



**Brier Creek Country Club
Owners Association, Inc.**

Architectural and Landscape Guidelines

Architectural Control

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Section One

General

Introduction

Whether you are an original owner of a home in Brier Creek or you're a second or third owner, WELCOME to the community. Brier Creek is an exciting and vibrant place in which to live and the people here wish to make it an even better place to call home through their continuing efforts to protect, maintain and enhance their property values.

Brier Creek is what is known as a C.U.D. (Cluster Unit Development). This means that the original tract of property was site-planned, designed and approved as a self-contained, deed restricted community which would have its own set of covenants and conditions and order of rule under which all property owners would live and abide and which would provide for the maintenance of all Common Properties and improvements thereon (see your Master Covenants, Conditions, and Restrictions Documents). Conditions and restrictions were set so that the aesthetics, congruity, appearance, safety, etc. would be defined and written guidelines would be promulgated (e.g. this handbook) in order to create an environment where over 1,000 homeowners could live in harmony. Each homeowner would then have some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their quiet enjoyment or property values (e.g. painting one's home bright orange; abandoning cars in the street or driveway; the keeping/breeding of vicious pets such as pit bulls; unkempt yards). In effect a C.U.D. is a "mini city" where there is a mayor (Board President), a city council (Board of Directors), a city manager (Property Manager), advisors (Committee Members), and citizens (Homeowners). The ultimate intent, then, of a C.U.D. is not to create a totalitarian environment where property rights are trampled, but rather a self-ruled community where its members (homeowners) look after their home and hearth and, ultimately, their investment through active participation in the governance of the community and on committees advising its appointed or elected leaders.

A well run C.U.D. makes for a pleasant community in which to live. This document sets forth the guidelines and procedures for making an application for approval for changes to the exterior of your home or yard (all exterior changes must come before the Architectural Control Committee, including any that are not covered in this booklet). Please read on and familiarize yourself with the information contained herein.

Governing Article

ARCHITECTURAL CONTROL COMMITTEE

An Architectural Control Committee consisting of three or more persons shall be appointed by the Association's Board of Directors and shall be responsible to the Board.

PURPOSE OF THE ARCHITECTURAL COMMITTEE

The Architectural Control Committee shall regulate the external design, appearance, and location of the Properties and of improvements thereon in such a manner as (a) to promote those qualities in the environment and that bring value to the Properties and (b) to foster the attractiveness and functional utility of the community as a place to live, including a harmonious relationship among structures, vegetation and topography.

REQUIREMENT

No building, fence, wall, residence, structure, or projection from a structure (whether of a temporary or permanent nature, and whether or not such structure shall be affixed to the ground) shall be commenced, erected, maintained, improved, or altered, nor shall any grading, excavation, tree removal, planting, change of exterior color or other work which in any way alters the exterior appearance of any Lot or improvement be done without the prior written approval of the Architectural Control Committee regarding (a) the harmony of its exterior design and location in relation to (b) the character of the exterior materials and (c) the quality of the exterior workmanship.

PROCEDURES

In the event the Architectural Control Committee fails to approve or disapprove in writing an application within forty-five (45) days after the plans and specification in writing have been submitted to it in accordance with adopted procedures, approval will be deemed granted. The applicant may appeal an adverse Architectural Control Committee decision to the Association's Board of Directors, who may reverse or modify such decision by a two-thirds vote of those directors present and voting at a meeting at which a quorum is present. Sub-Associations shall not delay the review process.

GUIDELINES

The Architectural Control Committee shall, subject to the approval of the Board of Directors of the Association develop and promulgate policy guidelines for the application of the design review provisions in this Declaration. The policy guidelines shall include (a) review procedures, (b) objectives of review, and (c) principles and criteria used as standards in determining the achievement of their required objectives. The policy guidelines may also include specific design practices that though optional, are generally acceptable methods for achieving the required objectives in particular design problems frequently encountered in the Properties. The policy guidelines are intended to assist the Architectural Control Committee and the Owners of Lots in the ongoing process of community design. They may be modified and supplemented from time to time, on due notice to the Owners and subject to the approval of the Board.

Covenants, Conditions, and Restrictions

(The following is reprinted from the Declaration of Master Covenants, Conditions, and Restrictions, a copy of which you received at the time you contracted for your home purchase. It is found at the back of your homeowner's manual.)

ARTICLE IX

ARCHITECTURAL CONTROL

Section 1. General. Anything contained in this Declaration to the contrary notwithstanding, no construction of any Dwelling Unit, no site preparation on any Lot, no change in grade or slope of any Lot, no construction or placement of any building or exterior additions or alterations to any building situated upon a Lot, no removal of trees (except dead, dying, diseased or damaged trees, or trees that pose a safety hazard), and no construction of or changes or additions to any other structure or Improvement on a Lot or Dwelling Unit shall be commenced nor shall any of the same be placed, maintained or allowed to remain, on any Lot or Dwelling Unit until the "Architectural Control Committee" (appointed as hereinafter provided) has approved the plans and specifications therefor and the location of such Improvements. The Architectural Control Committee shall have the right to charge a reasonable fee for the review of any such plans and specifications. Provided, however, that all improvements constructed by or on behalf of the Club Owner on the Club Property shall not be subject to review by the Architectural Control Committee, as the Club Property is not subject to this Declaration.

Section 2. Composition. Through that date which is twenty (20) years after the date of recording of this Declaration, Declarant shall annually appoint the members of the Architectural Control Committee which will be composed of at least three (3) individuals (the exact number of members of the Architectural Control Committee to be designated by Declarant from time to time), each generally familiar with residential and community development design matters and knowledgeable about the Declarant's concern for a high level of taste and design standards within the Development. The initial members appointed by Declarant shall serve for the remainder of the one-(1) calendar year in which they are appointed. Thereafter, the members so appointed are appointed to serve for the next succeeding calendar year. In the event of the death or resignation of any member of the Architectural Control Committee, Declarant, for so long as it has the authority to appoint the members of the Architectural Control Committee and thereafter, the Board, shall have full authority to designate and appoint a successor. Subsequent to December 31, 2020 (and earlier if Declarant specifically assigns this right to the Board), the Board shall designate the number of and appoint the members of the Architectural Control Committee. At any

time and from time to time Declarant may assign to the Board its right to appoint members of the Architectural Control Committee.

The Declarant (and the Board when applicable), in its discretion, may at any time and from time to time appoint two separate Architectural Control Committees, one for the purpose of reviewing plans, specifications and site plans for initial Improvements to be constructed or placed on a Lot, and another to review plans, specifications and site plans for subsequent new Improvements and changes in and additions to existing Improvements on a Lot or Dwelling Unit, the specific division of such reviews to be as specified by the Declarant (or the Board when applicable). Each such Architectural Control Committee separately shall be subject to and shall comply with the provisions of this Declaration applicable to the Architectural Control Committee and the review of plans, specifications and site plans.

Section 3. Procedure. No exterior Improvement of any kind or nature shall be constructed, repaired, replaced, remodeled, placed or allowed to remain on any Lot or Dwelling Unit until all plans and specifications therefor and a site plan therefor have been submitted to and approved in writing by the Architectural Control Committee, as to:

- (a) type of materials, adequacy of site dimensions and facing of main elevation with respect to nearby streets;
- (b) conformity and harmony of the external design, color, type and appearance of exterior surfaces and compatibility with existing Improvements within the Property;
- (c) location of the Improvement on the Lot or Dwelling Unit and effect of location and use on neighboring Lots and Dwelling Units and Improvements situated thereon;
- (d) provisions for handling stormwater drainage;
- (e) compliance with the provisions of this Declaration and compliance with any architectural guidelines that may be established from time to time by Declarant (or by the Board when the Board has the right to appoint the members of the Architectural Control Committee, or by the Architectural Control Committee, if such power is delegated to it by Declarant or the Board otherwise possessing such power).

Final plans and specifications for all improvements proposed to be constructed on a Lot or Dwelling Unit shall be submitted to the Architectural Control Committee for approval or disapproval. The Architectural Control Committee is authorized to request the submission of samples of proposed construction materials. At such time as the plans and specifications meet the approval of the Architectural Control Committee, at least one complete set of plans and specifications shall be retained by the Architectural Control Committee and another complete set of plans and specifications shall be marked "Approved" and returned to the lot Owner or such Owner's designated representative. If such plans and specifications are determined not to be in compliance with this Declaration, or if the same are otherwise unacceptable to the Architectural Control Committee because of inadequacy or noncompliance with respect to the provisions of this Section, one set of plans and specifications shall be returned to the lot Owner marked "Disapproved," accompanied by a reasonable statement of items found not to be in compliance with this Declaration or otherwise unacceptable. Any modification or change in the plans and specifications submitted to and approved by the Architectural Control Committee must again be submitted to the Architectural Control Committee for its inspection and approval in accordance with requirements established by the Architectural Control Committee. The Architectural Control Committee's approval or disapproval, as required herein, shall be in writing.

The Declarant (or the Board, when the Board has the right to appoint members of the Architectural Control Committee, or the Architectural Control Committee, when such power has been delegated to it by the Declarant or the Board possessing such power), may from time to time adopt procedures for conducting the architectural reviews and other duties of the Architectural Control Committee, provided that such procedures do not conflict with the specific requirements of this Declaration.

