

Birklands Owners Association, Inc.

Architectural Guidelines and Procedures

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Part I Introduction

Birklands is a planned community, and those buying property in this community agree to abide by the Covenants, Bylaws, and Rules & Regulations established by the Board of Directors of the Birklands Owners Association (the HOA).

The Birklands Covenants provide, in general, that all homeowners are required to (1) maintain the appearance of their property, and (2) get approval from the HOA before making any significant change to the exterior of their home or exterior spaces including, but not limited to, the following:

- Grading, landscaping, or tree work
- Construction, installation or modification of any structure including main house, garage, garden or tool shed, guest house, swimming pool, pool house, deck, patio, porch, fence, gazebo, wall, walkway, driveway, parking pad, stonework around culverts, fountain, fish pond, children's play house or dog house
- Improvements such as screening-in a room, changing exterior paint colors, or adding exterior lights.

The HOA may delegate to the Architectural Committee the authority to review, approve or reject requests for approval. According to Article V of the Covenants, the Architectural Committee shall be composed of no fewer than three (3) persons and no more than eleven (11) persons, and shall be appointed by the Board.

This document contains Guidelines and Procedures.

- The Architectural Guidelines are meant to provide guidance if you are planning a change to your property. These Guidelines describe when such approval is necessary and the issues the Architectural Committee will consider when reviewing your request for approval.
- The Procedures spell out how you can obtain approval for any changes and an appeal process in case your proposal is not accepted.

Please retain this document for future reference.

Disclaimers

In approving an application, neither the Architectural Committee nor the Board of Directors shall make or be understood or construed to have made representations as to the inherent quality, safety, soundness, or structural integrity of any proposed plan, project or change. The Architectural Committee, the Board of Directors, and any of the officers or agents of the HOA shall not be held liable in the event an applicant sustains financial or other damages or losses as a result of the failure of any work performed or changes undertaken or as a result of deviations from plans, or negligent or deficient construction of such plans or projects by the applicant, applicant's contractors, or any other damages arising from any approved plans or projects contemplated herein. All liability for the quality, usefulness, habitability, appearance, and safety of a project shall reside with the owner.

Keep in mind that most changes to property require approval or a permit by Wake County. Approval by the Architectural Committee or the Board of Directors does not constitute approval by Wake County or any other government body. Such government approval may take several weeks and may require changes to your proposal, so please plan accordingly.

Homeowners must also comply with existing setbacks, drainage limitations, and all other requirements imposed by municipal, state, county, or federal laws.

Architectural Guidelines

The purpose of the Architectural Guidelines is to ensure that high standards are uniformly applied throughout Birklands to protect property values and harmoniously preserve the community's overall quality and appearance.

All requests for approval by the Architectural Committee will be reviewed on a case-by-case basis, taking into consideration each lot's unique appearance and the specific plans encompassed in each proposal.

Completed applications to the Architectural Committee will be evaluated based upon, but not limited to, their harmony with architectural elements in the community, materials and visual concepts already established on the property, their compatibility with the lot size and topography of Birklands, and their general ability to preserve property values and enhance the Birklands community.

The following guidelines offer some guidance as to how the Architectural Committee will review applications for approval, but are not a guarantee that any application will be approved. These guidelines are divided into the following categories:

1. Structures (main residence, guest house, garage, pool house, screened-in porch, etc.)
2. Landscaping (plants)
3. Hardscapes (fences, walls, patios, decks, walkways, arbors, etc.)
4. Water elements (swimming pools, fish ponds, fountains, etc.)
5. Miscellaneous (exterior lighting, swing sets, dog house, flags, statuary/lawn ornaments, clothing lines)

In general, Architectural Committee approval is required for any significant change to the exterior of your property other than lawn maintenance, pine straw or bark mulch, and repairs to existing structures and elements (such as fences and driveways) that do not change the appearance of such structure or element.

1. Structures

Probably the most important consideration when the Architectural Committee is reviewing a proposal to change an existing structure or build a new structure is that the resulting structure is compatible with existing structures. For example, a new screened-in porch should have an exterior appearance that is compatible with the main residence; that means it should have harmonious material (brick, stucco, shingle), trim color, roof material, windows, and architectural elements as existing structures.

