



West Park Community Association

# Architectural Standards and Control Specifications

*September 2019 Revision*

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## Revision History

Version	Changes
March 1995	<ul style="list-style-type: none"> <li>Initial release</li> </ul>
February 2000	<ul style="list-style-type: none"> <li>Removed Section I (Outline) from Table of Contents; was never in body of document.</li> <li>Minor wording changes, grammar corrections, and layout changes.</li> <li>Changed specifics on requirements for live tree removal to agree with Master Covenants (height measured 2' above ground, not 6' above ground).</li> <li>Removed specific references to HRW as Property Management Organization.</li> <li>Changed Section IV to allow installation of small satellite dishes.</li> <li>Changed Section IV to allow home composting.</li> <li>Incorporated Section VIII and Appendix A (Fence Guidelines) into Section IV.</li> <li>Incorporated Appendix B (Guidelines for Lawn Swing Sets, Jungle Gyms, Forts, etc.) into Section IV.</li> <li>Incorporated Appendix C (Guidelines for Basketball Goals) into Section IV.</li> <li>Incorporated Appendix D (Guidelines for Vegetable Gardens) into Section IV.</li> </ul>
October 2000	<ul style="list-style-type: none"> <li>Extended allowable hours for basketball play.</li> <li>Removed stain color from fence guidelines.</li> <li>Provided for the use of alternate fence style around in-ground pools.</li> </ul>
June 2001	<ul style="list-style-type: none"> <li>Changed age limit for unsupervised swimming from 16 years to 14 years in order to agree with signs posted at pool.</li> <li>Relaxed requirements concerning color of poles used to mount basketball goals</li> </ul>
July 2003	<ul style="list-style-type: none"> <li>Provided more details concerning lawn ornaments, decorations, and water landscape features.</li> <li>Allowed placement of political campaign signs on lots.</li> </ul>
November 2003	<ul style="list-style-type: none"> <li>Removed limit on number of household pets.</li> <li>Removed restrictions concerning overnight parking (long-term street parking remains prohibited).</li> <li>Removed submittal requirements for satellite dishes and antenna; change satellite dish size limit from 18" to one meter.</li> <li>Added specifications for vinyl siding.</li> <li>Added a Rapid Approval Process for certain submittals and provide for the assessment on an administrative fee for improperly submitted requests</li> <li>Made slight changes to Pool Rules.</li> </ul>
February 2006	<ul style="list-style-type: none"> <li>Made changes to reflect current procedures of the ARC and the Board of Directors</li> <li>Permitted exterior storage of Town of Cary trash receptacles.</li> <li>Added rules from the Master Covenants for tree removal, plantings, and fences in buffer zones.</li> <li>Removed the prohibition on outdoor solar lights.</li> <li>Modified and clarified the rule for vegetation within fifteen feet of the curb.</li> <li>Removed the three-foot limit for planting trellises/supports, and the requirement for evergreen screening for vegetable garden plots on corner lots.</li> <li>Reduced the fifteen-foot setback for vegetable garden plots to eight feet.</li> <li>Listed additional options for patio materials.</li> <li>Brought fence requirements into alignment with the neighborhood covenants.</li> <li>Removed color changes from the list of items eligible for the rapid approval process.</li> <li>Made minor changes to improve clarity, style, and grammar.</li> </ul>

Version	Changes
October 2007	<ul style="list-style-type: none"> <li>Added Section IV.I.3 to clarify rules for sheds. Removed solar collectors from prohibited items listed in Section III.C.</li> </ul>
May 2008	<ul style="list-style-type: none"> <li>Changed Section IV.R to clarify requirements for Window Mullions.</li> </ul>
August 2008	<ul style="list-style-type: none"> <li>Modified Section IVE: Adjusted statement placement to clarify issues with small playground equipment. Removed suggestion storing equipment during winter months.</li> <li>Modified Section IVQ: Eliminated requirements to remove existing siding before installing vinyl siding and that installation must carry a warranty.</li> <li>Added mail box Standard as Appendix C.</li> </ul>
November 2008	<ul style="list-style-type: none"> <li>Modification to Section IV.D.4 regarding the color of basketball goals.</li> <li>Modification to Section IV.M.8 regarding the storage of lawn and garden equipment.</li> </ul>
January 2019	<ul style="list-style-type: none"> <li>Reformatted entire document to eliminate numbering errors, address grammar/wording/pagination issues and autogenerate table of contents</li> <li>Added document properties and cross-references to ensure referential integrity and ease of updates going forward</li> <li>Updated Sections I and II to clarify relationship of ARC to BOD.</li> <li>Updated Section IV to correct language and to clarify intent of guidelines; updated tree section to cover prohibition of loose leaf piles on ParkScene, guidance for alignment between cleanup activities and Town collection schedules, submittal requirement for dead trees and consequences for excessive pruning of trees; ensure building permit is addressed early in the process; introduce brighter colors for main entry doors (with ARC review/approval); require ARC review for lawn removal/replacement in front yards; simplify window mullion language; provide guidance on lighting requirements in Materials and Colors section; require proper storage of ladders and personal property; add language to better address solar panels.</li> <li>Revised Section VI to align with current ARC request process.</li> <li>Revised Section VII to address fines for violation of guidelines.</li> <li>Removed Appendix A (Pool Rules) and Appendix B (ARC Form)</li> <li>Updated mailbox Standards to clarify construction details and provide for the use of a lower cost address number placard in place of sandblasted signage. Renamed mailbox Standards section as Appendix A and added Article U (Mailboxes and Posts) under Section IV.</li> </ul>
March 2019	<ul style="list-style-type: none"> <li>Minor updates to Section II to more align Homeowner and Property Management Organization roles with process changes.</li> <li>Consolidated language Section IV.G and H (Parking and Driveways and Parking Pads) to better reflect homeowner activities versus construction requirements and clarify commercial/fleet vehicle prohibition.</li> <li>Inclusion of language requiring orderly personal storage in Section V.</li> <li>Updates to Section VI to better align with current practices including clarifying governance procedures for ARC approvals.</li> <li>Updated Section VII to reflect \$100 per violation/per day language for non-compliance with West Park's requirements set forth in approved Architectural Standards and Control Specifications; added grace period for enforcement at discretion of Board to allow for homeowner compliance when material changes to standards are introduced.</li> <li>Converted link references to shortened versions to ensure permanent alignment between document and third-party link references.</li> </ul>
April 2019	<ul style="list-style-type: none"> <li>Updates to Appendix A to align with current USPS guidance for post placement.</li> </ul>

Version	Changes
September 2019	<ul style="list-style-type: none"><li>• Clarifying language added regarding broader adoption of rooftop solar panel installations in Section IV (T)</li><li>• Lowered vinyl siding thickness requirement to .045" to reflect current industry standards for premium siding</li></ul>

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## I. Purpose and Policy

The Architectural Standards and Control Specifications (hereafter referred to as the Standard) were established by Article VII of the *West Park Community Association Master Covenants and Restrictions*. Their primary purpose is to preserve and maintain the property values and the natural beauty of the development. Article VII also establishes the Architectural Review Committee (ARC), with final approval authority given to the Board of Directors (Board).