The Declarant (or the Board, when the Board has the right to appoint members of the Architectural Control Committee, or the Architectural Control Committee, when such power has been delegated to it by the Declarant or the Board possessing such power) at any time and from time to time may establish architectural guidelines (the "Architectural and Landscape Guidelines") for one or more types of Improvements to be constructed on a Lot or Dwelling Unit which guidelines shall be fair and reasonable, may from time to time be amended or revised, and shall carry forward the spirit and intention of this Declaration. Although the Architectural Control Committee shall not have unbridled discretion with respect to taste, design and any standards specified herein or in such guidelines, the Committee shall be responsive to technological advances or general changes in architectural designs and materials and related conditions in future years and use its best efforts to balance the equities between matters of taste and design (on the one hand) and use of private property (on the other hand). Subject to the specific terms and conditions of this Declaration, different architectural guidelines may be promulgated and applied to different phases within the Development. Such guidelines shall supplement, but not supersede, the provisions of this Declaration and may be more (but not less) restrictive than the specific provisions of this Declaration. Such guidelines

may (but shall not be required to) include, but not be limited to, the following matters: construction specifications; signs; mailboxes; landscaping; and environmental matters. Provided, however, if

there is a conflict between any such guideline and the specific provisions of this Declaration, any Supplemental Declaration, any Additional Declaration, or any recorded declaration of covenants, conditions and restrictions applicable to any phase or section in the Development, the provisions of this Declaration, such Supplemental Declaration, such Additional Declaration or such other recorded declaration shall control.

Section 4. Jurisdiction. In addition to the foregoing, the Architectural Control Committee is authorized and empowered to consider and review any and all aspects of the construction of any Improvements on a Lot or Dwelling Unit which may, in the reasonable opinion of the Architectural Control Committee, adversely affect the living enjoyment of one or more Owners or the general value of the Property or the Development.

Section 5. Enforcement. The Architectural Control Committee shall have a specific, nonexclusive right, but shall not be obligated, to enforce the provisions contained in this Article IX and/or to prevent any violation of the provisions contained in this Article IX by a proceeding at law or in equity against the person or persons violating or attempting to violate any such provisions.

Section 6. Failure of the Architectural Control Committee to Act. If the Architectural Control Committee fails to approve or disapprove any plans, specifications and other submittals which conform with the requirements for such submittals established as provided herein or to reject them as being inadequate or unacceptable within forty-five (45) days after submittal thereof to the Architectural Control Committee, and provided such submittal was a full and complete submittal of all items required by this Declaration and any applicable architectural guidelines to have been submitted to the Architectural Control Committee, it shall be conclusively presumed that the Architectural Control Committee has approved such conforming plans and specifications and other submittals, except that the Architectural Control Committee has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in this Declaration, in any Supplemental Declaration or Additional Declaration, or any governmental entity. If plans and specifications or other submittals are not sufficiently complete or are otherwise inadequate, the Architectural Control Committee may reject them as being inadequate or may approve or disapprove the same in part, conditionally or unconditionally, and reject the balance.

Section 7. Limitation of Liability. Neither the Architectural Control Committee nor the members thereof, nor Declarant, nor the Association, shall be liable in damages or otherwise to any Person submitting plans and specifications and other submittals for approval, by reason of mistake of judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any plans or specifications or other requests for approvals.

Section 8. Miscellaneous. No member of the Architectural Control Committee shall be entitled to compensation for services performed pursuant to this Declaration. Provided, however, the Association may reimburse members of the Architectural Control Committee for reasonable out-of-pocket expenses.

Disclaimer

The Association, Declarant, Architectural Control Committee, or any officer, employee, agent, director or member thereof shall not be liable for damages to any persons submitting plans and specifications for approval by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval or failure to approve any plans and specifications. Every person who submits plans and specifications for approval agrees, by submission of such plans and specifications, that it will not bring any action or suit against the Association, Declarant, or Architectural Control Committee to recover any such damages.

Architectural Control

Section 2.00

Section Two

Procedure for Requesting

Architectural Approval

BRIER CREEK COUNTRY CLUB COMMUNITY ASSOC., INC. ARCHITECTURAL CONTROL APPLICATION PROCEDURES

- STEP 1. Prior to any alteration, addition or improvement the property owner (not contractors or other parties) must fill out an Architectural Control Application and receive approval.
- STEP 2. Management Company can send an application to property owner or they may use the one in the handbook or web-site.
- STEP 3. Homeowner accounts must be current to submit an application - Exceptions will be determined by the Board of Directors. Application is completed and returned to Brier Creek Country Club Owners Association, at the on-site office located at 10601 Arnold Palmer Dr., Raleigh, NC 27617 along with any supporting documents necessary. Note: All submittals become property of the HOA. Homeowner is responsible for making copies prior to submittal.
- STEP 4. The Management Company dates application upon receipt, thus starting the forty-five-(45) day approval/disapproval time frame, copies and distributes dated application to Architectural Committee or Board members, as appropriate.
- STEP 5. Committee or Board members receive copies of the dated application, review and approve/disapprove within two weeks from the date of receipt and return signed applications to the Management Company.
- STEP 6. The Management Company receives approved/disapproved applications from the Committee or Board and returns a copy of the original to the homeowner with a stamped "Approved" or "Disapproved" within the forty-five (45) day time limit from the original day of receipt. (In the case of "Disapproval", the reasons and/or requirements will be typed on the application, stamped and returned. Should the property owner want to resubmit another application or forward additional information required, the forty-five (45) day process starts again with each submittal.) The Architectural Committee or Board members names will not appear on the original application but will become part of the Association's permanent records by attachment to the original application.
- STEP 7. Property owner receives authorization and starts project or receives disapproval and either, submits additional information or appeals for reconsideration (thus starting the forty-five (45) day approval process once again), or abandons the project.
- STEP 8. In the case an application is not satisfactorily agreed upon by the Committee and the applicant, the applicant may appeal to the Board of Directors for reconsideration within forty-five (45) days and final approval or disapproval.
- STEP 9. **Homeowner is solely responsible for the contractor obtaining required building permit(s) from the City of Raleigh, and ensuring compliance with all applicable codes and requirements. In addition the ACC requires a letter from the zoning department for any projects involving the setback or large additions.**

**Please Return to: Brier Creek Country Club Owners Association
10601 Arnold Palmer Dr.
Raleigh, NC 27617**

ARCHITECTURAL REVIEW 101

The Architectural Review Process 101 is with the Architectural Application.

ARCHITECTURAL CONTROL APPLICATION FORM

BRIER CREEK COUNTRY CLUB COMMUNITY ASSOCIATION, INC.

REQUEST FOR ARCHITECTURAL APPROVAL

(Please PRINT all items and supply all supporting data as requested.)

Incomplete and/or illegible forms may cause delays in review of your application.

This Application is on a separate document.

ARCHITECTURAL CONTROL APPLICATION FORM

This Application is on a separate document.

Section Three

Architectural Guidelines

New Home/Rebuild/Additions

Applications for new homes, rebuilds and additions will be reviewed by the Architectural Control Committee on a case by case basis.

The following procedure/submittals shall be used to handle such requests:

1. Manufacturer's brochures and specification sheets providing illustrations and additional clarifying information about proposed exterior materials as necessary.
2. Reduced copies of the plans (11 x 17 inches) including signed, sealed and dated architectural, landscaping, and irrigation plans.
3. Official site plans indicating the exact location of the footprint of the new home/addition along with specified setbacks.
4. One copy of the plans/elevations to scale colored to represent the proposed exterior color scheme for the home.

Decks

3.02.01 GOLF COURSE DECKS

Appearance:

- Deck flooring must remain natural in finish color (Synthetics and masonry materials will be considered on a case by case basis). Clear protectants are allowed. Railings, pickets, band board and trim finish color approved on a case by case basis.
- Deck height is to be no more than 15' in height from ground.
- Decks must complement dwelling and be in proportion to dwelling.
- Deck railings will be on a case by case basis.
- Decks must also be within minimum set back requirements of the City of Raleigh, but final placement and approval will be by the Architectural Control Committee.
- All supporting perimeter posts must be brick or stone that matches home elevation
- Any landscaping around deck must not impede proper drainage
- Lattice may be approved on a case by case basis.
- Deck shall be attached to the dwelling.

Location:

All decking must be confined to rear of dwelling, and not impede views of golf course for surrounding homeowners.

Materials:

Brick or stone to match home (or as permitted by ACC). Piers shall be 16" x 16".

Lumber to be #2 or better pressure-treated yellow pine. Synthetic and metal materials will also be considered for nonstructural areas.

Also recommended sealing deck with water sealant (not a requirement for approval).