In general, the Architectural Committee prefers that new structures are not visible from the street and will often request that new structures be screened by plants.

As a general rule, any significant change to the exterior of your home requires approval. Such changes include, but are not limited to, the following:

- Painting the trim in a different color
- Painting an existing structure with a different color or altering the appearance of the exterior of an existing structure
- Changing roof material or color
- Adding or changing a screen door, storm door, windows, or awnings
- Adding or changing a guest house, mechanical house, pool house or cabana, tool shed, or well house

No outbuildings will be permitted in the front yard, but may be permitted in a side yard area depending upon the Lot and its location within the community. It is the homeowner's responsibility to check for easements or setback restrictions that may affect placement of an outbuilding.

2. Landscaping (plants)

Landscaping is an important element of every property in Birklands. Landscaping enhances the beauty and property value of houses in the neighborhood. The Birklands HOA encourages its homeowners to invest in landscaping and to seek professional assistance when planning extensive landscape plantings or structures.

In general, you do not need approval to maintain your landscaping elements. This means you do not need approval to apply long-needle pine straw or bark mulch, aerate your lawn, or plant annuals. However, you do need approval if you are making any major changes to your landscape design such as adding or removing trees (with an exception for removal of trees that may cause damage if not removed – see below), creating a new plant bed, or adding a privacy hedge.

Landscaping proposals should take into consideration the need for foliage during the winter months. Proposals should also consider drought-tolerant plants and the effect of water rationing in the summer. The Architectural Committee may also consider run-off and drainage concerns and whether new plantings impair motorists' sight lines.

Tree Removal: If a tree presents an imminent danger, the homeowner may remove the tree without approval.

Landscape Beds and Mulches: Natural areas and landscape beds should be made in proportion to the home and property. Front yard mulches should be earth tone in color and consist of natural materials such as shredded hardwood, shredded pine, or long-needled pine straw. Saw dust, rock, stone, pebbles and synthetic colored aggregates are not permitted in the front yard beds.

3. Hardscapes

Hardscape refers to walkways, patios, walls (stone, brick, or stucco), retention walls, fences, arbors, trellises or any other exterior element that lends itself to the landscaping process but is not a living entity. Architectural Committee approval is required before installing or significantly changing any hardscape element on the property that is visible from the street.

Examples of hardscape changes that require approval:

- Adding, changing or removing a porch, patio, deck, walkway, wall, arbor, or trellis
- Changing the route or material of a driveway or adding a parking pad
- Adding or changing a fence

In general, repairs to an existing hardscape do not require approval as long as the repair uses the same material as the existing hardscape element and does not alter the appearance of the hardscape element.

