached to a garage
2. Flower boxes
3. Minor landscaping
4. Periodic repainting and re-staining with the existing color for maintenance
5. Portable pools usable only by small children
6. Removal of dead trees
7. Small, discreetly located, garden plots
8. Storm doors

Specific changes which are prohibited:

1. Animals other than household pets
2. Chain-link fences
3. Commercial advertising signs
4. Encroachment on other property
5. Exterior antennas
6. Satellite dishes more than 24 inches in diameter.
7. Parking of vehicles or trailers on soft surfaces
8. Clotheslines
9. Pools, above ground (except portable pools usable only by small children)
10. Unclean, unsightly, unkempt, unhealthy or unsafe conditions, which tend to substantially, decrease beauty or safety
11. Very bright colors
12. Wire-backed wood fences
13. Awnings on the front or side of a home

IV. STANDARDS AND SPECIFICATIONS

The specifications/details listed below apply to both items requiring submittal and not requiring submittal and are those that have been identified by the ARC as requiring a specification. For items detailed below, the expectation is that this minimum detail will be met.

Animals

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that:

Dogs, cats or other household pets may be kept, provided that they are not bred or maintained for any commercial purpose.

Clotheslines

Exterior clotheslines are prohibited

Exterior Antennas or Dishes

No exterior antenna, tower, disc or dish shall be erected or placed upon any lot, without prior approval. The only exception is small satellite dishes 24 inches or less in diameter.

Poles

Submittals for free standing poles (such as basketball goals or flag poles) should include construction and installation details.

Signs

1. Real estate signs do not require submittal.
2. Garage/yard sale signs do not require submittal if they are removed no later than one day after the sale.
3. Political campaign signs that meet the requirements of Wake County's ordinance do not require approval if they are removed within one week after Election Day.
4. Commercial advertising signs are prohibited.

Driveways and Parking Pads (Requires a submittal)

Driveways and vehicle parking pads shall be concrete only. Any other type of pad (i.e. brick, stone, etc.) shall be reviewed on an individual basis. Aggregate base, thickness, reinforcement, etc; should comply with good construction practice.

Storage

No trade materials or inventories may be stored outside on any residential lot. Temporary storage of materials for modification projects should be discreetly placed and orderly maintained

Swimming Pools Requires a submittal

1. In ground pools must meet local safety standards, which include fencing around the pool.
2. Fencing style must be submitted for approval.
3. Above ground pools are prohibited.
4. Portable pools usable by small children are pre-approved.
5. Pools must meet setback requirements.

Trees

1. The removal of a live tree requires approval unless the tree is less than six inches (6") in diameter at a height above the ground of four (4') feet.
2. Removal of dead trees does not require submittal, regardless of size. It is the homeowner's responsibility to assure the tree is dead.

Landscaping

1. Landscaping of a minor nature such as naturalizing an area of yard and adding shrubs, trees, flowers, etc. need not be submitted for approval. These are considered normal improvements and are strongly encouraged.
2. Other types of landscaping represent more significant projects that may be structural, have an impact on adjacent property, or require strong aesthetic consideration, and **will require submittal**:
 - a. Retaining walls will require a submittal.
 - b. Drainage, swale, and runoff: careful consideration should be given to
 - c. landscaping that will regulate current drainage/runoff to adjoining property.
 - d. Details should be contained in submittals.
 - e. Garden plots. Small, discreetly located garden plots need not be submitted. Large plots in public view should be submitted with details of screening. Vegetable gardens must be located on the least visible or conspicuous area of the property and screening is recommended. All gardens must be neatly maintained, which includes removal of all unused stakes, trellises, and dead growth.

Hedges and Screen Plantings (Requires a submittal)

Hedge or screen plantings, which form a barrier between properties, should have:

- a. Awareness of the adjoining property owners.
- b. Agreement for maintenance accesses.
- c. Setbacks to allow for plant growth.