(SEE DETAILED DRAWING ON NEXT PAGE)

3.02.02 NON-GOLF COURSE DECKS

Appearance

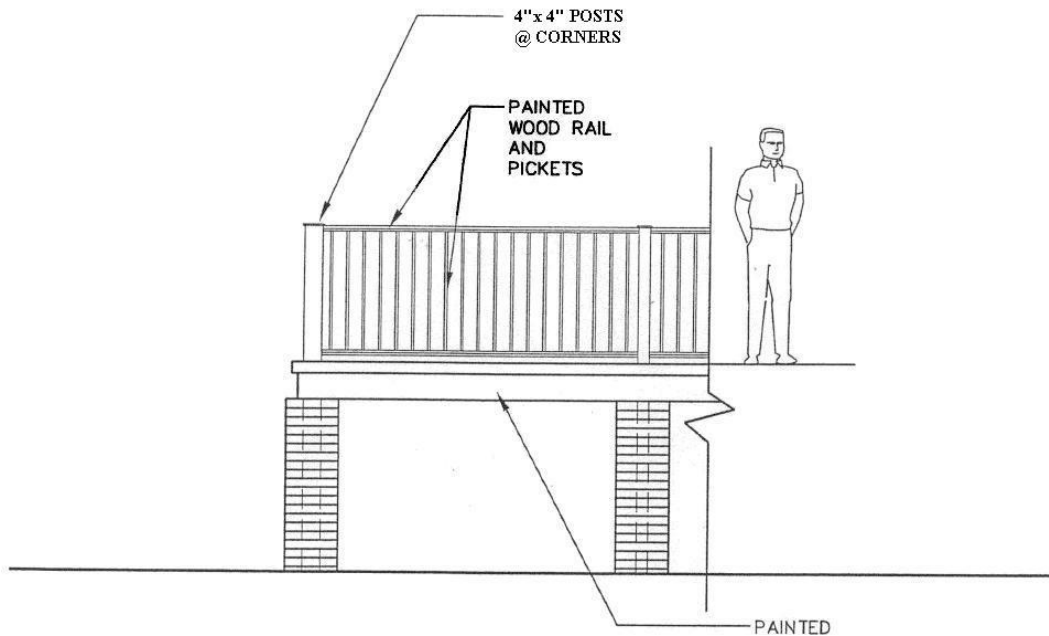
- Same rules as 3.02.01 except may be natural or be painted and does not require brick supporting perimeter posts. Lattice may be approved on a case by case basis.
- Railings must be painted to match the house trim.

Materials:

Lumber to be #2 or better pressure-treated yellow pine. Synthetic and metal materials will also be considered for nonstructural areas.

Also recommend sealing deck with water sealant (not a requirement for approval).

Deck Detail All Lots



BRICK PIERS REQUIRED ON GOLF COURSE LOTS.

BRICK OR STONE PIERS REQUIRED AT ALL PERIMETER POSTS. BRICK PIERS TO MATCH EXISTING COLOR OF BRICK ON DWELLING

PAIN BAND BOARDS, RAILS, FASCIA, SOFFIT, BALLUSTERS, SIDING, POSTS TO MATCH TRIM COLOR ON HOUSE. ALL OTHER WOOD TO REMAIN NATURAL WITH A COAT OF SEALER.

Fences

Appearance:

- Fences (based on the fence options below) shall not be less than four (4) feet or exceed six (6) feet in height unless otherwise specifically required by governmental authorities having jurisdiction.
- All fences shall be maintained at all times in a structurally sound and attractive manner and in a good state of repair.

Location:

- Fence should be no nearer to any street fronting such Lot than the rear building corner of the main dwelling. Any variance will be reviewed on a case by case basis
- No fence which obstructs sight lines at elevations between two and six feet above roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at a point twenty (20) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight line limitations shall apply on any Lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement.
- On the property line unless otherwise noted by the ACC

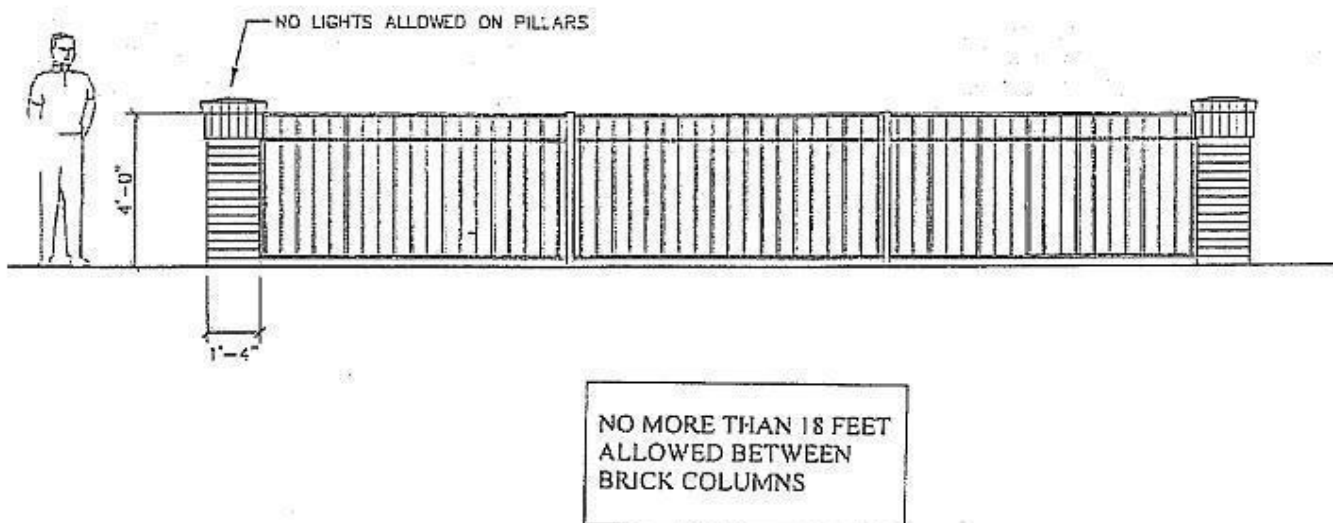
Fence Options & Materials:

- **Golf Course Lots** - 4 ft. (ht.) brick columns (brick color Phoenix #114), spaced 18 ft apart, and 4 ft. (ht.) black painted aluminum or iron sections. (See Fence Detail “A”)
- **Street Corner Lots** –The committee will review these applications on a case by case basis taking into consideration the lot’s “sight triangle”. If Fence Detail “A” is not the proposed fence, areas within the “sight triangle” must be Fence Detail “A”.
- **Non – Golf Course Lots**
 1. 4 ft. (ht.) brick columns (brick color Phoenix #114 - Any deviation of brick color will be reviewed on case by case basis) and 4 ft. (ht.) black painted aluminum or iron sections. (See Fence Detail “A”) Brick columns may be spaced at 18 ft or 24 ft. Maximum distance between columns is 24ft.
 2. 4 ft or 6 ft. painted white or stained wood (Behr Premium Wood Coating Transparent Chocolate T-129 or Transparent Cordovan Brown T-104) board on board fence. Posts must be 8 ft. apart. (See Fence Detail “B1” and “B2”)
 3. 4 ft black painted aluminum Old Raleigh (by Seegars Fence Company or equal). Brick columns (brick color Phoenix #114) are optional and can be placed 18 ft. or 24 ft. apart. (See Fence Detail C)
- **Pool Fences**
 1. Golf Course Lots- see Fence Detail “D”
 2. Non-Golf Course Lots- see Fence Detail “C” or “D” or any wooden fence option that meets the guidelines above and the County Pool Fence requirements.

****Homeowners are responsible for complying with all City and State Codes.**

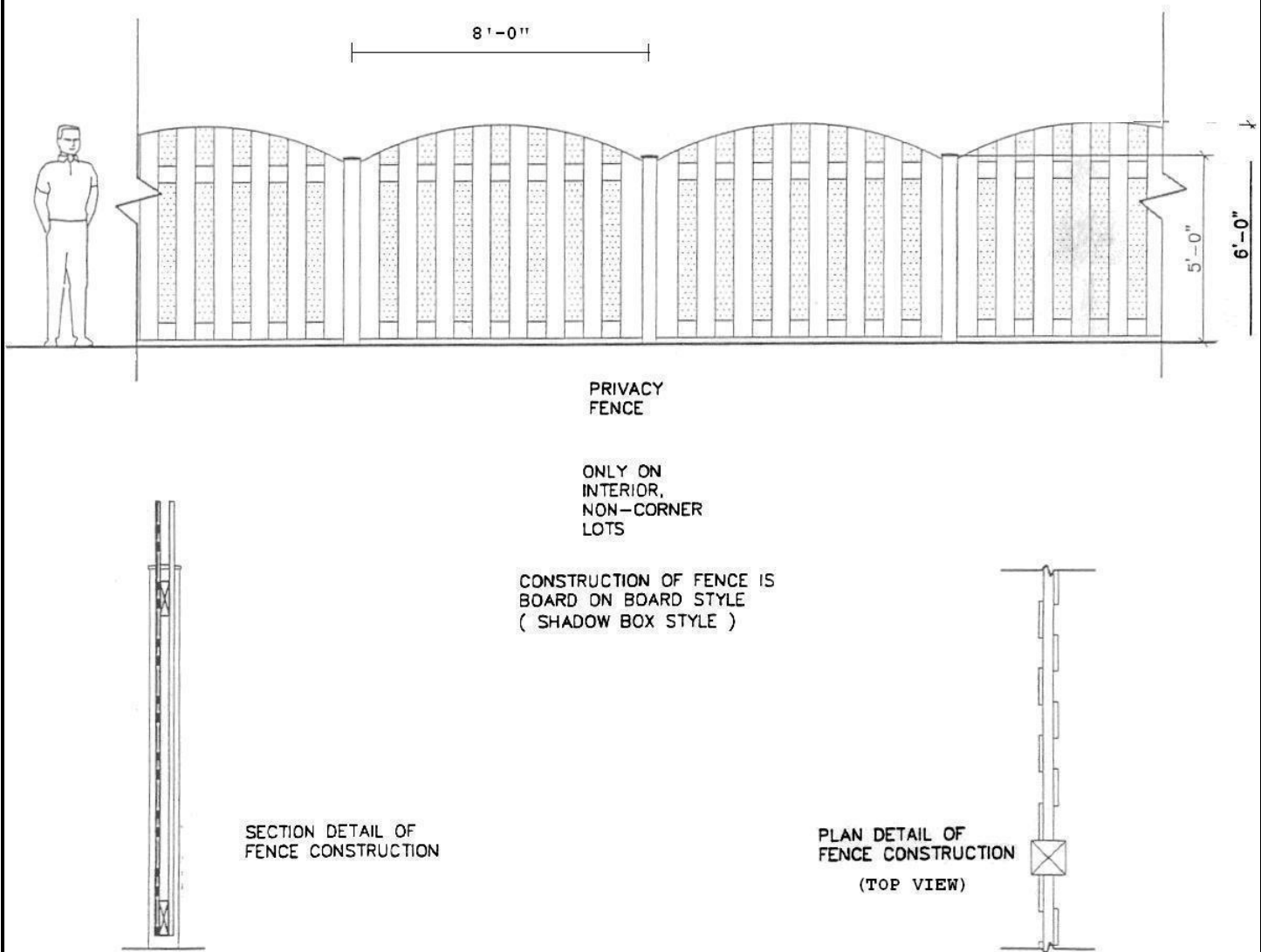
FENCE DETAIL "A"