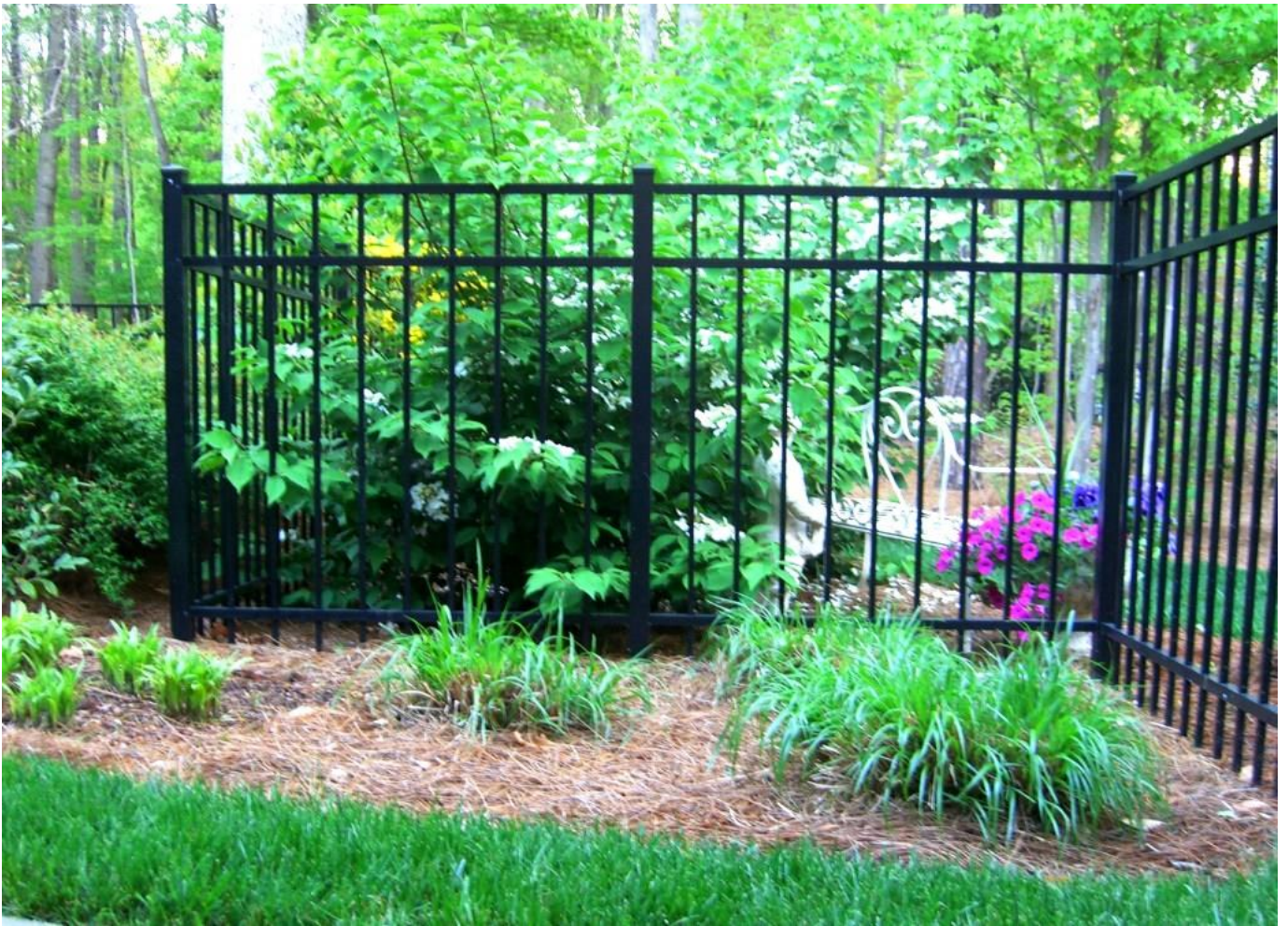
The Architectural Committee will consider how a proposed change to a hardscape element coordinates with the existing property and landscape and may inquire about run-off concerns and other consequences of the proposed change.

Fences: It is recommended that fencing be "softened" through the use of plant material on the exterior side, where applicable. It is suggested that alternatives to hard fencing (such as landscaping with plants) be considered.

The illustrated fence style, constructed of tubular aluminum or wrought iron, that is shown below is the recommended fence for the community. Wire, vinyl, wood, chain-link or concrete fences are discouraged. Once erected, all fences must be properly maintained in good condition.

Fences should follow the natural grade of the land and no "stepping" of the fence top is allowed. Wherever possible, existing larger caliper trees should not be removed in order to place the fence, but rather the fence should be placed to "box-out" around the tree.

Adjacent homeowners wishing to share common fencing must still receive Architectural Committee approval for fence placement. In any case, it is the homeowner's responsibility to check for any easements that may affect the placement of fencing. The Architectural Committee shall determine the final fence placement based upon but not limited to aesthetics, easements, topography, and street appearance.



The fence height may be 4 ft., 5 ft., or 6 ft. tall or more depending upon the homeowner's needs and preferences. The top rail is optional as the fence may also have the individual pickets either machine pressed to a closed end or fitted with decorative finials.

4. Water elements

Changes to, or construction or installation of new, swimming pools, fish ponds, spas, fountains, etc., require approval.

In general, all such water elements must be constructed of conforming materials, be aesthetically harmonious with the home and the surrounding area, produce no annoying motor noises, and be set back from the nearest property line by not less than twenty-five (25) feet. In instances where this setback restriction cannot be feasibly achieved and a variance will not reasonably constitute an annoyance to a neighbor, it may be possible to site a water element closer to a property line. Homeowners should submit landscaping and fencing plans associated with the water element design to the

Architectural Committee for approval along with the pool plans. Above ground pools are not permitted.

