

Miramonte Homeowners Association

Architectural Standards & Specifications

Effective: September 2013, Last amended June 2015

Miramonte Homeowners Association Architectural Committee

An Important Message from your Board of Directors and Architectural Review Committee:

The primary purpose of the Architectural Review Committee (ARC) is to preserve and maintain the property values and the natural beauty of our development. Our charter is to promote the general architectural and landscape standards that give our neighborhood its distinctive look. The Committee is the Association's architectural approval authority. The accompanying standards and specifications are provided for your review and information

As your representative, our intent is to maintain and nurture the 'park-like' setting of our neighborhood and thereby preserve its reputation as one of the triangles most attractive and desirable communities. To accomplish these goals, it is our intention to review all requests and approve them based on their positive impact on the aesthetics of our neighborhood. We encourage changes which enhance the natural setting and are consistent with the architectural integrity of the neighborhood.

To accomplish these goals we need the cooperation of each homeowner by requesting the formal submission of an Architectural Request Form when any substantive change or modification is made to the exterior of any home or property as described in the attached Architectural Standards and Specifications. We ask that you respect and comply with the Standards, and follow the approval process, which involves your neighbors prior to making any modifications to your home or existing lot.

We appreciate your continued support and cooperation in helping us maintain the quality of the Miramonte community.

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I. PURPOSE AND POLICY

The Architectural Standards and Specifications (hereafter referred to as the Standard) were established by Article VII of the Declaration of Covenants, Restrictions and Easements for the Miramonte Subdivision. Their primary purpose is to preserve and maintain the property values and the natural beauty of the development. Article VII also establishes the Architectural Committee (Committee) with review and approval authority for the Subdivision.

A part of the charter of the Architectural Review Committee (ARC) is to maintain and promote consistent standards while remaining open-minded to changes in our neighbors' and our lifestyles. This standard is intended to be a flexible document that allows for individual creativity of design, with each request being reviewed on its own merits. This document is not intended to be comprehensive; rather it is a guideline for residents considering modification to their lot or exterior of their home. The aesthetics of the modification will be a primary consideration of the Committee.

The Committee is composed of a minimum of three members, all of whom must be approved or appointed by the Board of Directors. The ARC meets regularly each month, or as needed. The primary purpose of the meeting is to review all architectural requests received by the Committee during the previous month and to approve or disapprove requests.

II. RESPONSIBILITIES

THESE ARE THE RESPONSIBILITIES OF ALL PARTIES AS THEY RELATE TO THE ARCHITECTURAL STANDARDS AND SPECIFICATIONS.

A. Board of Directors

The Board of Directors is responsible for the final interpretation of the Covenants, Restrictions, and Easements, and for making decisions about violations and related penalties or legal remedies.

B. Architectural Review Committee (ARC)

The ARC is responsible for reviewing requests and approving or disapproving all architectural requests. The ARC is also responsible for updating these standards, as required, for approval by the Board of Directors.

C. Homeowners

Each homeowner has the responsibility to properly complete and submit an Architectural Request Form to the Committee in accordance with the requirements of this Standard. Each homeowner is also responsible for adhering to this policy, complying with the decisions made by the Committee, and reporting any problems or violations to the Committee.

III. OVERVIEW

It is the interpretation of the Committee and the Miramonte Homeowners Association Board of Directors that the provisions of Article VII apply to a wide variety of aesthetic considerations in the neighborhood. Every attempt has been made to include in this Standard those considerations that have the potential to affect property values. Suggestions for improvement of this document should be submitted to the Committee.

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

While every effort has been made to identify aspects of change requiring approval, the homeowner who has any doubt if his/her situation is adequately addressed should contact the Management Company for guidance.

Throughout this document the term "changes" shall include additions, alterations, improvements, removal or relocation.

The specifications and details listed below apply to both items requiring submission and not requiring submission. For items detailed below, which do not require a submission, the expectation is that the minimum detail will be met.

NOTE: It must be recognized that the submission and approval process is administered by volunteers during their own free time and is inherently lengthy. The Committee meets once within each calendar month. It is the responsibility of each homeowner to plan in advance and allow for the process time required. This is explained in more detail in the Process section of this document.

IV. TYPES OF CHANGES WHICH REQUIRE SUBMISSION

- Changes to the Exterior of the home, such as but not limited to:

Awnings

Basketball Goals

No recreational equipment of any type should be permanently affixed to the exterior of any residence, including the garage.

To better preserve sight lines with minimal clutter, consideration should be given to installing sleeve-mounted or portable weighted base basketball goals. Basketball goals are not allowed to be stored permanently on any street. Additionally, basketball goals are not allowed to be stored on the grass in the townhomes.