Required for Golf Course Lots
Optional for Non Golf Course Lots

BRIER CREEK

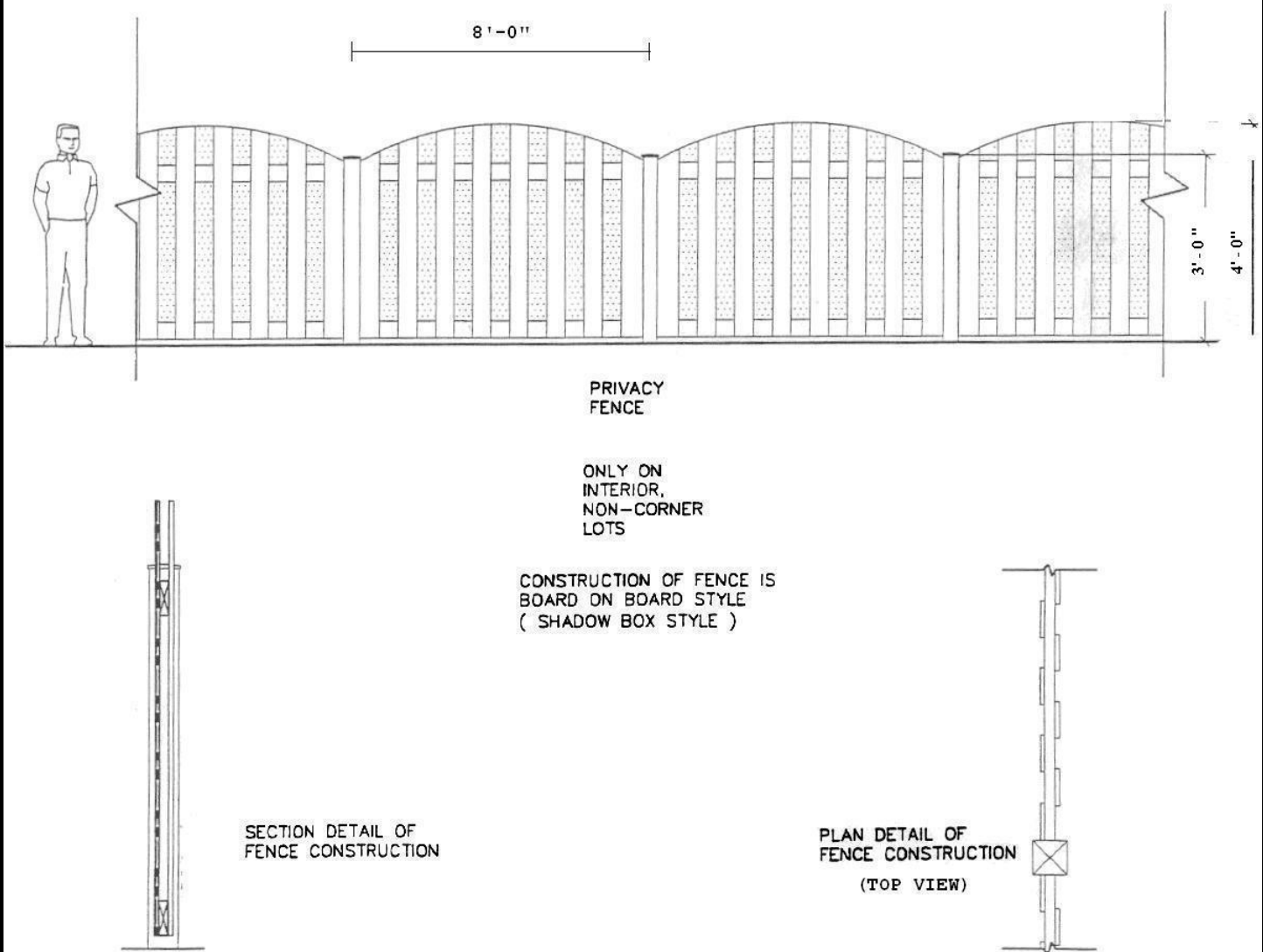
- **Golf Course Lots**- pictured fence style is the required fence on the Golf Course. Columns must be 18' apart. Brick column color must be Phoenix #114.
- **Non Golf Course Lots**- pictured fence style is optional on non-golf course lots. Columns can be 18' or 24' apart. Brick column color to be Phoenix # 114- Any deviation of brick color will be reviewed on a case by case basis.

FENCE DETAIL "B1"
Non Golf Course Lots
6' Version



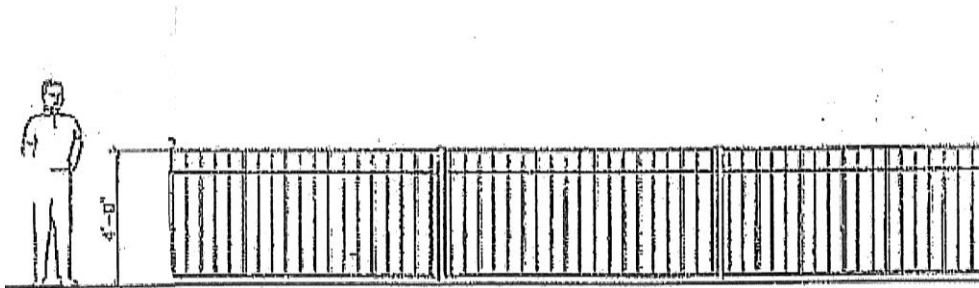
FENCE DETAIL "B2" Non Golf Course Lots

4' Version



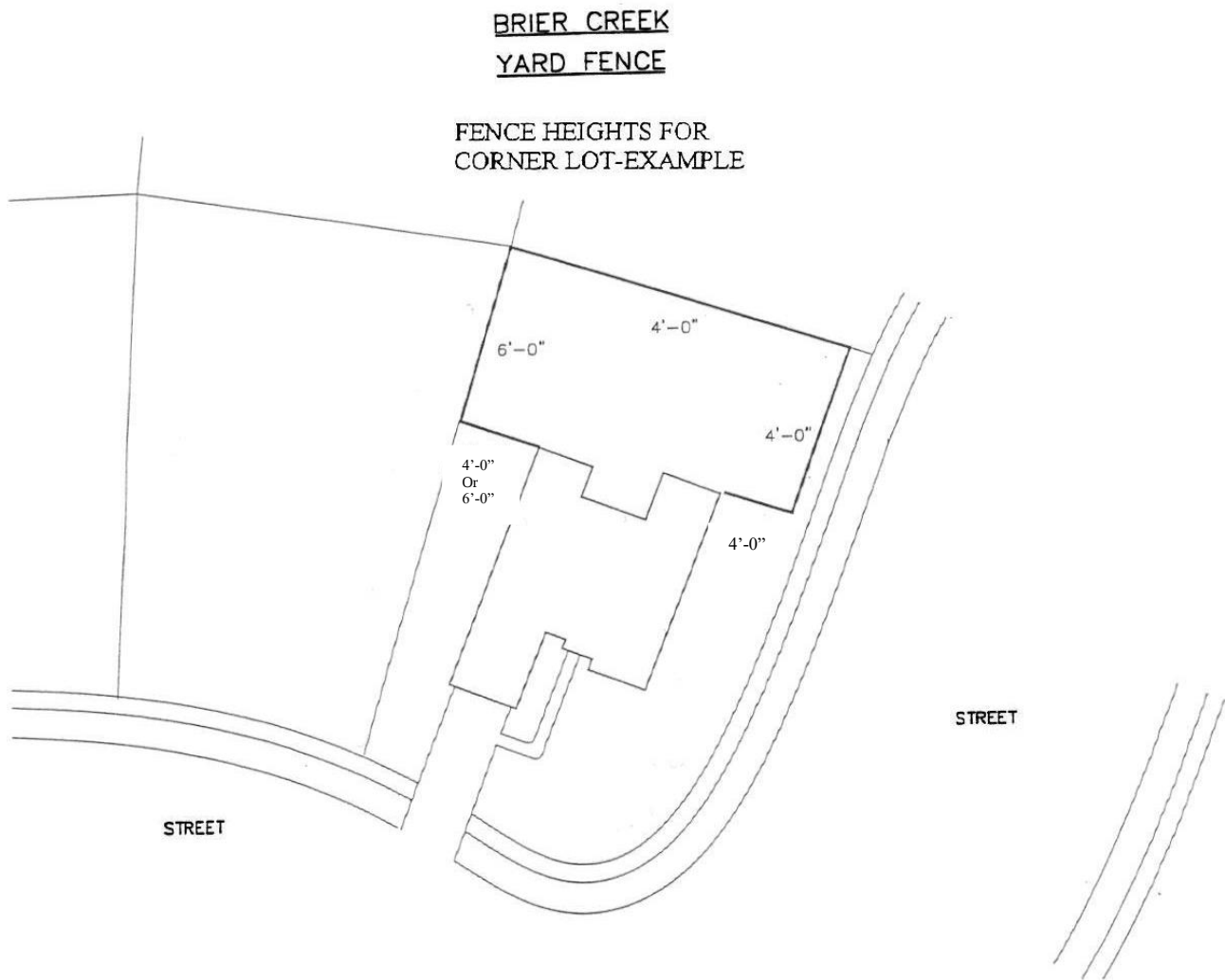
Fence Detail “C”