5. Miscellaneous

This section covers:

- Playground equipment/swing sets/tree houses/play houses/trampolines
- Dog Houses
- Basketball goals
- Yard ornaments
- Exterior lighting
- Antennae
- Mailboxes

Playground Equipment/Sports Equipment: Any play equipment should be located at least 25 feet from the neighboring property lines. Architectural Committee approval is required for permanent play equipment including, but not limited to, play sets, trampolines, and basketball goals (whether set in concrete or free standing). Play sets should not be attached to the house or other buildings and must use colors that are harmonious with the surrounding structures and landscape. A permanent basketball goal is subject to Architectural Committee approval for placement and color. Goals should be placed to maximize child safety and to minimize impact to lawns and neighboring properties (at the edge of the driveway facing the garage doors, in most instances). All play equipment must be maintained in good condition and repair at all times.

Portable Goals: Portable basketball goals do not require AC approval. Portable goals should be stored out of sight when not in use. In no instance shall a portable goal be placed in or at the edge of a street in Birklands such that play is performed on the street surface. Portable goals should only be placed in the driveway, and the homeowner shall create no other surface in order to use the goal.

Yard Ornaments: Lawn ornaments are discouraged in the front and sides of the house. Front yard fountains, waterfalls or other water features are permitted, however, as a dominant exterior architectural element, the homeowner must first obtain approval from the Architectural Committee.

Doghouses: Doghouses should be painted or stained and roofed to match the exterior of your home. The doghouse shall be located at the rear of the property in an area that is not visible from the street and must be positioned at least 50 feet from neighboring property lines. The area should be landscaped/screened to soften its visual impact and done so in a manner such that drainage is not a problem. It must also be properly maintained at all times, kept in good repair, and the area around it kept free

of wastes that may create unpleasant odors. It is prohibited to chain or otherwise tether a dog.

Exterior Lighting, Lamps, and Yard Lights: Any lamp post or driveway entrance lighting shall require AC approval. Landscape lighting shall be low voltage (<12 Volts) and low level wattage (< 35 Watts). No overhead pole-mounted or building-mounted yard lighting shall be permitted in Birklands other than the existing streetlights installed along the roads by Progress Energy at the time the community was developed.

Antennae/Aerials/Satellite Dishes/Satellite Disks: These require approval and should be located in the least conspicuous location on the Lot (generally being the rear of the house or Lot) at which an acceptable quality signal can be received and the device is not visible from the street, common areas, neighboring properties or is screened from the view of adjacent Lots.

Mailboxes: Homeowners should make every effort to replace a damaged mailbox with an identical model. An exception may be made for a mailbox with a lock, but approval from the Architectural Committee will be required.

If your mailbox or the numbers on your mailbox become damaged or dilapidated, replacements may be ordered directly from the vendor listed below. Be sure to specify that the mailbox is the standard Birklands mailbox. The cost is about \$900 for the mailbox and \$8 per number.

Rodney's Custom Signs
600 Irving Parkway
Holly Springs, NC 27540
Phone: 919-362-9669
Fax: 919-387-93204

Procedure and Form for Requesting Approval from the Architectural Committee

STEP 1. The Lot Owner (and not a contractor or third party) must complete a Request for Architectural Approval form (the "Application"). This form may be obtained by calling the Birklands property Management Company (PPM Inc.), or copying the form below. At the time of publication, the Birklands representative is Crystal Whittenton.

PPM, Inc.
11010 Raven Ridge Road
Raleigh, NC 27614

Phone: 919.848.4911 Fax: 919.870.7241

STEP 2. The Application must be completed, together with all supporting documents and materials requested, and returned to either the Chairperson of the Architectural Committee or the President of the Birklands HOA. Incomplete Applications may cause a delay in processing.

STEP 3. After review, the Architectural Committee may (i) approve an Application; (ii) conditionally approve an Application, if such conditions for approval are stated; or (iii) deny an application. The Architectural Committee's decision on an Application and the date of that decision shall be delivered to the Applicant by regular mail. In the event the Architectural Committee fails to approve a submission made by any Lot Owner within thirty (30) days after a completed application has been received by it, then approval will be deemed to have been denied (see Article V of the Covenants).