Part of the charter for the ARC is to ensure the neighborhood maintains consistent standards while remaining flexible and open-minded to changes in our community and our lifestyles. This body of Standards is intended to be a living 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 ARC.

Members of the ARC must be approved/appointed by the Board. The ARC reviews all architectural requests received by the Property Management Organization for approval or denial. At their monthly meeting the Board receives a summary of all architectural requests submitted by homeowners during the preceding month along with the actions taken by the ARC.

## II. Responsibilities

These are the responsibilities of all parties as they relate to the Architectural Standards and Control Specifications.

### A. Board of Directors (Board)

The Board is responsible for reviewing appeals and reconciling all appeals of the ARC decisions. The Board also makes decisions regarding non-compliance and any associated penalties or legal remedies. The Board makes the final interpretation of the *Declaration of Covenants*, the *Architectural Standard and Control Specifications* (this document), and any other neighborhood related restrictions. Please see Section VI (*Process*), Article C (*Appeals/Resubmittals*) for more details regarding the appeal process.

### B. Architectural Review Committee (ARC)

The ARC is responsible for reviewing requests and approving or denying all requests using the Covenants and these Standards as the basis for their decision. During the review process, the ARC may ask questions of the homeowner and may request a site visit to ensure a clear understanding of the proposed project. A homeowner may request a site visit by emailing to Property Management Organization.

### C. Homeowners

Each homeowner has the responsibility to properly complete and submit an Architectural Request Form to the Property Management Organization 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 Board or their designee, and reporting any problems or violations to the Property Management Organization. Additionally, homeowners must provide notification to the Property Management Office upon completion of any project that was reviewed and approved by the ARC so that (where applicable) a final review and inspection may take place.

### D. Property Management Organization

The Property Management Organization is responsible for collecting all Architectural Request Forms submitted, and for performing an initial screen to ensure completeness. Incomplete forms will be immediately returned to the homeowner. Completed submittals will be distributed to the ARC in a timely manner. Once the ARC and/or Board has made a determination on a request, the Property Management Organization is then responsible for communicating the decisions to the homeowner. The Property Management Organization also acts as the clearinghouse for community problems or concerns so that the appropriate committee can take action accordingly.

### III. Guidelines

It is the interpretation of the ARC and the Board that the provisions of Article VII of the *Master Declaration of Covenants and Restrictions* apply to a wide variety of aesthetic considerations in the community. Every attempt has been made to include in this Standard those considerations that have the potential to impact property values. Suggestions for improvement of this document should be submitted to the Property Management Organization. Throughout this document the term "changes" shall include additions, deletions, and modifications to existing installations.

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

It must be recognized that the submittal/approval process is administered by volunteers on their own time (nights and weekends). The ARC reviews requests as they are submitted, and while most decisions will be rendered within 14 days, in some cases, requests may take up to 45 days to review. Please account for this timeline accordingly when planning changes requiring submittal.

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

Additional detail and guidance for most of these topic areas can be found in Section IV (*Standards and Specifications*).

#### A. Types of Changes Which Require Submittal

**Changes to the exterior of the home, including (but not limited to) the addition of:**

- Awnings
- Decorative lighting (gas lights, low-voltage landscaping lights, etc.)
- Free-standing poles (e.g., basketball goals)
- Recreation or sport equipment
- Driveway extensions and parking pads
- Swimming pools and hot tubs
- Tree removal (includes live, diseased, or deceased trees)
- Significant landscaping (including retaining wall construction, raised bed installation, lawn removal or replacement, etc.)
- Hedges and screen plantings
- Decks, deck skirting or screening, and patios
- Enclosures and Addition of Living Space (including dormers, screened porches, sunrooms, etc.)
- Structures (including tree houses and other similar structures)
- Buildings/storage sheds
- Mailbox post and/or mailbox

- Fences
- Solar Panels

**Appearance, such as:**

- Color
- Materials (such as siding, roofing, windows, etc.)

## B. Specific Changes Which Do Not Require Submittal

- Flower boxes that are painted to match exterior color approved for home
- Minor landscaping
- Non-permanent children's play equipment, subject to all guidelines set forth in Section IV (*Standards and Specifications*) with particular attention to Article E (*Lawn Swing Sets, Jungle Gyms, Forts, Tents, Sand Boxes, Play/Tree Houses*)
- Periodic repainting and re-staining with the existing color for maintenance
- Small garden plots which meet guidelines and are located behind the residence out of view from the street
- Storm doors (subject to all color and material requirements set forth in Section IV (*Standards and Specifications*))

## C. Community Prohibitions

- Animals other than household pets (except as permitted by Town of Cary)
- Wire-backed wood fences, chain-link fences, and other fence designs except those approved under fence specifications, as detailed in Section IV (*Standards and Specifications*), Article S (*Fences*)
- Commercial advertising signs
- Encroachment on other property
- Satellite dishes more than one meter in diameter
- Metal storage sheds
- Long-term parking of vehicles or trailers on streets
- Permanent clotheslines or those installed on the exterior of the home or property
- Pools, above ground
- Unclean, unsightly, unkempt, unhealthy or unsafe conditions that tend to substantially decrease beauty or safety
- Removal/elimination of window mullions/grills
- Basketball goals or other recreational equipment attached to the garage
  - Free-standing basketball goals are permitted as detailed in Section IV (*Standards and Specifications*), Article D (*Poles and Basketball Goals*)
- Basketball goals, soccer goals, or other sporting equipment shall not be left on the street after dusk
- Front yard vegetable gardens or large wildflower plots
- Homeowner placement of leaves, debris, or waste bins along ParkScene
- Any items not in compliance with neighborhood covenants

## IV. Standards and Specifications

The specifications/details listed below apply both to items requiring submittal and not requiring submittal and are those that have been identified by the Board as requiring a specification. For any items detailed below which do not require submittal, the expectation is that this minimum detail will be met except where Town of Cary requirements prevail.

Failure to comply with all requirements set forth in this document or its appendices may result in initiation of the violations process outlined in Section VII (*Violations and West Park Community Association Remedies*).

### A. Animals

Animals shall not be maintained for any commercial purpose. Household pets are allowed; however, no other animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except as permitted by Town of Cary zoning.