Non Golf Course Lots

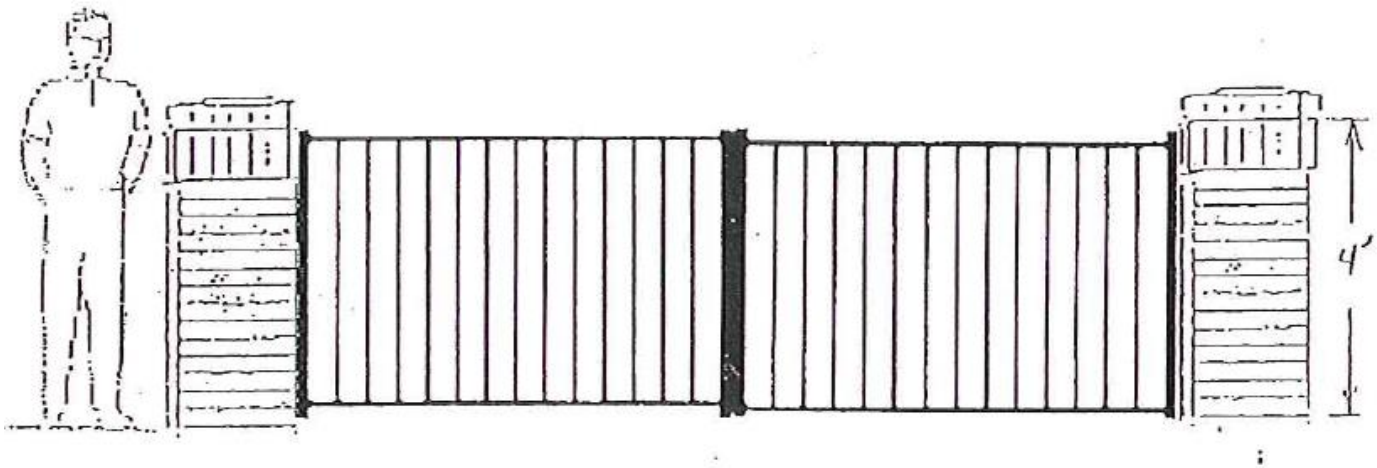


Fence Detail

Maximum Fence Heights For Corner Interior Lots



Fence Detail "D" Pool Fences



- Golf Course Lots- pictured fence style is the required pool fence on the Golf Course. Columns must be 18' apart. Brick column color must be Phoenix #114.
- Non Golf Course Lots- pictured fence style is optional on non-golf course lots. Columns can be 18' or 24' apart. Brick column color to be Phoenix # 114- Any deviation of brick color will be reviewed on a case by case basis.

Driveway Extensions

Appearance:

Layout (design) shall complement the original driveway and walkway; surface shall be of the same color and finish type as the existing concrete.

Approved landscaping may be required to screen the parking area from being visually obtrusive from adjacent lots (as determined by the Architectural Control Committee).

NOTE: NOT ALL LOTS CAN ACCOMMODATE A DRIVEWAY EXTENSION.

Location:

Driveway Extensions will be evaluated on a case by case basis.

Play Equipment

Appearance:

Play equipment shall blend with the natural surroundings.

No recreational equipment shall be located in such a manner as to constitute a nuisance or unsightly condition to adjoining Owners or to persons using the Golf Course.

The size of play equipment shall be proportional and consistent with the surroundings.

Children's play toys and other moveable objects shall not remain overnight repeatedly on any Lot which is visible to the street or on any portion of the Property within a distance of one hundred (100) feet from any boundary on the Golf Course.

Location:

Dependent upon the configuration of each lot, play equipment shall be placed in the rear yard and is subject to Architectural Control Committee approval for placement.

No such recreational equipment shall be located upon any Lot which is contiguous to the Golf Course or on any portion of the Property within a distance of one hundred (100) feet from any boundary of the Golf Course.

Landscaping

General Information:

Brier Creek Country Club Community Association, Inc. encourages its homeowners to accent their homes with landscaping elements. Landscaping around the home can add a personal touch and increase the value of one's home. It is encouraged that homeowners seek professional assistance when planning extensive landscape plantings or structures. Current photos and/or brochures submitted with request will expedite the approval process. Suggestions: Take a photo of the area you are applying for showing your house, view that will affect neighbor(s), golf course (if applicable), or as seen from the street (if applicable). Please include names of plants with height and width at maturity. A picture of the plant is also helpful.

Please do not ask to show information in a PowerPoint Presentation.

Several commonly requested landscape elements which need prior approval before building/installing on the property include, but are not limited to, the following list:

Tree Removal	Section	3.06.01
Gardens (water, vegetable)	Section	3.06.02
Gardens (flower)	Section	3.06.03
Patios	Section	3.06.04
Walkways	Section	3.06.05
Landscape beds (natural areas)	Section	3.06.06
Rain Barrels	Section	3.06.07
Drainage	Section	3.06.08
Built in Grills	Section	3.06.09
Grass/Turf	Section	3.06.10
Retaining Walls	Section	3.06.11
Exterior lighting- all require approval	Section	3.06.11
No post lighting	Section	3.06.11
Gazebo/Trellis	Section	3.06.11
Patio Furniture	Section	3.06.11
Planters	Section	3.06.11
Arbors	Section	3.06.11
Exterior Courtyards	Section	3.06.11
Irrigation System/Backflow Valve	Section	3.06.12
Mulch	Section	3.06.13
Exterior lighting- all require approval	Section	3.06.14

In general when planning landscaping for any element (including those listed above), owner shall limit the change in grading of the property to insure proper drainage away from the foundation as well as away from the neighboring properties. Additionally, the planting of shrubs and trees should be made in such a manner that they will not impede the vision of motorists on the street.

Below are a few of the major categories under landscaping and some standard rules of thumb, which must be considered:

3.06.01 - Tree Removal: Brier Creek would like everyone to preserve and protect the trees on the properties in the subdivision. However, there may be circumstances when tree removal is necessary. No trees may be removed from any Lot without the written approval of the Architectural Control Committee. Some trees that are removed will need to be replaced with an approved tree. This will be determined on a case by case basis. Bradford Pear trees are not permitted within Brier Creek.

3.06.02 - Gardens (vegetable or water): These types of gardens shall be located in the rear yard in such a manner as not to constitute a nuisance or unsightly condition to any adjoining Owners or to persons using the Golf Course. Vegetable gardens shall be kept clean and clear of high growing weeds when in the off season. Low growing turf/plantings are allowed in the off season to prevent erosion. Water gardens shall be planned in such a manner as to limit the potential for accidents (e.g., electrocution or drowning). Disproportionate size gardens may be denied.

3.06.03 - Gardens (flowers): Flowers and Flower gardens are highly encouraged, but types of material and placement must have Architectural Control Committee approval. Flower gardens shall be kept clean and clear of weeds during the seasonal rotation. Artificial flowers will not be allowed.

3.06.04 - Patios: Patios shall be consistent with the grading of the property and located in the rear yard. The materials may consist of natural color concrete, flagstone, slate, brick or other approved material. Color choices must match or enhance the existing colors of your house. The patio size, design and setback distances to neighboring property lines shall be kept in proportion to the home and property. The view of the patio shall be softened from the neighbors, possibly accented with shrubs/flowers.

3.06.05 - Walkways: Walkways must be of a permanent nature. Walkways shall be consistent with the grading of the property so as to prevent improper drainage. Walkway locations should generally be limited to the side and rear of the house. The materials used for the walkway are limited to natural color concrete, brick pavers or stone.