STEP 4. A Lot Owner may begin work immediately upon receiving Architectural Committee project approval. A Lot Owner whose Application is denied may either (i) submit another, different application in which case the application process begins again, or (ii) appeal the Architectural Committee's decision to the Birklands HOA Board of Directors as provided for below. Lot Owners are encouraged to submit a revised application form to the Architectural Committee before appealing to the Board.

STEP 5. APPEAL: In order to appeal the Architectural Committee's action on an application, the Lot Owner must submit to the President of the Birklands HOA, within thirty (30) days of the date that the decision is forwarded to the Lot Owner, a written appeal which encloses a copy of the original application and the Architectural Committee's decision thereon and which sets forth the basis in fact for the Lot Owner's appeal. The Board of Directors will then review the appeal and schedule an appeal hearing with the Lot Owner. Due to individual board members' schedules, the Board of Directors will endeavor to hold the appeal hearing on a date that is no later than twenty (20) days from the date of receipt of the appeal.

Issues to Consider When Applying for Architectural Committee Approval

Prior to any alteration, addition or improvement to your house or lot for which approval of the Architectural Committee is required, the Lot Owner is encouraged to advise his/her neighbors of any architectural changes that might affect them. However, the neighbors' consent is not a prerequisite for review by the Architectural Committee.

In most instances, major changes to the house will require a set of working drawings and a site plan showing the change (addition, enclosure, etc.) and its relationship/distances to the neighboring property lines. On lots with steep grades, having your architect show elevation lines (topography) or finished floor elevations (FFE) is helpful to the Architectural Committee in that it gives a better perspective of how the change will look upon completion. Also, it is important for you to pay particular attention to natural drainage swales in your yard so as not to have the architectural change cause problems by diverting storm water runoff in these swales onto neighboring properties.

Timing. An approved property change may be built or installed either by the owner or by a contractor working for the owner. However, projects that remain uncompleted for a long period of time, for whatever reason, become visually objectionable and can be a nuisance and safety hazard for neighbors and the community. Therefore, all architectural application forms must contain a proposed maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, the Architectural Committee may not approve the application.

Project Staging. Applicants are advised to minimize the visible staging or storage of work materials, equipment, and tools during the construction phase of any project. It is also advised that workmen's trucks and vehicles not be parked in front of neighboring homes, driveways, and mailboxes and that the roads and road shoulders be kept clean of mud, stone, nails, debris, and construction materials. For projects requiring land disturbance, silt fencing to trap ground water runoff onto neighboring lots or into the drainage ditch at the road must be installed prior to beginning any land disturbance work and maintained throughout the project. It is the Applicant's ultimate responsibility for insuring that his/her contractor is following these guidelines and that the impact of the work being done does not negatively impact neighboring homeowners, the environment, or the community as a whole.

You should not purchase materials or commit to any contractor until you have approval from the Architectural Committee. Remember that many design changes require a permit and the county may not issue a permit without the prior written approval of the Architectural Committee. Please try to plan well in advance to allow time to have your application processed. Although the majority of applications can be handled within two weeks, please allow for the allocated thirty (30) days as outlined in the Covenants.

When digging or performing any ground disturbance work, you should first call an underground utility locator service so that no damage occurs to buried utilities lines

such as power company cables, gas lines, CATV lines, or phone lines. The company to call for this service is "North Carolina One Call" and you can reach them by dialing 811. Please instruct your contractor to call in advance so that the ground is marked prior to his crews beginning work on your property. Keep in mind, however, that these locator services will not locate your water line from the meter to the entrance point to the house; you will most likely have to contact your builder or building superintendent for its location.

During the review period for an application, Architectural Committee member(s) may view the site and talk to the applicant or to his/her neighbors to gather as much information as possible concerning the proposed change. Any concerns raised by neighbors will be noted and given consideration in the decision-making process. However, the Architectural Committee will also be required to consider general standards of reasonableness and fundamental fairness along with the standards, principals, criteria, and processes set forth in this document. Immediate neighbors will not, consequently, possess any veto power over an application.

Birklands Architectural Review Application Form

(Please fill in all items and supply all supporting data as requested.
Incomplete forms may cause delays in the review of your application.)