### B. Clotheslines

Permanent exterior clotheslines are prohibited.

### C. Exterior Antennas and Satellite Dishes

Exterior antennas shall not create any safety hazards and must meet all local restrictions concerning height, fire, and electrical codes, etc. Also, they must be installed according to the manufacturer's recommended installation requirements.

Where possible, satellite dishes should be installed behind the house or otherwise out of direct sight from the street.

### D. Poles and Basketball Goals

In order to preserve the scenic views across front yards and along West Park's winding roads, any proposed installation of free-standing poles (such as basketball goals) will require the completion of an Architectural Request Form. Subject to approval, one pole-mounted basketball goal may be proposed for the edge of the driveway provided that its placement does not block the front yard sight lines of adjoining neighbors. Submittals should also include construction and installation details and must meet the guidelines below.

To better preserve sight lines with minimal clutter, consideration should be given to installing sleeve-mounted or portable weighted-base basketball goals, since these can be removed from sight when not in use.

Basketball goal backboards and poles should be of neutral or muted colors and must be maintained in good working order.

Play is allowed from 7:00 AM until 9:00 PM. The community basketball goal at the tennis court parking lot is available during daylight hours.

## E. Lawn Swing Sets, Jungle Gyms, Forts, Tents, Sand Boxes, Play/Tree Houses

All semi-permanent play facilities are to be installed in the rear yard of residences. If it is not possible to install the facilities at least 15' from adjoining property lines, the facilities must be installed a distance at least equal to the maximum dimension of the equipment (height, width, or length) from adjoining property lines. An ARC submission form is required for all semi-permanent play facility installations.

The installation of brightly colored metal or plastic play facilities is prohibited. Construction material colors must be natural woods or earth tones, with neutral color covers where applicable.

## F. Signs

Except as noted herein, no signs, advertisements, billboards, or advertising structures of any kind may be erected, maintained or displayed on any lot. The two exceptions are as follows:

- One "For Sale" sign erected by any homeowner, so long as the sign is placed on the homeowner's property and adheres to the Town of Cary Sign Ordinance.
- Political campaign signs, provided they are on the homeowner's property, are removed in a timely manner (within ten days of the election/event), and adhere to the Town of Cary Sign Ordinance.

Except as noted herein, no signage may be used in common areas or rights-of-way. The two exceptions are as follows:

- Meeting notices and other such information deemed necessary by the Board for communication to the homeowners (e.g., board meetings, community-wide events, etc.).
- Yard sale signs, provided they are dated and promptly removed (within two days) after the event.

## G. Parking

Long-term parking on the streets is strictly prohibited.

Inoperable automobiles must not be parked or stored outside on the property.

No trailers, recreational vehicles, or boats shall be parked outside on any lot or in the streets.

No parking of motor vehicles, trailers, camping trailers or recreational vehicles on soft surfaces.

Parking of commercial or fleet vehicles with payload capacities greater than one ton is prohibited, however, if the vehicle relates to a homeowner's primary source of income, an ARC submission requesting an exception should be submitted.

## H. Driveways and Parking Pads

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

Particularly close attention must be paid to structure placement, setbacks and encroachment due to the size of most lots in West Park.

Painted or colored concrete is **not permitted** for use on parking pads or driveways.

## I. Storage

No trade materials or inventories may be stored on residential lots.

Temporary storage of project materials should be discreetly placed and maintained in an orderly fashion.

A shed must be of materials, design and construction similar to the house and located in the rear of the lot or in an alternate location approved by the ARC.

Trash receptacles must be stored in conformity with Town of Cary regulations and away from street view.

For the safety and security of all homeowners, large/extension ladders must not be stored outdoors.

## J. Swimming Pools

Above-ground pools are prohibited.

Pools must meet setback requirements and must comply with all other Town of Cary requirements.

In-ground pools must meet local code requirements for safety, including fencing. The Town of Cary Code of Ordinance requires the installation of a fence around swimming pools; therefore, since these Architectural Standards and Control Specifications prohibit the installation of fences on corner lots and along property lines bordering ParkScene, the installation of swimming pools on such lots is therefore also prohibited.

For fencing around in-ground pools there are two choices:

- The preferred construction style is the double faced vertical shadowline cedar fence described in Section IV (*Standards and Specifications*), Article S (*Fences*) of this document.
- An alternate construction style is a black metal fence equivalent in design, color, and material to the fence enclosing the main West Park pool.
  - The use of this alternate fence style is strictly limited to swimming pool enclosures.
  - For lot fencing requirements, the requirements detailed in Section IV (*Standards and Specifications*), Article S (*Fences*) apply.

## K. Trees and Leaf Removal

The removal of any tree with a trunk circumference of 20 inches (20") at a height of 2 feet (2') above the ground requires an ARC submission and approval.

**There are no exceptions for the removal of dead or dying trees – these also require prior approval unless the tree has already fallen.**

Tree removal requests are normally processed in a matter of days. Homeowners shall submit an ARC request to remove dead trees as soon as the tree is identified as being dead. Excessive pruning may be subject to actions outlined in Section VII, (*Violations and West Park Community Association Remedies*) if such pruning results in the death of the tree.

The removal of any tree in the buffer zone requires prior written approval from the Town of Cary.

All stumps should be cut or ground as close to ground level as possible.

Leaves and/or other debris to be picked up by the Town of Cary's waste collection services must not be raked or placed onto ParkScene. All homeowners should ensure that any yard cleanup activities correspond with the Town of Cary's loose-leaf collection cycle to reduce the amount of time leaf piles impact vehicular traffic throughout the neighborhood. See the Town of Cary website (<http://bit.ly/LooseLeafCollectionSchedule>) for additional information.

## L. Landscaping

Minor landscaping, such as naturalizing an area of yard and adding small shrubs, flowers, etc., does not require approval of the ARC committee.

No tree, shrub, or other vegetation shall be maintained in such a manner as to obstruct sight lines for vehicular traffic. Plantings within fifteen feet (15') of the curb should normally be maintained at a height of less than thirty inches (30"). Trees within fifteen feet of the curb must be trimmed to maintain visibility for vehicular traffic.