To be considerate of your neighbors, it is requested that play be limited to the hours of 10:00 a.m. - dusk (not later than 8 p.m.) weekdays, and 10:00 a.m. - dusk (not later than 9 p.m.) weekends.

Decks, Deck Skirting or Screening, and Patios

There are no predetermined styles in this document for decks or patios.

Deck Materials

- Deck materials are generally pressure treated wood.
- Posts may be made of brick, pressure treated wood or other suitable material.

Height of decks, height of, arbors and screens

- Decks should be of a reasonable height for their intended purpose.
- Arbors should be no higher than eight feet above the deck surface.
- Free-standing deck screens (e.g., lattice) shall not exceed six feet in height.
- Screens as part of an arbor may extend to the arbor.

Underside of decks should be covered with lattice, screen, or plantings.

Patio Materials

- a. Concrete slabs with smooth finish or exposed aggregate.

- b. Bricks or pavers with sand fill or grout.

Doors/Shutters (changes to color, style, or material)

Door and shutter color should match.

Driveway extensions and parking pads

Enclosures

Fences

See Appendix A for Fence Guidelines

Flags

Flower boxes

Flower boxes should be painted to match the exterior color of the home

Fountains

Garage Doors (changes to color, style, or material)

Hedges and Screen Plantings

Landscaping (extensive)

Lighting

Gas lights, low-voltage landscape lights, etc.

Mailboxes /Posts

Mailboxes must be kept in good condition. Black glossy paint should be used when needed. Address numbers should be replaced when faded or torn and are available from Signs By Tomorrow (919-460-1429).

Mailboxes and posts are available for purchase at Rodney's Sign Co (919-362-9669).

Mailbox – 1C Black mailbox with applied gold vinyl address numbers on front

Post – Black cast aluminum mailbox post with decorative bottom base.

Cost per unit = \$400.31 with optional \$80 to install (prices as of July 2013)

Shrubs or plants around the mailbox should not cover or overtake the mailbox.

Porches/Stoops

Recreation or Sports Equipment / Semi-Permanent Play Facilities - Swing Sets, Forts, Tents, Sand Boxes, Trampolines and Tree Houses

All semi-permanent play facilities are to be installed in the rear yard of residences at least 10' removed from side adjoining property lines and 15' removed from rear adjoining property lines (standard Covenant set back).

Construction materials should be natural wood or earth tone, with neutral canvas covers where applicable.

Children's playhouses may be proposed provided that their exterior size is less than 8' wide by 8' deep by 8' high (roof peak). The playhouse is to be installed in the rear yard of residences at least 10' removed from a side lot line, and 15' removed from a rear lot line (standard Covenant set back).

Roofs (changes to material or color)

Room Additions

Satellite Dishes/Exterior Antennas

Signs

No signs, advertisements, billboards, of any kind may be erected, maintained or displayed on any Lot or common area without approval of the Committee. The Committee may enter upon any lot, and remove and/or destroy any unauthorized sign or other advertising matter. One "For Sale" sign is allowed. If signs with 2"x2" posts are placed in the townhomes, the sign should be placed in a mulched area and the seller is responsible to fill the holes when the sign is removed.

Storm Doors - Must be the same color as the front door to aesthetically blend in. (Black front door would require black framed storm door)

Structures/Playhouses – See Recreation. Storage sheds are not allowed.

Tree removal (live) or tree additions

Healthy trees 6" in diameter, 2' above the ground should not be removed without approval.

Vegetable Gardens

Proposed installation of garden screening must first be submitted, in writing, including plant types and locations, to your Architectural Committee for approval prior to installation of screening and garden.

The garden plot is to be located within any available low area of the rear yard, at least 10' removed from the side and 15' from the rear adjoining property lines and Miramonte common areas.

Vegetable garden plots should be restricted to the rear yard of residential lots. No plantings of any kind are permitted in the common, easement, buffer or greenway areas of Miramonte.

Vegetable gardens should not be used in the rear yards of corner lots where the garden would be visible from the street, unless screened from public view.

Garden plot should not exceed 225 square feet in area, for example ... 15'x15' or 10'x22.5' or 5'x45' or other irregular shaped areas of 225 square feet or less.

Planting trellises/supports should not exceed 3' in height and should be removed at the end of the growing season.

Garden plot should be maintained in a conscientious manner including, but not limited to, regular weeding. All plants and planting materials should be removed and the plot tilled to ground level at the conclusion of the growing season.

Insecticides and fertilizers having long lasting, malodorous qualities should not be used. All garden waste should be securely bagged and disposed of properly off-site.

V.SPECIFIC CHANGES WHICH DO NOT REQUIRE SUBMISSION

Holiday Decorations - May only be up from Thanksgiving Day until January 31st.