3.06.06 - Landscape Beds/Yards: Natural areas (landscape beds) shall be made in proportion to the home and property. All front lot, though, must have a minimum of 50% grassed area. (front lot being defined as the total area from the front line of the house extending to the lot line on either side and to road frontage of the property. Note – there are no exclusions in this area, therefore all driveways and walkways in this area are considered non-grass areas.) Hedges comprised of plants or small trees must be maintained at a proper height. Artificial flowers will not be allowed in yards.

3.06.07 - Rain Barrels: All Rain Barrels must be approved by the ACC (Architectural Control Committee) prior to installation. Single family units are allowed a maximum of 3 Rain Barrels per lot. Multiple dwelling units (townhomes-Tournaments and Carriages) are allowed maximum one barrel per unit. Maximum Rain Barrel size – 80 gallons. Any neutral colors are acceptable with ACC approval. All connectors to match existing color downspouts. All Rain Barrels to be located at rear location of house. Side locations will be reviewed on a case by case basis. Barrel must not be visible from street or front of home. All Rain Barrels must be shielded from view with shrubs, vines, landscaping or other material approved by the ACC. Connected hoses must not be strewn across lawns to create an unsightly appearance. All Rain Barrels must be maintained. Upon removal of a Rain Barrel, downspouts must be returned to their original state.

3.06.08 - Drainage: All drainage must be reviewed and approved by the Architectural Control Committee. Drainage will be reviewed on an individual basis. Please submit plot plan showing the location of the drains, the output area and the nearest catch basin. No drainage shall be allowed to leave a property and go onto a neighboring property or create a safety hazard.

3.06.09 – Built-in-Grills: All built-in grills must be reviewed and approved by the Architectural Control Committee. Grills will be reviewed on an individual basis. Please submit plot plan showing location as well as size, materials used and how it will affect neighbor(s) view.

3.06.10 – Grass/Turf: All grass/turf on lots must be Fescue. Must have a minimum of 50% grassed area in the front yard.

3.06.11 – Other: Items such as gazebos, planters, retaining walls, exterior lighting, landscape screens, lawn art, sculptures, fountains, benches, patio furniture, boulders, pergolas, trellis etc. shall be reviewed on an individual basis by the Architectural Control Committee. Patio furniture on any lot must have approval, unless it is on an approved surface, such as a patio or deck. Pergolas must be painted to match the house trim on golf course lots, unless an exception is made by the Architectural Control Committee.

3.06.12- Irrigation System/Backflow Valve: All irrigation systems are reviewed on a case by case basis. Backflow valves must be covered with an artificial rock-backflow cover (a natural stone color) and landscaped plantings.

3.06.13-Mulch: Mulch will be reviewed on a case by case basis. Red/Pink Mulch is not allowed.

3.06.14- Exterior Lighting: All light fixtures containing light bulbs that are colored, must follow the above Holiday Décor rules. Exterior lights should be white, unless approved by the Architectural Committee. Up lights shall be done in soft white times only. Colored lights may only be used for nationally recognized holidays. All decorative lights can only be strung up over a deck, patio, or other structure as approved by the Committee. No lighting over grass areas.

All exterior changes require Architectural Control Committee approval.

Exterior Painting

Appearance:

All exterior painting shall be consistent with the initial paint application to maintain a variety as well as continuity with the surrounding homes. Siding paint shall be only a flat type of paint (no semi-gloss or gloss-type paints are permitted).

Homeowners decision to change the original exterior paint colors shall require approval of ACC.

All exterior trim paint shall be semi-gloss in appearance.

Doors and shutters shall compliment siding and trim colors, and shall not create disruption [color continuity] with surrounding homes.

Materials:

Siding paint shall be High Grade Exterior Flat House Paint.

Trim and shutter paint shall be High Grade Weather shield Exterior Acrylic Paint.

Notes:

All exterior painting applications require a paint chip to be submitted with the application, and painted house should match the color of the chip.

Sheds

Sheds are not allowed

Article VIII Section 11. Outbuildings. No storage building or other outbuildings of any kind (excluding, detached garages as are approved by the Architectural Control Committee) shall be erected, placed or allowed to remain on any Lot except those which are incidental to a swimming pool located on a Lot, are constructed of the same or substantially identical materials as the residential dwelling on the Lot, are architecturally compatible with the residential dwelling on the Lot (as determined by the Architectural Control Committee), are located no closer to the front boundary line of the Lot than the rear wall of the single-family residence located on the Lot and no closer to any side boundary line of a Lot than the applicable building setback requirements, and which have otherwise been approved by the Architectural Control Committee

Screen Porches and Deck Enclosures

Appearance

All screen porches and methods of enclosing decks will be approved on a case by case basis.

The screen porch or deck enclosure shall be of the same color scheme, materials and style as the house or deck, preferably made from the same siding and roofing materials as the house.

Screen porches and methods of enclosing decks must be permanent in nature. No temporary structures will be allowed. A permanent structure includes walls and a roof attached to the main structure of the house. Wall and roof design shall match rear exterior elevation.

Location

Screen porches and methods of enclosing decks and other attachments must be located on the rear of the house. The homeowner must design the screen porch or deck enclosure within the setbacks of his property and is responsible for obtaining all necessary building permits.

Materials

The materials for building a screen porch or deck enclosure and other attachments must be of equal or better quality than the materials used to construct the original home or deck or must match the dwelling unless otherwise approved by the Architectural Control Committee.

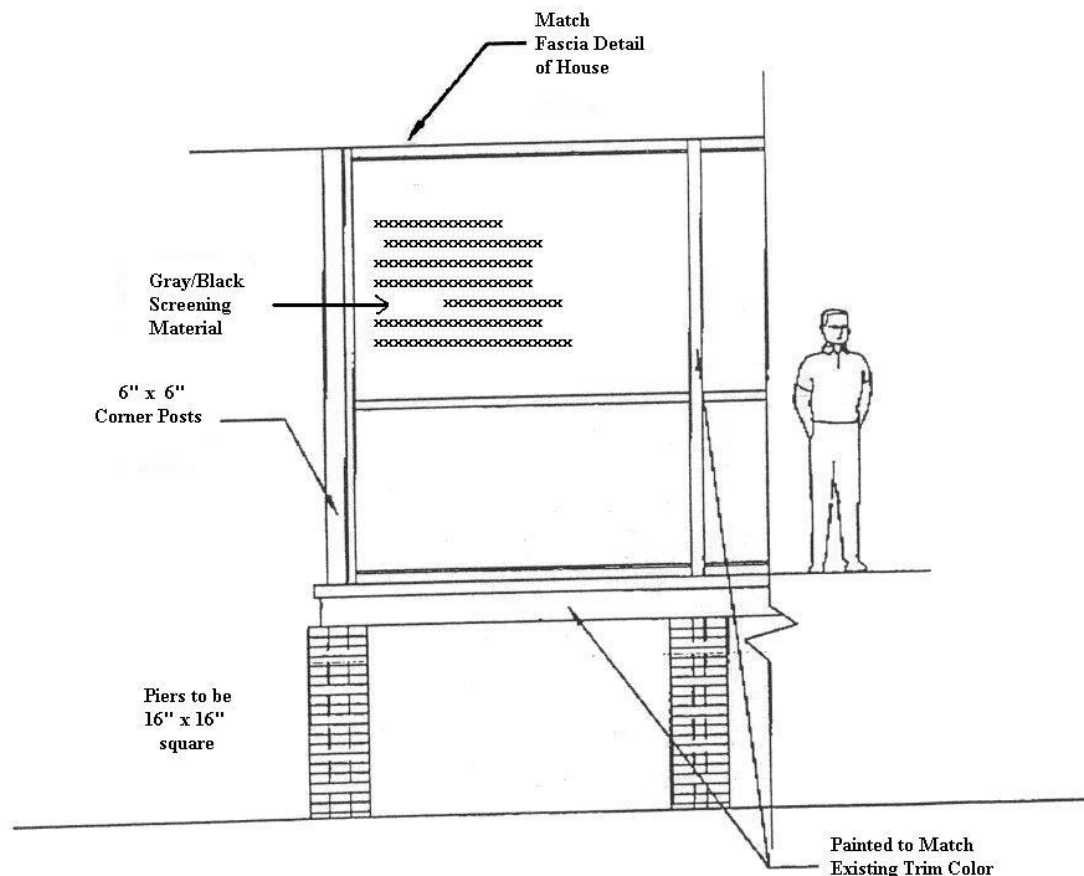
Screening to be gray or black in color.

Drainage

All applications should clearly indicate how drainage will be handled, including site drainage, gutters and downspouts, and how these may affect the existing drainage pattern.