Other types of landscaping which represent more significant projects that may be structural, have an impact on adjacent property, or require strong aesthetic consideration will require submittal. Examples include:

- Retaining walls.
- Drainage, swale, and runoff. Careful consideration should be given to landscaping that will regulate current drainage/runoff to adjoining property. Details should be contained in submittals.
- Except where the same type of grass is to be planted for restoration purposes, any removal of lawn visible from the street requires submission of an ARC request.
- Ornaments/Figurines/Decorations to be placed in public view (front yards, corner lots, etc.). Plans shall be submitted with a picture and/or description of the item, including dimensions, along with a plot plan showing exact location of the item and the distance to nearest property. Signatures of all neighbors who have a direct view of the item shall be obtained. These requirements apply to permanent placements (e.g., bird baths, gazing balls, trellis structures, freestanding flagpoles, metal/concrete sculptures, etc.); they do not apply to the temporary installation of seasonal visuals (Halloween, Christmas, etc.). The Board reserves the right to limit the number of lawn ornaments that are placed



on any portion of a homeowner's property that is in public view, as well as the right to require removal of an item if surrounding homeowners complain and it is determined (in the Board's sole discretion) that the item is unsightly or a nuisance.

- Reflecting pools, waterfalls, goldfish ponds, and other such water landscape features.

The use of rip-rap stone in West Park is limited to drainage concerns located in common areas. Other types of stone may be considered for approval and should be submitted with samples and/or pictures.

Except with prior written approval of the Town of Cary, all buffer areas shall be left in their undisturbed, natural state. However, any property adjoining a buffer area may request approval from the Town and West Park to plant vegetation within their own portion of a buffer area.

## M. Gardens

Vegetable garden plots are restricted to the rear yard of residential lots, at least eight feet (8') removed from adjoining property lines and West Park common grounds. No plantings of any kind are permitted in the common, easement, or greenway areas of West Park.

Vegetable gardens are not permitted in the rear yards of corner lots where the garden would be visible from the street, unless the plot is screened from public view. Such proposed installation of screening must first be submitted, including plant types and locations, for approval prior to installation of the screening and garden.

A garden plot is not to exceed 225 square feet in area (15' x 15').

Planting trellises/supports must be removed at the end of the growing season. Artificial ornaments, scarecrows, and other fauna deterrent devices are prohibited, including any fencing that does not conform with the requirements outlined in Section S, (*Fences*).

Garden plots must be maintained in a conscientious manner including, but not limited to, regular weeding. Within ten days of the first killing frost, all plants and planting materials must be removed and the plot tilled to ground level.

All garden waste must be disposed of properly. Composting is allowed, provided the homeowner complies with the Town of Cary Ordinance 93-09 governing home composting. In addition, the following requirements apply:

- Construction details and placement of composting bins must be submitted for approval. Bins may be purchased or constructed by the homeowner.
- Bins shall not exceed 27 cubic feet total capacity. All bins shall have a lid that will close and lock securely and shall remain covered at all times other than when material is being added. Any openings on the compost bin (other than the main opening for depositing material) shall not exceed 1 1/2 inches.

- Placement of the compost bin shall be in a manner that will least affect the aesthetic appeal of the neighborhood. A top down view (plot plan) showing placement of the compost bin must be included in the submittal for approval.

Insecticides and fertilizers having long lasting, malodorous qualities may not be used.

Lawn and garden equipment should be placed out of public view when not in use.

## N. Hedges and Screen Plantings

No hedge or screen planting shall be erected or permitted to remain on any lot closer to the front lot line than the front of the home.

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

- Concurrence of the adjoining property owner
- Agreement for maintenance access
- Setbacks to allow for plant growth

No hedge or screen plantings are permitted on corner lots.

## O. Decks and Patios

The Board encourages creative designs and patterns for decks and patios, particularly when replacing existing builder-supplied components. However, plans for such improvements shall be submitted to the ARC for approval.

### Deck materials

- Deck materials are generally pressure treated wood or suitable home deck materials. The ARC will review material choices for all deck construction.
- Posts may be made of brick, pressure treated wood or other suitable material.

### Patio materials

- Concrete slabs with smooth finish or exposed aggregate.
- Bricks with sand fill or grout.
- Stone or other suitable materials.
- Patios must be screened with landscaping. Include landscape plan with request.

### Height of decks, 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.

### Location

- Patios should be located behind the house, but may extend beyond, around corners, or be freestanding in other areas of a backyard.
- Decks shall not extend outward beyond the rear corners of the building line. Special cases may require an exception to this rule, and will be determined after a site visit.

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

#### P. Enclosures (Screened Porches, Sunrooms, Etc.)

Enclosures must comply with all Town of Cary building codes, which require Town-issued building permits. Final ARC approval of an enclosure request is contingent on the issuance of the Town of Cary's building permit.

Like other structures, enclosures should be designed and constructed for aesthetic compatibility and preservation.

#### Q. Materials and Colors

This section applies to all exterior materials including but not limited to roof, siding, trim, shutters, door, and windows. Additionally, guidance regarding outdoor lighting color temperatures is provided.

Periodic repainting and re-staining with the existing color for maintenance does not require submittal.

Only exterior materials comparable to those on existing structures and compatible with the architectural character of the community will be approved. Changes from the original color are generally discouraged.

##### **Color Changes**

- Brick will remain unpainted.
- Colors shall be low in intensity (saturation or chroma).
  - Special exceptions to this requirement for main entry doors only can be made when submitting an ARC request.
- Colors must not clash with the colors of the homes in the immediate vicinity.
- Color samples must be included with a request for a color change.

##### **Vinyl Siding**

- If any vinyl siding is subsequently damaged, it shall be replaced with vinyl siding that matches exactly; otherwise, all vinyl siding must be replaced.
- Thickness must be 0.045" or greater.
- Surface finish should be smooth or have minimal embossed wood grain texture.
- Vinyl must have consistent coloration throughout; i.e., color should be molded in, as opposed to just applied to outer surface. Similarly, painted siding is not allowed.
- All corners must have a mitered edge and be covered with casings.
- All cutouts (around hose bibs, electrical outlets, etc.) must be boxed.

##### **Outdoor Lighting**

- Lamps installed into outdoor lighting fixtures should be of similar color temperature (ideally between 2500°K and 3500°K) for all fixtures in public view.

- Light fixtures should be installed in such a way that they light only the homeowner's property and do not encroach nor create a nuisance to neighboring properties when lit.
- Temporary seasonal lighting does not require ARC approval; however, consideration should be given to neighboring properties if such light displays draw traffic or may be considered a nuisance to neighboring properties.

## R. Window Mullions (Grills)

Mullions are to be maintained in all windows visible from any street.

## S. Fences

The intention of these specifications is to allow a specific style 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 or pets. The fence style described in these Standards is both long lasting and provides aesthetic continuity. Quality materials and construction methods shall be employed.