Minor landscaping

Removal of dead trees

VI. SPECIFIC CHANGES WHICH ARE PROHIBITED BY THE COVENANTS ON EACH LOT'S DEED

Air Conditioning Units - No window units shall be allowed

Clotheslines

Commercial advertising sign

Encroachment on other property

HAM radios and two-way radios

Storage sheds

Parking - No boats, commercial vehicles, trailers, campers, etc. are allowed in the community in plain view.

Swimming Pools

Window Treatments - No sheets, towels, newspapers, tin foil, etc. shall be allowed.

Any items not specifically described as being allowed in compliance with neighborhood covenants

VII. GUIDELINES FOR MAINTENANCE

Shrubbery, Trees, and Lawns

Healthy trees 6" in diameter 2' above the ground shall not be removed.

Landscaping to the front lot line from the front of the home.

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

- a. Concurrence of the adjoining property owner.
- b. Agreement for maintenance access.
- c. Setbacks to allow for plant growth, i.e., hedge to remain on installer's property when fully grown.

Lawns should be weed free

Driveways

Driveways should be maintained in good condition. Power washing is suggested.

Paint and Stain (Materials and Colors)

Periodic painting and staining with the existing color for maintenance does not require submission.

Only exterior materials comparable to those on existing structures, and compatible with the architectural character of the Miramonte Subdivision, will be approved.

Brick must remain unpainted, unless painted as part of the original, approved construction.

Color changes

- a. Keep all colors low in intensity (saturation).
- b. Color changes from original require Architectural Committee approval.
- c. Colors must blend with the colors of the homes in the immediate vicinity.
- d. Actual color samples must be included with a request for a color change.

Trash Cans

Single Family – Trash cans should be stored in the backyard or the garage. If the homeowner wants to store trash and recycling cans along the side of the home, then appropriate landscaping or the proper installation of a trellis or lattice fence must be used to completely conceal trash and recycling cans.

Townhomes - Trash and recycling cans are to be stored at the rear of the unit (not on the grass), or in the garage.

PROCESS

Submissions shall follow the process described in this section. The process will be the same for all submissions with the required details varying depending upon the type of change.

No construction shall begin without Committee written approval of the submission.

Therefore, no commitment for labor and/or materials should be given to contractors prior to receipt of written approval. Allow enough time for processing and approval in planning for construction or landscaping. In general, the review and approval cycle is up to 30 days.

A. Planning and Preparation of Submission

1. Prepare the Architectural Application form (copy available online on the Miramonte HOA website) and attach any drawings, sketches and supplemental documents for the ARC. A complete submission will FULLY describe/depict the change and stand on its own without the need for further explanation or clarification.
2. Sign the form.
3. Present the complete submission to all adjoining property owners and neighbors who may be visually impacted by the change, and obtain their signatures. This signature only reflects that each neighbor has seen the complete submission. It is NOT an approval of the submission.
4. After completing step 1-3 (above), present the submission to the management company at the address listed on the Architectural application form. Incomplete or illegible submissions will be returned immediately to the homeowner. Upon receipt of a complete and legible submission, the review process will begin.

B. Details for Submission

The following items may be used as a method of describing or visually depicting the requested change (as applicable).

- a. Pictures, magazine cutouts, etc.
- b. Color chips.
- c. 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).
- d. Elevation drawings -a side view that will show height, topography of land, and visual image of the change.

- e. Written description of the types of materials to be used or a contractor's bill of materials.

- f. Written and/or visual depiction of construction details.
- g. Location for building material storage during construction, soil disposal plan, drainage plan, and landscaping or vegetation plan (as applicable).
- h. Identification of the party responsible for performing the improvement (homeowner, contractor name, etc.).
- i. Drawings need to be to scale to show a relationship to location, height, etc., with the dimensions and scale used clearly marked on all drawings. For major construction projects such as additions, sunrooms, dormers, etc., for which a hired contractor is used, the design drawing should suffice, showing roof-lines and other such detail.
- j. Any other aids that will assist the Committee in their review.

C. Architectural Committee Review

The Committee will review submissions monthly. Also, any responses by adjoining property owners will be reviewed and taken into consideration.

The submission will be voted on by the ARC, who will reach a consensus decision for approval, approval with modifications (recommended changes to the original concept), or disapproval.

Note: Disapproval may be on any grounds, and the details will be communicated to the homeowner by the Committee.

A response letter indicating the Committee's decision will be mailed within five working days after the decision has been made.

Approval of any submission or portion thereof does not ensure approval of similar submissions, as each submission will be considered separately on its own merits.

A proper submission approved by the Committee is equivalent to a contract and the homeowner must comply with the specific details contained therein. Significant alterations/deviations from the plan reviewed and approved by the Architectural Committee will require resubmission.