Decks, Patios, Gazebos

Requires a submittal. Should be made of concrete, brick, or stone. Include landscape plan in request.

.Height of decks, arbors and screens

1. The ARC encourages creative designs and patterns. There are no predetermined styles in this document.
2. Decks should be of a reasonable height for their intended purpose.
3. Arbors should be built and properly scaled to the surrounding area.
4. Freestanding deck screens (e.g., lattice) shall be built and properly scaled to the surrounding area.

Location of decks and patios (Requires submittal)

1. Observation of views or breezeways of adjoining properties will be given

consideration.

2. Decks, patios, and gazebos should be located in rear yards. Other yard locations are discouraged but will be evaluated on an individual lot/location basis.
3. Decks, gazebos, screens and arbors can be built of pressure treated lumber with a natural finish or sealed with clear sealer, transparent or semi-transparent stain in natural wood tones. Designs which include painted structures and trim/rails should match the exterior trim work on the house.
4. Decks and gazebos should be landscaped to help maintain the natural look of the area and screen neighbors' views of the structure. Landscaping around the structure, as well as along the lot sides and back, is also suggested to mask views. Landscaping around screens and arbors is required to enhance and soften the look of the structure.
5. Screens and arbors will be **approved on a case-by-case basis as** the location for such structures can be viewed from the street and neighbors. Again, structures should be landscaped to help maintain the natural look of the area and screen neighbors' views of the structure.

Enclosures (screened porch, sunrooms, etc) (Requires submittal)

1. Like other structures, enclosures should be designed and constructed for aesthetic compatibility and preservation.
2. Only exterior materials comparable to those on existing structures and compatible with the architectural character of the community will be approved.

Materials and Colors

1. Periodic repainting and re-staining with the existing color for maintenance does not require submittal.
2. Only exterior materials comparable to those on existing structures and compatible with the architectural character of the community will be approved.
3. Brick will remain unpainted except to match painted brick house color

Color changes (Requires submittal)

1. Keep all colors low in intensity.
2. Actual color samples must be included with a request for a color change.
3. Color and material changes apply to the house siding, roofing, and other main structures. Change of exterior color and materials will be reviewed by the ARC on an individual basis. Earth-tone colors are preferred as they work well in natural settings and tying together the community buildings. The intent is to have individual homes blend into the total image of the community.

The selection of exterior material shall be harmonious with the architectural motif of each dwelling unit and the community development as a whole. The following materials are acceptable for use:

- a. WOOD, STUCCO, MASONRY, SIDING will be approved providing the plan meets all other required guidelines.

Play Equipment (Requires submittal)

1. Children's play equipment (such as swing sets, forts, jungle gyms, climbing equipment, etc) must be located behind the house.
2. Play equipment constructed of wood is encouraged.
3. All play equipment must be maintained in a good state of repair.
4. Consideration should be given to neighbors with respect to location, sight, noise and color. General courtesy is expected when using any outdoor play equipment and related nuisances will not be permitted.
5. Equipment other than basketball backboards must be placed in rear/side yards. Consideration must be given to lot size, equipment size and design, location, amount of visual screening, etc.
6. No permanent ramps of any size or material for use with skates, skateboards or bicycles shall be permitted.
7. Freestanding playhouses/swing sets/etc. shall be confined to the rear yard only and playhouses shall not be used as storage sheds. Playhouses are considered temporary structures and shall not be built on permanent foundations or concrete slabs.

Awnings (Requires submittal)

Awnings will be considered only for rear of a house. Awnings on the front and side of a home are not in keeping with the architectural standards of the community and will not be approved. Awnings should be a solid color and made of a fade resistant material.

Mailboxes

All mailboxes **must** conform to neighborhood standard, no Exceptions will be granted. All mailboxes for Merion must be the same as those installed by the original builder/developer. Repairs or replacements are at the homeowner's expense. Contact a member of the ARC for the location of the nearest retailer.(need to get # from Paul and insert here so they don't have to contact us) There should be no coverings applied to the mailbox except for the occasional seasonal decoration.