### General Guidelines

- The proposed fence must be constructed in accordance with the specifications detailed below. Any deviation must be clearly defined in the ARC submittal, including the reason for the variance request. Variations or deviations shall be considered by the ARC on a specific basis. Design consistency, architectural compatibility, fence placement, intent, and purpose shall be important considerations for granting a variance.
- Landscape planting plans for the purpose of screening the fencing shall be submitted for review and approval. Plant types, sizes and spacing shall be described and/or graphically illustrated on the required fencing site plan.
- No fencing shall be permitted on corner lots or along property lines bordering ParkScene.
- These guidelines do not apply to fences installed in The Cottages at West Park. Refer to the ParkOaks Neighborhood Covenants.
- Architectural requests for fences in a buffer zone require prior written approval from the Town of Cary.

### Fence Style

- Double Faced Vertical Shadowline

### Materials

- Fence slat material shall be cedar wood
- All hardware shall be corrosion resistant (e.g., galvanized, painted, etc.)
- Fence posts shall be pressure treated 4" x 4" lumber S4S
- Metal, wire, wire-backed wood, chain, chain-link fences, or concrete are strictly prohibited

**Treatment**

- Fences shall be left unfinished to weather naturally, or may be treated with a clear coating for water resistance.
- Painted fences or fences treated with a solid color (non-transparent) stain are strictly prohibited.

**Height**

- No fence shall be higher than fifty-four inches (54"), as measured from the ground to the top of the posts.
- Posts shall extend no more than three inches (3") above the fence line.
- In general, a uniform or patterned height shall be maintained parallel to the ground line.
- When topography or landscape affects height or pattern, a detailed explanation and/or elevation drawing(s) must be included with the submittal.
- Obstruction of views or breezeways of adjoining properties will be given consideration in all cases.

**Location**

- It is strongly recommended that fences be set back at least six inches from the property line. Further setbacks may be required for landscaping.
- Consideration should be given to access and ease of maintenance when selecting location. The property owners are requested to attempt to reach an agreement with adjoining property owners for the location of a shared fence. In the event an agreement between adjoining property owners cannot be reached, property owners will be required to install the fence thirty inches (30") within side property lines to ensure ease of maintenance.
- Fences are restricted to the rear yard of residential lots. No fence shall extend beyond the rear building line.
- Property owners are cautioned that building a fence that infringes on easements or access rights-of-way may result in removal or destruction of the fence. Such building is done entirely at the risk and expense of the property owner.

**Construction Details**

- Infill boards shall be made of cedar wood and surfaced on two edges. Infill boards shall be installed vertically and alternating on both fence faces. For example, one side of the fence will begin with a 6" wide board, then a 6" space, then another 6" wide board, then a 6" space, etc. On the other side of the fence panel, the same installation pattern is repeated, except that each board installed will cover the corresponding space on the first side.
- Fence posts shall be installed on 8'-0" centers. All posts shall be set in concrete. The posts shall be encased in concrete below ground level to a depth of 50% of their height (i.e. a four-foot-high fence post should be cemented in the ground two feet).
- Each fence section shall consist of a top and bottom rail installed on edge, and fastened to the imaginary center line bisecting each post, with a 2x2 Jack Stud

between the top and bottom rails. The upper edge of the top rail shall be 6" below the top of the post with the top of the bottom rail being 44-1/2" from the top of the post. Each infill panel shall be four feet (4' 0") high with the corners of the top of each infill board clipped 1-1/2" on a 45-degree angle and the top of each infill board extending 3" above the top edge of the top rail. The top of each infill panel will therefore be 3" below the tops of the posts to which each panel is attached.

## T. Solar Panels

Due to differing house styles and new advancements in solar technology resulting in new panels, design and changes in size requirements, each request for approval will be considered on its own merits.

A panel which lies flat with the roof pitch and cannot be easily seen from the ground or public areas would be the most readily accepted. When a flat installation is not possible, design considerations must be given to how the installation will blend in with the design of the home.

Installations which are more easily seen from the street or neighboring properties require more attention towards blending them in as inconspicuously as possible with the existing structure. Recognizing that the standards specified in this document are in place primarily to preserve the developer's original vision for the aesthetics of our community and that North Carolina law allow "binding agreements that run with the land" to limit placement of panels "visible by a person on the ground" on any façade facing common and public areas, **some homes in our community simply may not be viable candidates for solar installation.**

All installations of solar panel systems must comply with all applicable Town of Cary building codes and other government regulations and must be secured so that they do not jeopardize the safety of residents or cause damage to adjacent properties.

### Panel, Mounting and Color

- Ground mounted solar panels systems are prohibited. Only roof mounted solar panel systems will be considered.
- The panels should be mounted as close to flat on the roof as possible.
- To the extent possible, panels should be centered laterally on the highest roof area, located near the ridge line, and in such a way that visibility of the array is limited from the ground and common areas.
- Panels should be the same size and shape and placed together to avoid gaps between panels.
- Panels shall be placed so as not to have a "step" appearance from one panel to the next.
- To the extent possible, the panels facing a street should follow the contour slope of the roof.
- No part of the installation should be visible above the peak of the roof on which it is mounted.

- All non-absorbing parts must be painted to match the roof or in certain circumstances, be enclosed and painted to match the background.
- Piping, wiring and other devices must be hidden or minimally visible.

#### **Tree Preservation and Planting**

- Consideration shall be taken regarding the future height of neighbors' trees/shrubs when planning placement of solar panel systems.
- Under no circumstance shall any neighbor (or, if applicable, the West Park HOA/Town of Cary) be required to remove or prune established plantings to accommodate the homeowners solar panel system.
- Once the solar system plan has been approved, adjoining neighbors may not build or plant structures that will obstruct solar collection without prior approval from the neighbor owning the solar collectors.

#### **ARC Request for Solar Panels**

- All requests for solar panel installation shall include:
  - An "Annual Irradiance Summary" report from the professional installation contractor.
  - A rendering of the panel placement upon the roof.
  - A copy of the vendor's color brochure showing panel design and color.

### **U. Mailboxes and Posts**

The West Park covenants require uniformity for mailboxes throughout the development which is most easily achieved through maintenance of the original developer's standard for the neighborhood. These standards can be broadly defined as follows:

- ParkOaks residents shall maintain the decorative, black metal post and mailbox with brass bands as supplied by the developer.
- All other residents shall maintain a cedar post identified by a trapezoid with the house numbers on the horizontal cross-member as supplied by the developer.

To ensure uniformity and aesthetics throughout the neighborhood, the ARC has further defined the Standards and requirements for mailboxes and posts as detailed in *Appendix A: West Park Mailbox and Post Standard*.

Please note that replacement of any existing mailbox post requires an ARC submittal, as described in Section III (*Guidelines*), Article A (*Types of Changes Which Require Submittal*) of this document.