Screened Porch Detail- Golf Course Lots

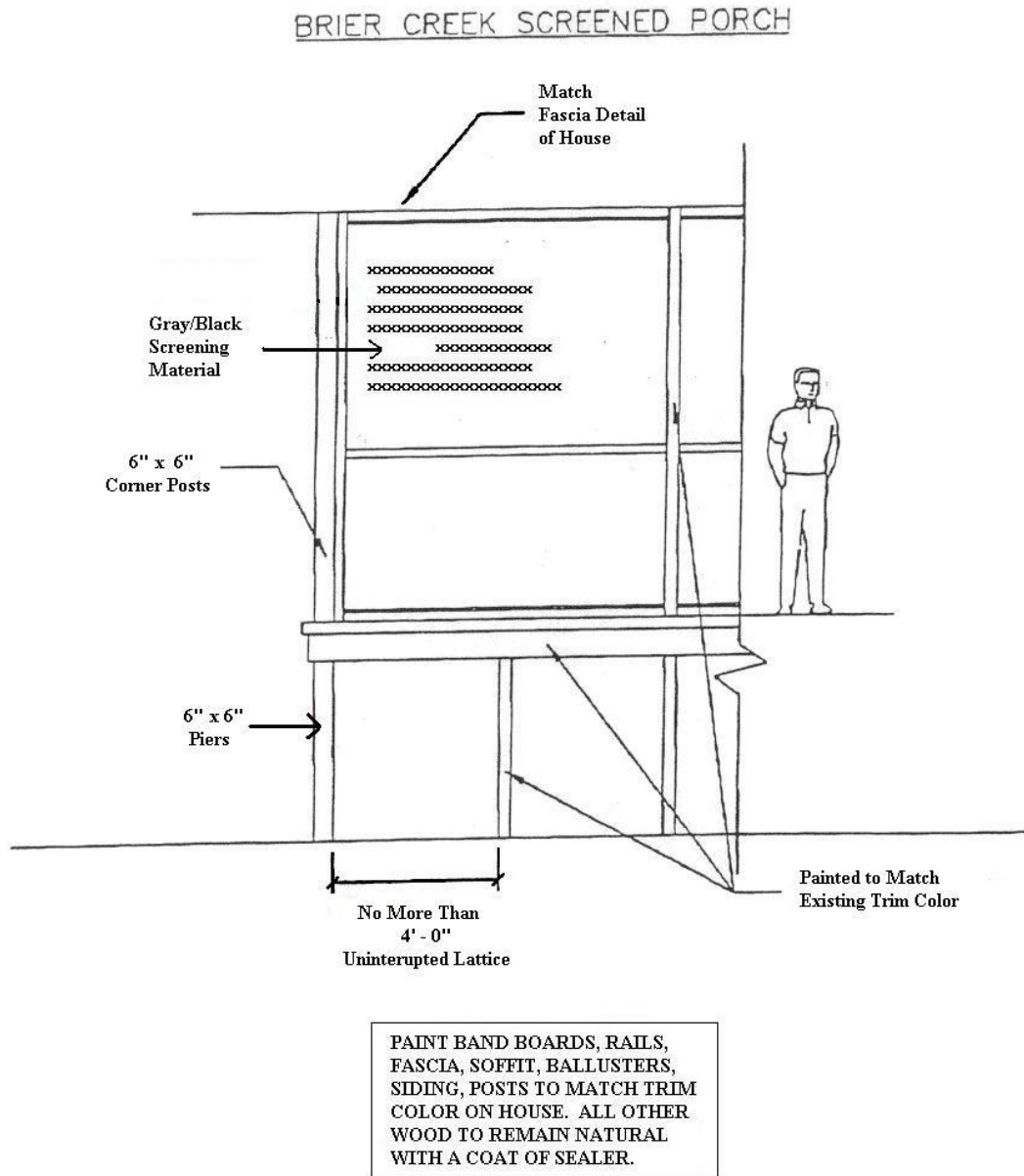
BRIER CREEK SCREENED PORCH



BRICK OR STONE PIERS
REQUIRED AT ALL PERIMETER
POSTS. BRICK PIERS TO MATCH
EXISTING COLOR OF BRICK ON
DWELLING.

PAINT BAND BOARDS, RAILS,
FASCIA, SOFFIT, BALLUSTERS,
SIDING, POSTS TO MATCH TRIM
COLOR ON HOUSE. ALL OTHER
WOOD TO REMAIN NATURAL
WITH A COAT OF SEALER.

Screened Porch Detail- Non-Golf Course Lots



Basketball Goals

3.10.01 General

Basketball goals fall into two categories: permanent pole-mounted and permanent mounted to the house. As with all other exterior changes, homeowners are required to submit applications for basketball goals and, if approved, are required to perform periodic maintenance as necessary to keep it in good shape. Slope of the driveway should be considered when planning a basketball goal installation.

Note: Portable basketball goals and Goal Lights are not permitted.
Goals are not permitted in Town Home communities.

3.10.02 Permanent Pole-mounted Basketball Goals

A permanent goal to be mounted on a pole on a property is subject to Architectural Control Committee approval for placement and color. Goals shall be placed to maximize child safety and to minimize impact to lawns and neighboring property. Worn nets shall be replaced in order to maintain a neat appearance.

3.10.03 Permanent Goal Mounted to a House

A permanent goal to be mounted to a house on any property is subject to Architectural Committee approval for placement and color. A permanent goal mounted to the front of a house must be located above the garage door. The color of the backboard, if not clear, shall blend in with the color of the house.

Goals mounted to a house shall be secured to the house framing to limit potential damage to siding. Some installations may require additional framing to withstand goal use. Mounting to the siding alone is insufficient to withstand rigorous use. Worn nets shall be replaced in order to maintain a neat appearance.

Awnings/Shades/Doors/Shutters/Windows

NOTE: See Section 3.07 “Exterior Painting”

Awnings

Appearance: All awnings and shades will be approved on a case by case basis. Striped patterns must be monotone.

Location: All awnings must be at the rear of the home over the deck/patio only.

Storm Doors

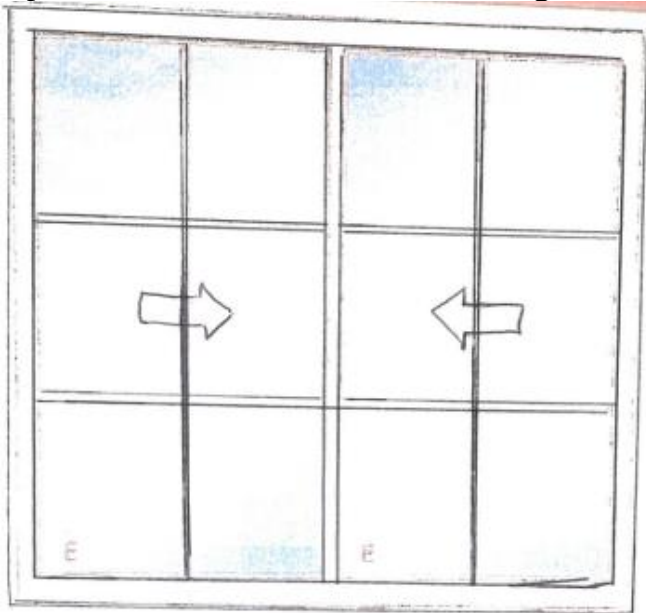
Storm doors and other structural adornments to home shall be considered via application to the ACC prior to purchase and installation.

Doors, Shutters, Garage Doors

Style and color of replacement shutters, doors and garage doors shall be considered on a case by case basis.

Windows/Screens

All window and screen additions and/or modifications will be considered on a case by case basis. Sample window below from Window World Model 4000 Series, casement and double sliding vinyl replacement windows, Low E with Aegon, Color white. **Note:** See Section 3.07 Exterior Painting



Mailboxes

Appearance

All mailboxes and posts must remain the same size, materials and colors as originally installed by the builder. (See drawing on next page)

Any replacement of boxes or parts must be in kind (consistent to original)

- Mailbox numbers must be “yellow” brass

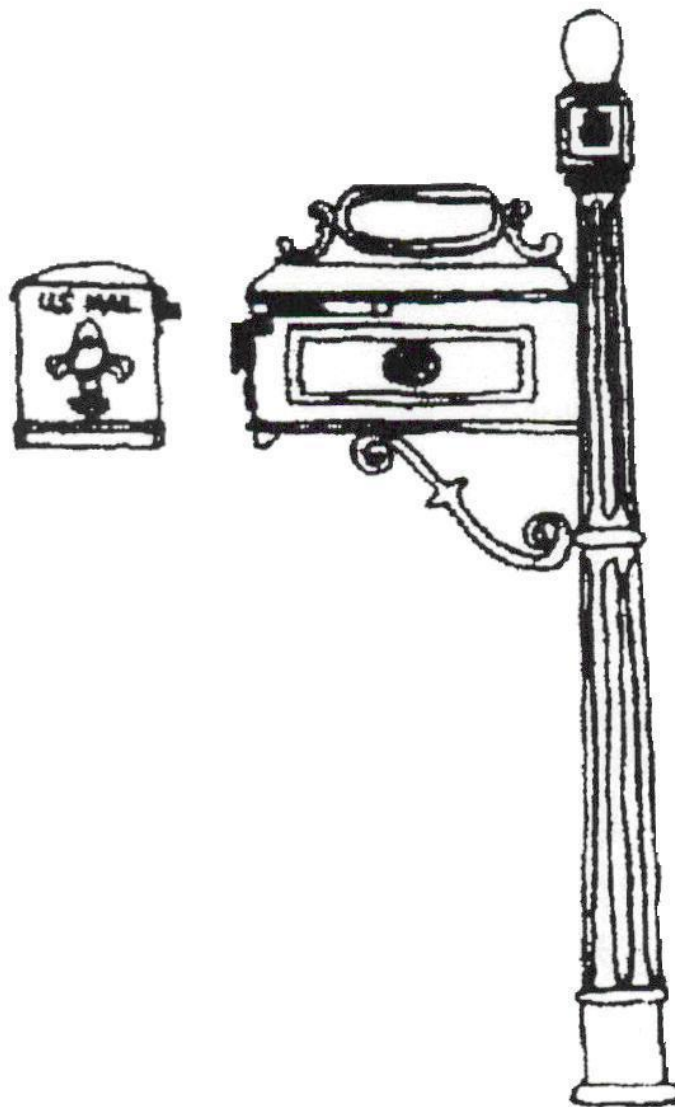
Location

Movement of the mailbox from the original location to an alternative location will require an application.