DOG HOUSES/ENCLOSURES (Requires submittal)

Invisible fencing is strongly encouraged, but dog houses/enclosures shall be considered based on the following:

1. Dog houses/enclosures must be compatible with the surrounding area, located in the least visible or conspicuous area of the property, and must not be highly visible from the street, neighbors.
2. General courtesy is expected in the management of pets and related nuisances will not be permitted.
3. Dog houses/enclosures should be heavily landscaped to screen from view.
4. Dog houses/enclosures can be built of pressure treated lumber with a natural finish

or sealed with clear sealer, transparent or semi-transparent stain in natural wood tones. Designs which include painted structures should match the exterior trim work on the house.

COMMON AREAS

Dumping of debris or lawn clippings on common areas or vacant lots is prohibited.

STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, CAMPERS, MOBILE HOMES, RECREATIONAL VEHICLES, JET SKIS, OR INOPERABLE VEHICLES

*See Article IX of the Merion Subdivision Covenants.

No commercial vehicles, boats, trailers (recreational, storage, haul), campers, mobile homes, recreational vehicles, or jet skis may be parked or stored in open view on residential property, public or private streets, or on open space for more than 24 hours that would be required to load and ready the vehicle for use.

Inoperable or unlicensed vehicles are not permitted to be stored in view for more than 24 hours that would be required to remove or repair the vehicle.

For safety reasons it is suggested that all cars, etc be kept in driveways. Routine street parking is not encouraged

Obviously, we cannot cover every request with this document, but we hope that you use this guide to plan your projects appropriately in order to expedite the approval process. Any project not listed herein will be reviewed on an individual basis.

V. MAINTENANCE

It is the primary responsibility of each homeowner to maintain his property in a way that does not detract from the overall beauty of the community. It is hoped that each and every homeowner will take this responsibility seriously, as this can severely affect the value of all properties.

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

1. Shrubbery, Trees, and Lawns
2. Driveways and Sidewalks
3. Decks
4. Fences
5. Playground Equipment
6. Roofing
7. Paint and Stain
8. Garbage Can Storage (See covenants, Article X, Section 8).

Existing Property Maintenance

Property ownership includes the responsibility for continued maintenance of all structures and grounds, which are a part of the property. This includes, but is not limited to, items such as mowing grass, removal of trash, and structural maintenance. Maintenance affects the visual character and economic values of the neighborhood as a whole, and in some cases, health and safety.

As a courtesy to your immediate neighbors and the community in general the HOA strongly encourages:

1. Turf areas and lawns need to be mowed at regular intervals. Dead grass or lawns that are predominately weeds must be replaced.
2. Lawn maintenance equipment must be stored in the garage or out of view from the street, neighbors, etc.
3. The exterior of homes and any other structures on lots, such as decks, doghouses/enclosures, fences, and playground-type equipment must be regularly maintained (i.e. cleaning, washing, painting, staining, etc.).
4. Compost piles must be located on the least visible or conspicuous area and properly maintained and screened.
5. Trash and garbage should be stored in closed containers. If bags are necessary, do not place outside overnight so that animals can get into them.

Deterioration

If the Board of Directors is made aware of a property that has deteriorated to a point that it is affecting the aesthetics of the community, The Architectural Review Committee will request to make a site inspection. They will then make recommendations to the Board of Directors.

Based on the severity of the deterioration, the homeowner will be given a specified length of time to make the necessary repairs. If after that time, the repairs have still not been made, the Board of Directors has the obligation of enforcement described in Article VII, Section 2 of the Merion Subdivision Covenants.

VII. ARCHITECTURAL GUIDELINES FOR FENCING

It is the intention of these guidelines to allow specific types of fencing so that the homeowner has the option of creating an enclosed or semi-enclosed background for privacy, security, or protection of small children.