## V. Maintenance

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

The following is a list of areas that should be reviewed on a regular basis to ensure that your home is in good repair:

- Shrubbery, trees, garden beds and lawns
- Driveways and sidewalks
- Decks
- Fences
- Sports and playground equipment
- Roofing
- Paint and stain
- Garbage and recycling can storage
- Storage of personal property
- Outdoor lighting

If at any time the Board is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the Property Management Organization will be requested to make a site inspection. They will then make recommendations to the Board.

Based on the severity of the deterioration, the homeowner will be given a specified length of time to make the necessary repairs. If after that time the repairs still have not been made, the Board has the obligation of enforcement described in Section VII (*Violations and West Park Community Association Remedies*) of this Standard.



## VI. Process

All changes, additions or deletions that have been previously identified as requiring submittal, or that the homeowners believe may require submittal, shall follow the process described in this section. The approval process is detailed below for all architectural application requests. Homeowners should keep the following points in mind:

- No construction shall begin without written approval of the submittal via the established ARC Request process. Therefore, no commitment for labor and/or materials should be given to contractors prior to receipt of written approval.
- No application shall be submitted for a Town of Cary Building Permit prior to formal approval by the ARC unless directed to so by the ARC.
- Please allow enough time for processing and approval of formal requests (up to 45 days, as specified in the *Master Declaration of Covenants*) when planning for construction.

### A. Planning and Preparation of Submittal

Using this specification, determine if a submittal is required. It is always recommended an application be submitted for any exterior change to avoid fines or penalties.

Prepare the Architectural Review Form and attach any drawings, sketches, plot plans, color samples, and supplemental documents for the Architectural Review Committee's review. A complete submittal that will fully describe/depict the change request and will stand on its own without need for further explanation or clarification.

Present the complete submittal to all adjoining property owners or neighbors who may be visually impacted by the change and obtain their signatures. This signature only indicates that each neighbor has seen the complete submittal and is NOT an indication of a neighbor's approval of the submittal.

After gathering all required documentation, the request form should be presented to the Property Management Organization. The Property Management Organization will perform an initial review of the submittal for completeness and legibility. Incomplete or illegible submittals will be returned immediately to the homeowner. Upon receipt of a complete and legible submittal, the 45-day review period will begin.

### B. ARC Review

The Property Management Organization will forward copies of all submittals to the ARC for evaluation. All applications will be kept on file with the Property Management Organization.

If necessary, members of the ARC may request a site visit with the homeowner and/or request additional information to support the homeowner's request. Any applicable service level timers are not suspended while awaiting additional information from a homeowner. Incomplete requests will be denied upon expiry of the 45-day service level objective.

Upon conclusion of any discussion within the ARC, each active member will approve, deny or conditionally approve the ARC request.

In the event that the ARC cannot gain consensus to approve or deny a request, between both members, the submittal will be denied. In the event that ARC members agree upon the alignment of a request with these standards and guidelines, but disagree on the need for additional requirements to be met, the request will default to a conditional approval.

In the unlikely event that a properly submitted and complete request extends beyond 45 days from the Property Management Organization's acceptance of the submittal, the request will be approved by default.

The ARC Chairperson will indicate the status of the request to the Property Management Organization. Upon issuance of the ARC's decision, the 45-day clock will stop.

The Property Management Organization will complete a response letter indicating the ARC's decision and mail it within five working days. The details of any disapproval will be communicated to the homeowner.

Upon receipt of written notification to the homeowner, approved requests may proceed. In the event the request was denied or approved with conditions, the requesting homeowner may appeal the ARC's decision, as noted in Section C, (*Appeals/Resubmittals*).

### C. Appeals/Resubmittals

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

At its regular monthly meeting, the Board will review all appeals from homeowners regarding disapproved applications by the ARC. The Board will vote on any applications that were not approved by the ARC. Disapproval by the Board may be on any grounds, including overdue homeowner's assessment fees.

Portions of the monthly meeting are open to homeowners that may wish to discuss a submittal. Any responses by adjoining property owners will be reviewed and taken into consideration prior to formal Board review. Should the submittal have been disapproved on a technicality (i.e. location or height of a fence), and the homeowner is willing to comply with the remedy proposed in the ARC or Board's response letter, then the homeowner will need to notify the Property Management Organization's office that they wish to amend their application. The revised submittal will then be reconsidered by the ARC and/or Board. The homeowner will be notified electronically of the decision and will receive a written approval letter citing the change(s) required to approve the request.

## D. Time Frame for Construction

Construction should begin at the indicated start date or within three months after the date of the written approval letter. Work must be completed within six months after construction begins, unless an extension is requested and granted.

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

## E. Details for Submittal

In some cases, many attributes or details of a proposed change, addition, or deletion are required for the ARC and/or Board to make sound, responsible decisions. In other cases, the nature of the change will be simple and straightforward, as will be the submittal.

The following items may be used to further describe or visually depict the requested change (as applicable):

- Identification of the party responsible for performing the improvement (homeowner, contractor name, etc.)
- 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) with dimensions included as applicable
- Elevation drawings - a side view that will show height, topography of the land, and a visual image of the change
- Written description of the types of materials to be used or a contractor's bill of materials, work order, or quotation
- Pictures, magazine cutouts, photos of a similar project in the area, etc.
- Color chips
- Location for building material storage during construction, soil disposal plan, drainage plan, and landscaping or revegetation plan (as applicable)
- Any other aids that will assist the ARC and/or the Board in their review

Drawings should be to scale to show relationships 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 showing rooflines and similar details should suffice.

## F. Inspections and Material Deviations from Submitted Plans

The ARC and the Property Management Organization have been directed by the Board to do random on-site inspections to ensure compliance with approved submittals. Homeowners are asked to cooperate during such inspections. At a minimum, the homeowner is asked to notify the Property Management Organization within 30 days of the completion of the project. If deficiencies or significant deviations are noted, the homeowner will be notified in writing by the Property Management Organization, with a response expected within 30 days.

Failure to comply with this process or requested remedial actions may result in a violation, as detailed in Section VII (*Violations and West Park Community Association Remedies*).

## VII. Violations and West Park Community Association Remedies

There are typically two types of violations that must be addressed by the West Park Community Association:

- Implementing a change, addition, or deletion without approval of a properly completed submittal; and,
- Deviation or noncompliance with an approved submittal.

### A. Homeowner Association Remedies

Enforcement of this Standard is detailed in Article VIII, Section 4 of the *Master Covenants and Restrictions*, and Article VII of the *By-Laws*.

Any lot owner charged with a violation shall be given notice in writing of the charge, opportunity to be heard and to present evidence, and notice of the decision. If it is decided that a fine should be imposed, the fine will be one hundred dollars (\$100.00) per violation, per day, until all remedial work specified by the Board has been completed. Such fines shall be assessments secured by liens under G.S. 47F-3-116.