Mailbox Contact Information: Call Post & Pickets at 772-7170

** Note: Some mailboxes contain contact information on the inside lid.

Mailbox Detail



Privacy Screens for Tournament Townhomes

Appearance:

Please see privacy screen detail on next page.

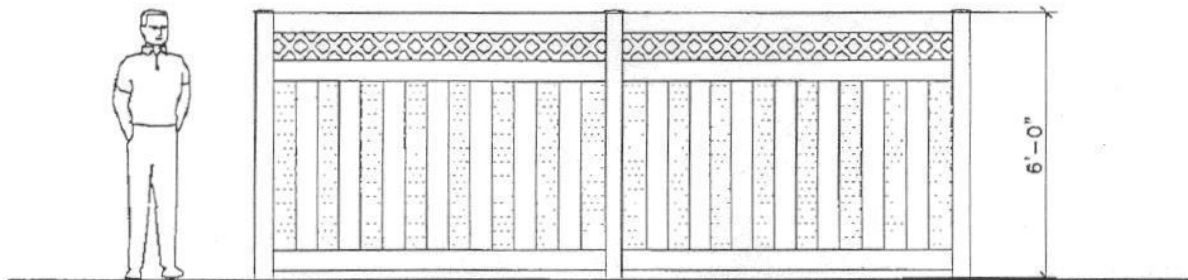
Any deviation will require ACC Approval.

Materials

Construction will be of matching vinyl materials

Privacy Screen Detail

BRIER CREEK TOURNAMENT TOWNHOME SCREEN



ONLY ON
TOURNAMENT
TOWNHOMES

Pools and Hot Tubs

In Ground Pools

All in ground pools will be reviewed on a case by case basis. Application shall show location of pool and mechanical equipment (to be screened from view), grading plans, size, decking, fencing, landscaping and colors that will be used as well as materials for finishing of pool and surrounding stone/materials to be used for decking.

Above Ground Pools

Above ground pools will not be allowed per Article 7, Section 7.08 of the Declaration of Covenants, Conditions and Restrictions for Brier Creek.

Hot Tubs

All hot tubs will be reviewed on a case by case basis. Application shall include the location, supports, and screening with a detail description of the size and style of hot tub, color and finish materials, as well as location and size of mechanical equipment.

Outdoor Fireplaces

Outdoor Fireplaces

Applications will be reviewed on a case by case basis.

Application must include detailed description of fireplace and if possible a picture, distance from trees and other structures, and fuel source. Wood-burning outdoor fireplaces will be reviewed on a case by case basis. Minimum requirements are a 9' tall Chimney with a cap containing a spark arrestor. Wood burning fire pits will not be allowed.

Signs

Signs must have approval from the Brier Creek Architectural Review Committee before they are placed on lots.

Signs such as FSBO, FRBO (big box store signs), advertising, landscaping, improvements, and businesses are not allowed and if displayed can be removed immediately from your property by the Association. The Association will discard these signs after 3 days.

For Sale or For Rent Signs

Generally a single sign with brochure box attached to the post will be allowed. Most standard professionally made real estate signs will be approved. For aesthetic reasons, typical store-bought “For Sale By Owner or For Rent” signs (Big Box) will not be approved. Only one sign per yard will be permitted. Sign must be placed in front yard only. Signs are not allowed on the golf course.

Political Signs

Political signs will be allowed under the following conditions:

Only placed in front of the lot-maximum of one per lot per candidate.

Placed no earlier than 45 days before the election.

Removed no later than 7 days after the election.

None allowed on common areas.

Inflatables are not considered Political Signs.

Note

The Declaration of Covenants, Conditions and Restrictions for Brier Creek give the HOA the right to enter and remove unapproved or illegal signs at the owner’s expense.

Holiday Decorations and Special Occasions

During the time period below, a residence may be decorated in a fashion that celebrates the holiday so long as they are temporary in nature. It is **not** necessary to get approval in advance. Should a residence be decorated prior to the time restrictions listed below or should the decorations remain in public view after the time restrictions indicated, the residence would be in violation of the deed restrictions and these guidelines.

Holiday Decorations

All holiday decorations may be installed no sooner than 30 days before and removed no later than 15 days after the holiday.

Special Occasions

All special announcements such as birth, graduation, etc. may be displayed for 1 week.

Lighting

All light fixtures containing light bulbs that are colored, must follow the above Holiday Décor rules. Lights should be white, unless approved by the Architectural Committee. Movable flame lights are allowed as long as they follow the color guidelines.

Note:

It is **not** necessary to get approval to display decorations.

Flags

All flag applications must be submitted to the Architectural Control Committee (ACC) for approval. The application should include the size and type of flag. The application should also include the color of pole with a site plan for the pole location and pictures of the front showing the existing trees and landscaping. Only one flag at the front of the home and one flag on the rear of the home shall be permitted. The decision for approval will be considered on a case-by-case basis.

Types United States flags and other related national, patriotic flags
Ornamental or Novelty flags
Sports or Athletic flags

Size No flag shall exceed 3ft. by 5 ft.

Method of Display :

- **Mounted:** The flag must be mounted on a flagpole, six feet in length or shorter. The pole must be mounted to the house in an incline position.
- **Temporary In-Ground:** A temporary flagpole may be placed in the ground and kept there only when the flag is displayed. Temporary in-ground flagpoles are generally defined as those poles that are installed in the ground by a sleeve system that is designed to allow easy removal and reinsertion of the pole.
- **Permanent In-Ground:** A permanent flagpole may be placed in the ground with a concrete base. A permanent flagpole is permitted in the front yard only. The pole must be white or brushed aluminum in color; no larger than 18 ft in height; and 3 inches in diameter. Only the American Flag may be displayed. The flag must be lit. Lighting must receive Architectural approval.

Both the house mounted and the in-ground temporary flagpoles must be removed from view when no flag is displayed.

Maintenance of Flags: The flag and flagpole must be properly maintained at all times. This includes, but is not limited to, the replacement of faded, frayed, or torn flags, and the replacement of poles that are bent, rusted, or in any way damaged.

Please Note: No flag may be displayed which is, in the opinion of the ACC, offensive to good taste and decency. Those homeowners who choose to display the US flag must adhere to the US Flag Code, Title 4, Chapter 1.

Miscellaneous

Anything not covered under these guidelines would be considered Miscellaneous and would be reviewed on a case by case basis. Examples would be, but are not limited to:

- Address plaques
- Roof Vent stacks
- Invisible Dog Fence
- Exterior HVAC Units
- EV Charger (installed inside garage only)
- Sun Tunnel (installed on backside of home only)

Solar Panels

General Considerations

Solar panels/collectors shall be visually integrated with the architecture of the house regarding style, location, size and color. Solar panels/collectors shall not be located on the front elevation of any building and not visible from any street view as determined by the Architectural Control Committee.

Specific Guidelines

1. Panels shall have a low profile and be flush mounted to the roof or wall.
2. Panels shall be static with no tracking mechanisms.
3. The framing, including the bracing joining panels together, shall match the surface it is attached to, either roof or siding if wall mounted.
4. Panels shall not exceed area of the roof nor extend above the ridge line of the roof.
5. Additional meter required for collectors must be landscaped to shield it.
6. Solar panels requests will be reviewed on a case-by-case basis and more information may be requested.

Submission Requirements

1. A copy of the site/plot plan and the location of the proposed solar panels.
2. A drawing showing the proposed layout and dimensions of the solar panels.
3. Actual color sample of panel to be installed.
4. Photographs of the house showing the proposed location of the panels and location of additional meter.
5. Catalogue photographs or manufacturer's "cut sheets" of the solar panels and complete specifications on all components, including cables, connections, dimensions and materials.
6. Plans for proposed landscape screening for the additional meter and ground- mounted panels.

Section Four

Maintenance

Maintenance

It is the responsibility of each homeowner to maintain his/her property in such a way so that it adds to the overall beauty and harmony of the subdivision. Each homeowner shall take this responsibility seriously, as failure to do so can negatively affect the value of surrounding properties as well as the subdivision as a whole.

There are many areas in and around the home, which shall be inspected regularly to insure the property is in good repair. These include but are not limited to:

- Trees, Shrubberty and Lawns
- Decks
- Fences
- Driveways and Sidewalks
- Playground Equipment
- Paint
- Roofing
- Garbage Can Storage
- Repainting of Improvements
- Repair of Exterior Damage to Improvements
- Light Fixtures
- Mailboxes

Deterioration

If at any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the Architectural Control Committee or Management Company will be requested to make a site inspection. The Committee will then make a recommendation for action to the Board of Directors.

Based on the severity of the deterioration, the homeowner will be given a specified period of time in which to make the necessary repairs. If, after that time, the repairs have not been affected to the satisfaction of the Board of Directors, the Board of Directors has the obligation of enforcement as described in the Declaration of Master Covenants, Conditions and Restrictions for Brier Creek Country Club Community.