Name(s): _____ Date: _____

Address: _____ Lot # _____

Phone: _____ Email: _____

Mailing Address (if different):

Estimated start date: _____

Estimated completion date: _____

Provide a written description of your project plans including drawings, samples, brochures, photographs, plot plans, elevations, etc., needed to provide a complete description of the proposed project and its visual impact on the Birklands neighborhood. Thorough documentation will reduce the likelihood of delays in the review process. Please refer to the Architectural Guidelines prior to submitting a request. Also, as a courtesy to your neighbors, it is recommended that you inform them of your architectural request.

Description of the proposed project:

This Architectural Committee typically requires a plot plan and/or elevation drawings for major projects.

On the plot plan show the improvement (i.e. addition, fence, landscaping, etc.) and its relationship/distance to property lines, easements, open space, drainage ditches, neighboring homes, etc. An elevation provides a frontal or perspective view (sketch,

rendering, architectural drawing, etc.) of the requested change, depicting its finished appearance. This elevation drawing should show height, width, distance above finished grade, and details of the proposed request. Be specific in order to expedite the architectural review process.

I/WE UNDERSTAND THAT CONSTRUCTION SHOULD NOT BEGIN UNTIL WRITTEN APPROVAL IS RECEIVED FROM THE ARCHITECTURAL COMMITTEE.

In applying for the above architectural change, I/we agree to follow to the best of my/our abilities the changes as described above and to meet the Birklands Guidelines/Standards and any and all other codes, permits or other requirements deemed necessary by local, county, state or applicable authorities having jurisdiction. By my/our signature below, I/we formally request design approval for the above-stated architectural change and acknowledge that, pursuant to Article V of the Covenants, the ARCHITECTURAL COMMITTEE may enter upon my/our property to review the application and to inspect the proposed project prior to, during, and upon completion of the work.

Owner's Signature: _____

Date: _____

Owner's Signature: _____

Date: _____

Initial Home Construction Approval Process

Pursuant to Article V of the Covenants: "Initial construction on all Lots shall be reviewed and approved by the Declarant until the sale of the final Lot in the Subdivision. After such date, the Architectural Committee shall be composed of no fewer than three (3) persons and no more than eleven (11) persons, and shall be appointed by the Board." All Lots in Birklands have now been sold by the Developer (Declarant) and transition of the Board from Declarant control to Lot Owner control took place in November of 2007. Consequently, the responsibility of initial construction plan approval now resides with the Architectural Committee, as appointed by the Board. Therefore, any builder or individual owner of a vacant lot must submit plans and specifications to the Architectural Committee for approval prior to any work beginning on that Lot, including any land clearing, earth-moving, or grading work. The process for making application for initial construction plan approval is outlined below.

The builder (or individual Lot Owner, if acting as his/her own contractor) shall supply the Architectural Committee with the following documents:

Two (2) complete sets of construction drawings, which state the total living area of the house.

Two (2) copies of the plot plan of the property showing the location of the house on the lot and the locations of the primary septic field and the repair area septic field. The plot plan must also show the location of the driveway and any other structures that are being built (e.g., swimming pool, cabana, gazebo/pergola, retaining walls, etc.). A landscaping plan showing the location of trees and natural areas to be saved and the proposed planting plan for the property. The minimum landscaping work shall not be for less than \$20,000 (excluding turf) and shall take into consideration the lay of the lot.

A list of all exterior finishes on the house that states their locations, colors, and textures. This list includes, but is not limited to, the following items: brick, stone, stucco, siding, roofing, trim, accents, shutters, gutters & leaders, windows, front door, and chimney(s). Fill out the top portion only of the Architectural Review Form and include it with your submission package.

It is in the collective interest of all involved at Birklands to make a concerted effort to save as many trees as practical on the Lot, particularly front yard trees. During the construction period, Lot Owner should take reasonable protective measures to protect from damage those trees that do not have to be removed to construct the house. No seed, irrigation or land disturbing activity is to take place within tree protection areas. Consideration of a reduction in the minimum bush/tree allowance will be given to a Lot Owner in the event the majority of front yard trees are saved and properly protected.

The Architectural Committee will endeavor to review the submission package in the same timely manner as with all other applications for approval.