Remedies include (but are not limited to) any of the following actions:

- Suspension of voting rights and privileges
- Levying of penalties as approved by the Board
- Charging an administrative fee to cover the costs associated with the additional correspondence and inspections performed by the Property Management Organization to mandate compliance
- Obtaining a restraining order to prevent an action
- Obtaining a court order to require the homeowner to remove a project
- Entering a property to remove a project at the homeowner's expense
- Submitting a lien against the homeowner's property for outstanding indebtedness to the Association for nonpayment of penalties, removal fees, etc.

### B. Remedial Process

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

### C. Grace Period for Changes to Standards

At the Board's discretion, fines and enforcement actions may be suspended to allow time for homeowners to achieve compliance when there are material changes to these standards and guidelines. Such suspensions will be formally decided by the Board, and such decisions will be communicated to homeowners along with a copy of the new Standards and Guidelines document.

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## Appendix A: West Park Mailbox and Post Standard

The West Park covenants require uniformity for mailboxes throughout the development. This is most easily achieved through maintenance of the original developer's standard for the neighborhood, which are broadly defined as follows:

- ParkOaks residents shall maintain the decorative, black metal post and mailbox with brass bands as supplied by the developer.
- All other residents shall maintain a cedar post identified by a trapezoid with the house numbers on the horizontal cross-member as supplied by the developer.

To ensure uniformity and aesthetics throughout the neighborhood, the ARC has further defined the requirements for mailboxes and posts as detailed in this section.

***Replacement posts must be constructed per the specifications set forth in this section.***

**Replacement of any existing mailbox post requires an ARC submittal, as described in Section III (Guidelines), Article A (Types of Changes Which Require Submittal) of this document.**

For homeowners that have previously purchased aluminum mailbox posts that were compliant with previous iterations of this Standard, these may remain acceptable with minor changes until such time as a replacement is required. An ARC submittal requesting a formal exception to this Standard should be submitted along with photos of the current mailbox, post and address numbers.

If required, homeowners should contact a member of the Property Management Organization for a current list of vendors that can supply a mailbox, post, and address plaque compliant with this Standard.

### A. Replacement of Existing Mailboxes and Posts

West Park mailboxes and posts shall be maintained in good aesthetic and working order per the original designs established by the developer.

Homeowners will be required to obtain a new post, address placard and/or mailbox that is compliant with all requirements set forth in Article B (*Mailbox and Post Specifications*), if any of the following conditions are present:

- Previous maintenance or required repairs to the mailbox leverage additional wood, metal bracing (including repair collars) or non-standard hardware to be installed
- Cedar horizontal cross-members installed on pressure-treated wood posts
- Improper application of the mailbox Standard to the wooden post (e.g. improper design at the top of the post, angled cross-brace below the horizontal member, missing or non-standard numbers, application of colored stains or paint on posts, etc.)
- Posts that have been significantly damaged near the base

- Horizontal cross-members with any part of the address numbers missing or damaged
- Mailboxes that show any signs of rust or with finishes or hardware not supplied by the original manufacturer or developer

## B. Mailbox and Post Specifications

Posts shall be mounted in accordance with U.S. Postal regulations requiring the mailbox to be between 42 and 48 inches above the height of the street. Posts should also be mounted such that the front of the installed mailbox is between six and eight inches back from the edge of the curb. While not required, concrete or a polyurethane post-fill (such as Sika Fence Post Mix) will ensure sustained levelling and positioning of the post.

Posts and the horizontal cross-member must be constructed from 4x4 **clear** Western Red cedar with all four sides sanded (S4S) and an appearance grade of #2 or better. **Clear stains or preservatives designed for cedar may be used; however, colored stains, paints, or other preservatives are prohibited.**

The design's horizontal cross-member should be affixed to the main post using two (2) galvanized or stainless-steel lag bolts that are at least six-inches (6") in length. These lag bolts should be pre-drilled through the post and horizontal cross-member. The bolts should be countersunk on the rear face of the post such that the top plane of the bolt head is flush with the rear face of the post. Matching washers should be used on the heads of both lag bolts to prevent pull-through.

The trapezoidal house number address requirement can be met by attaching an engraved polyethylene plaque as specified in Figures A, C, and D. Number plaques shall be permanently affixed on both sides of the mailbox post's horizontal cross-member using appropriate fasteners. Fasteners should be pre-drilled in both the placard and horizontal cross-member and must be used **only** in the two locations designed into the placard.

Appropriate fasteners are as follows:

- four #7 1-5/8" stainless steel trim screws (as supplied with the address placard)
- four #6 or #8 1-1/2" flat head stainless wood screws

Address numbers should be affixed only on the horizontal cross-member using the approved vendor's plaque, and are not permitted to be duplicated anywhere else on the mailbox or post.

The mailbox shall be a standard metal (USPS type T1, T2 or T3) box with a black finish and red flag, as exemplified in Figure A on the following page. The mailbox must be mounted to the horizontal cross-member using the mailbox manufacturer's recommended mounting solution (e.g. a plastic baseplate, hidden metal brackets, etc.) using stainless steel or galvanized screws.

With the exception of the required address placard described above, **nothing** may be attached to the mailbox or post that is not defined within this Standard or supplied by the mailbox manufacturer at the time of installation. This includes (but is not limited to) magnetic mailbox wraps, additional mailboxes (such as those provided for the convenience of newspaper carriers), metal garden flag hangers, additional bracing, repair collars, reflectors, etc.