The ARC shall review all proposed fence locations and details. The ARC shall have the final approval of any fence. This committee also retains the right to grant variances. Each case shall be reviewed on an individual basis. The ARC shall emphasize the development of sensitive, compatible, functional and aesthetically pleasing qualities of the fence design. Quality materials and construction methods shall be employed. The following architectural guidelines for fencing will assist

the committee and protect the total development.

General Guidelines

- 1) All fence designs or proposals must be submitted to the ARC.
- 2) All proposed material types should be stated. Picture or rendering of fence style should be included. The ARC will consider high quality wood, metal, brick or vinyl as an appropriate building material. Chain link, wire, and split rail fences will not be approved.
- 3) A plot plan of the lot showing all existing buildings, drives, walks, natural area or specific tree locations shall be provided together with the proposed location of the fence or fences with exact dimensions to property lines or right-of-ways. All roadway buffers shall be shown on this plan.
- 4) Landscape planting plans for the purpose of screening the fencing as required along specific roadways within Merion shall be submitted for review and approval. Plant types sizes and spacing shall be described and or graphically illustrated on the required fencing site plan.
- 5) No fencing shall be installed forward of the back corner envelope of house.
- 6) All fencing along prescribed roadway buffers shall be setback from the recorded property line a minimum of 5' to allow sufficient room to install and maintain the necessary landscape screening as required below.
- 7) All fencing along any interior greenway or open space buffer shall be offset from the property line 5'0".
- 8) The ARC recommends all fences be no higher than 6 feet above natural grade, unless otherwise approved by the ARC.
- 9) All fences may be left natural, allowed to weather to a light gray or brown tone. Fences may also be treated with a wood preservative stain/water repellent in a brown tone to help maintain a finished appearance. Submit paint/stain samples with your request.
- 10) The finished side of the material used to build the fence (wood, brick, etc.) **must** face the exterior of the lot.
- 11) Front yard fences (or fences which appear to be in a neighbor's front yard due to lot configuration) will not be allowed. Small/low/short decorative fences that are part of a landscape plan will be considered on a case by case basis.

VIII. PROCESS

Changes, additions or deletions that have been previously identified as requiring submittal, or that the homeowner believes may require submittal, shall follow the process described in this section. The process will be the same for all submittals with the required details varying depending upon the type of change.

Reminders

1. No construction shall begin without the ARC approval of the submittal.
2. No building permit shall be applied for prior to having the approval from the ARC.
3. Allow enough time for processing and approval in planning for construction.

Planning and Preparation of Submittal

Using these guidelines, determine if a submittal is required. If yes, continue.

1. Prepare the Architectural Review Form (copy available from Omega Management Company) and attach any drawings, sketches and supplemental documents for the ARC review. A complete submittal will FULLY describe/depict the change and stands on its own without need for further explanation or clarification. Paint samples and plans must accompany your request.
2. Sign the form.
3. Present the complete submittal to all adjoining property owners or neighbors who may be visually impacted by the change, and obtain their signatures. **Remember that this includes the neighbors behind you.** This signature only reflects that each neighbor has seen the **complete** submittal. It is NOT an approval of the submittal.
4. Only after completing steps 1-3 (above) mail the submittal to:
5. Michael Smith
Omega Management Company
208 Nottingham Drive
Cary, NC 27511
6. An initial review of the submittal for completeness and legibility will be made and incomplete or illegible submittals will be returned immediately to the homeowner.
7. After determining that all is in order, the submittal will be sent to the ARC for review and processing.

Architectural Review Committee Review

1. Site inspections by the ARC will be made as needed.
2. The committee will review the submittal with members adding any observations from the site visit.
3. If the homeowner wishes to meet with the committee, the members will work with the homeowner to meet at a convenient time and location. The submittal will be voted on by the ARC and approved or disapproved. If a conflict occurs, the request will be forwarded to the Board of Directors.