D. Appeals/Resubmissions

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

E. Time Frame for Construction

Construction should begin at the indicated start date or within three months after the date of the written approval by the Committee. Work must be completed within a maximum of three months after the start of the project.

Approval for projects that are not begun as specified above will lapse, and the applicant must resubmit the proposal or submit a written request for extension to the Committee.

F. Inspection

The ARC may, from time to time be directed by the Board of Directors to do random on-site inspections to assure compliance with approved submissions. Homeowners are asked to cooperate during such inspections. If deficiencies or significant deviations are noted, the management company will notify the homeowner in writing, with a response expected within 30 days.

IX. VIOLATIONS AND HOMEOWNERS ASSOCIATION REMEDIES

There are essentially two types of violations that could be levied on a homeowner by the Miramonte Homeowners Association relating to the Standards defined in this document:

- a. Implementing a change, addition, or deletion without a properly completed submission and subsequent Committee approval.
- b. Deviation or noncompliance with an approved submission.

Remedial Process

The HOA generally expects to amicably resolve violations and disputes regarding interpretation of the Architectural Standards.

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.

Homeowner Association Remedies

Enforcement of this Standard is detailed in Section VII of the Declaration of Covenants, Restrictions and Easements.

Remedies include but are not limited to:

- a. Suspension of voting rights and privileges.
- b. Obtaining a Restraining Order to prevent an action.
- c. Obtaining a Court Order to require the homeowner to return the lot or property modification to its original state.
- d. Cost of restoration work, including attorney fees

Appendix A - Guidelines for the Construction of Fences – SF Homes

It is the intention of these guidelines to allow a specific type of fencing so that the homeowner has the option of creating an enclosed or semi enclosed backyard for privacy, security, or protection of small children, using a fence that is both long lasting and provides aesthetic continuity. Electronic "invisible" fences, which are in use by many homeowners, are suggested for containing pets.

The Architectural Committee shall review all proposed fence locations and details. Each case shall be reviewed on an individual basis. Quality materials and construction methods shall be employed. The following architectural guidelines for fencing will assist the Committee and protect the total development.

A. The fence guidelines provide minimum standards to assure:

- a. Sound, long lasting construction
- b. Aesthetic continuity

B. Styles

Dog-ear, Arched/Positive Scallop

Additional considerations are:

- a. No chain-link yard fences
- b. No wire backed fences
- c. No above ground electric pet restraining wiring

C. Materials

- a. Fence siding material should be cedar or pine
- b. Fence posts should be 4x4 cedar or pressure-treated
- c. Metal, wire, chain, chain-link fences or concrete will not be approved

D. Treatment

It is recommended that fences should be left unfinished to weather naturally or may be stained with a stain to remain compatible with the color scheme of Miramonte.

E. Height

No fence should be higher than six feet, measured from the ground to the top of the posts.

Posts should extend no more than three (3) inches above the fence line.

In general, a uniform or patterned height should be maintained parallel to the ground line.

When topography or landscape affects height or pattern, a detailed explanation and/or elevation drawings must be included with the submission.

Obstruction of views or breezeways of adjoining properties will be given consideration in all cases.

F. Location

1. Submit a top down map (surveyor's plat) to indicate the exact location of the fence in relation to the house and property lines. Homeowners may contact the Town of Apex directly for a copy of their plot survey. The Town of Apex can send this by email, fax, or mail or the survey can be picked up.

- a. Dimensions should be included.
- b. It is strongly recommended that fences be set back at least six inches from the property line.
- c. In general, fences should extend from the rear property line forward no more than half way between the front and rear building line of the home.
- d. No fence should extend beyond the front line of the dwelling.

2. Setbacks may be required for landscaping.

- a. A landscaping plan should be submitted with the request for approval of the fence.
- b. Property owners are cautioned that building a fence that infringes on easements or access right-of-ways may result in removal or destruction of the fence. Consideration should be given to access and ease of maintenance when selecting location and treatment.
- c. The property owners are requested to attempt to reach an agreement with adjoining property owners as to a common location for a shared fence. In the event an agreement between adjoining property owners cannot be reached, property owners will be required to install the fence six inches within side property lines to ensure ease of maintenance.
- d. Any trees to be removed during the installation of the fence require prior approval of the Committee.
- e. Natural or landscaped drainage must not be disturbed during the installation of the fence.

Appendix A -Guidelines for the Construction of Fences – Townhomes

In addition to the guidelines for single family homes, the following guidelines pertain to the townhomes.

The fence guidelines provide minimum standards to assure the aesthetic continuity of the townhomes

Styles allowed: Dog-ear, Arched/Positive Scallop or Black Aluminum

Height: No fence should be higher than five (5) feet, measured from the ground to the top of the posts.

Gate to be left unlocked for maintenance of the back lawn.