Review Criteria:

Preservation of the overall community design concepts: These concepts include preservation of native trees and plants where possible, the protection of views from and to the common areas, and the utilization of building and landscape architectural principles consistent with the overall community.

Compatibility of design with primary and adjoining lots: All building and landscape modifications should be in harmony with existing building and landscape features on both the primary lot and neighbors' lots. Items to be

considered include mass and scale, materials of construction, colors and finishes, workmanship, and impact on the area as the project ages. In addition, special consideration shall be given to the impact on adjoining properties relative to the potential noise, glare, loss of views, reduction in natural light, privacy impact, restrictions of airflow, damage to trees/plants, need for screening, drainage impact, etc.

The Architectural Committee Review/Decision

1. At its regular monthly meeting the ARC will review all submittals.
2. The ARC will vote on each submittal as approved or disapproved.
3. Note: Approval and/or disapproval will be based on the covenants. These guidelines are an attempt to explain and make more specific the official covenants and restrictions. Disapproval will be based on any requests that are not in alignment with these guidelines.
4. The ARC will notify Michael Smith of Omega of the approval/disapproval of the submittal who will then complete a standard response letter indicating the decision, and mail it within five working days.
5. Approval of any submittal or portion thereof does not ensure approval of similar submittals, as each submittal will be considered on its own merits.
6. A proper submittal approved by the ARC is a contract to comply with the specific details. Alteration/deviations of a significant nature will require re-submittal.
7. No project may be started without formal ARC review and approval. It is the sole responsibility of the applicant to insure complete compliance with all the relevant building practices, codes, permits and licensing requirements. Failure to comply with ARC requirements and approval plans and elevations etc. may result in the required removal of any non-conforming construction, detailing, colors, etc.
8. In case of a conflict, the submittal will be sent to the Board for a decision.

Note: No approval of plans, location, or specifications and no publication of architectural standards or recommendation shall be construed as representing or implying that any plans, specifications or standards will, if followed, result in a properly constructed improvement with respect to compliance with building codes or quality of materials and workmanship.

Appeals/Re-submittals

To appeal a disapproved submittal, the homeowner should submit a written response including specific detailed information that clarifies why the submittal should be reconsidered. The Homeowner may also request a meeting with the ARC or Board to further discuss the submittal.

Time Frame for Construction

1. Construction should begin at the indicated start date or within two months after the date of the written approval by the ARC. Work must be completed within six months after construction begins, unless an extension is requested and granted.
2. Approval for projects that are not begun as specified above will lapse, and the applicant must resubmit the proposal or a written request for extension to the ARC.

Details for Submittal

In some cases many attributes or details of a proposed change, addition or deletion is required for the ARC to make sound responsible decisions. In other cases the nature of the change will be simple and straightforward, as will be the submittal. The following items should be used as a method of describing or visually depicting the requested change (as applicable):

1. Pictures, magazine cutouts, etc.
2. Color chips.
3. Plot plans- top down drawing showing location of existing structure(s), property boundaries in relation to adjoining property(s) and location of proposed change(s).
4. Elevation drawings - a side view that will show height, topography of land, and visual image of the change.
5. Written and/or visual depiction of construction details.
6. Location of building material storage during construction, soil disposal plan, drainage plan, and landscaping or re-vegetation plan, (as applicable).
7. Drawings should be to scale to show a relationship to location, height, etc., with the dimensions clearly marked on all drawings. For major construction projects such as additions, sunrooms, dormers, etc., that a hired contractor is used for, the design drawing should suffice, showing rooflines and other such detail.

IX Violations

The Management company (Omega Management Co.), and the Board of Directors will handle any/all violations.

Remedial Process

After all attempts to resolve a violation have been exhausted, including the opportunity for a hearing, the Board of Directors will select the appropriate remedy and notify the Property Owner of such action.

APPENDIX B

Copies of Forms