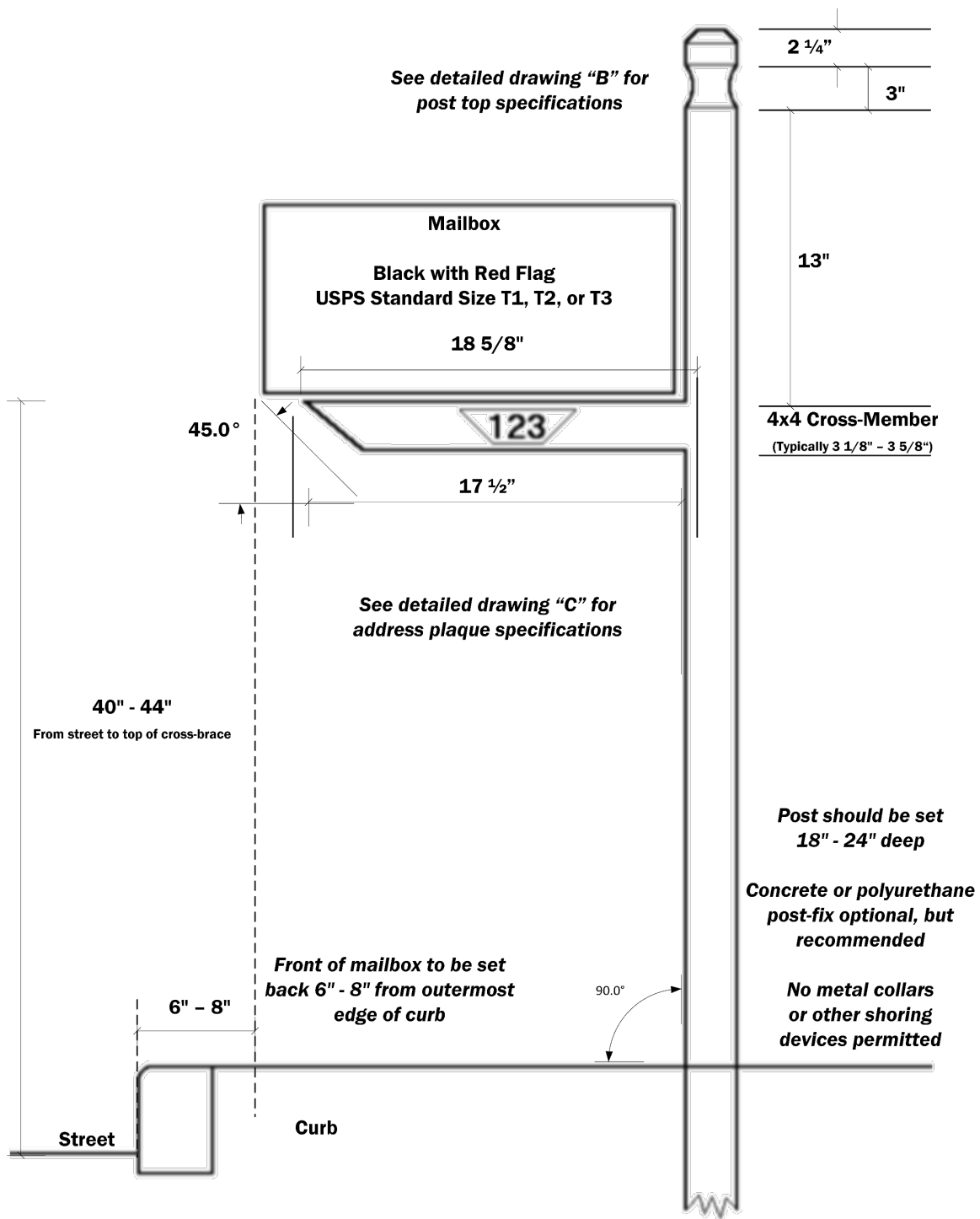


Figure A - West Park Mailbox Standard – Overview

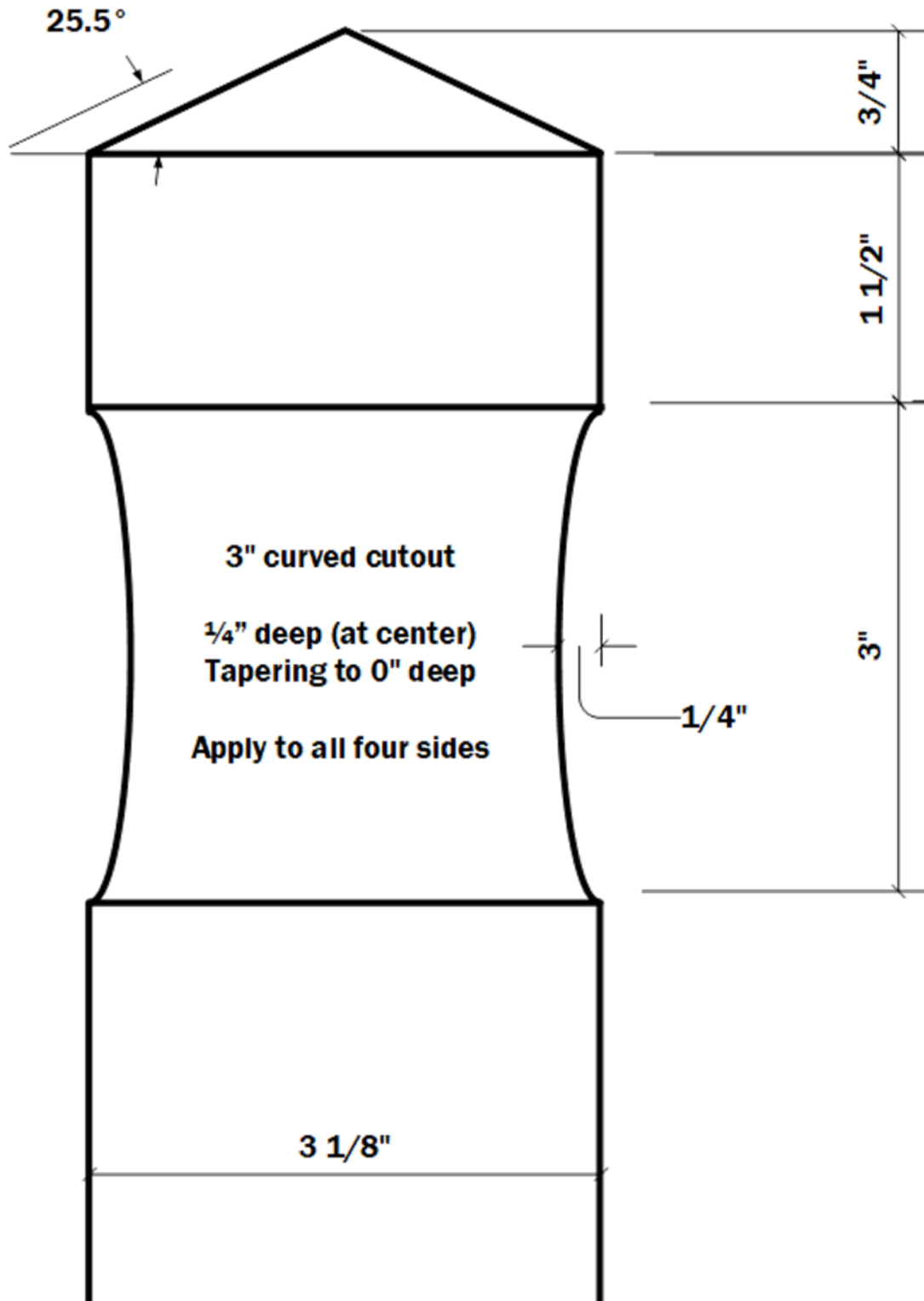


Figure B - West Park Mailbox Standard - Post Top Detail

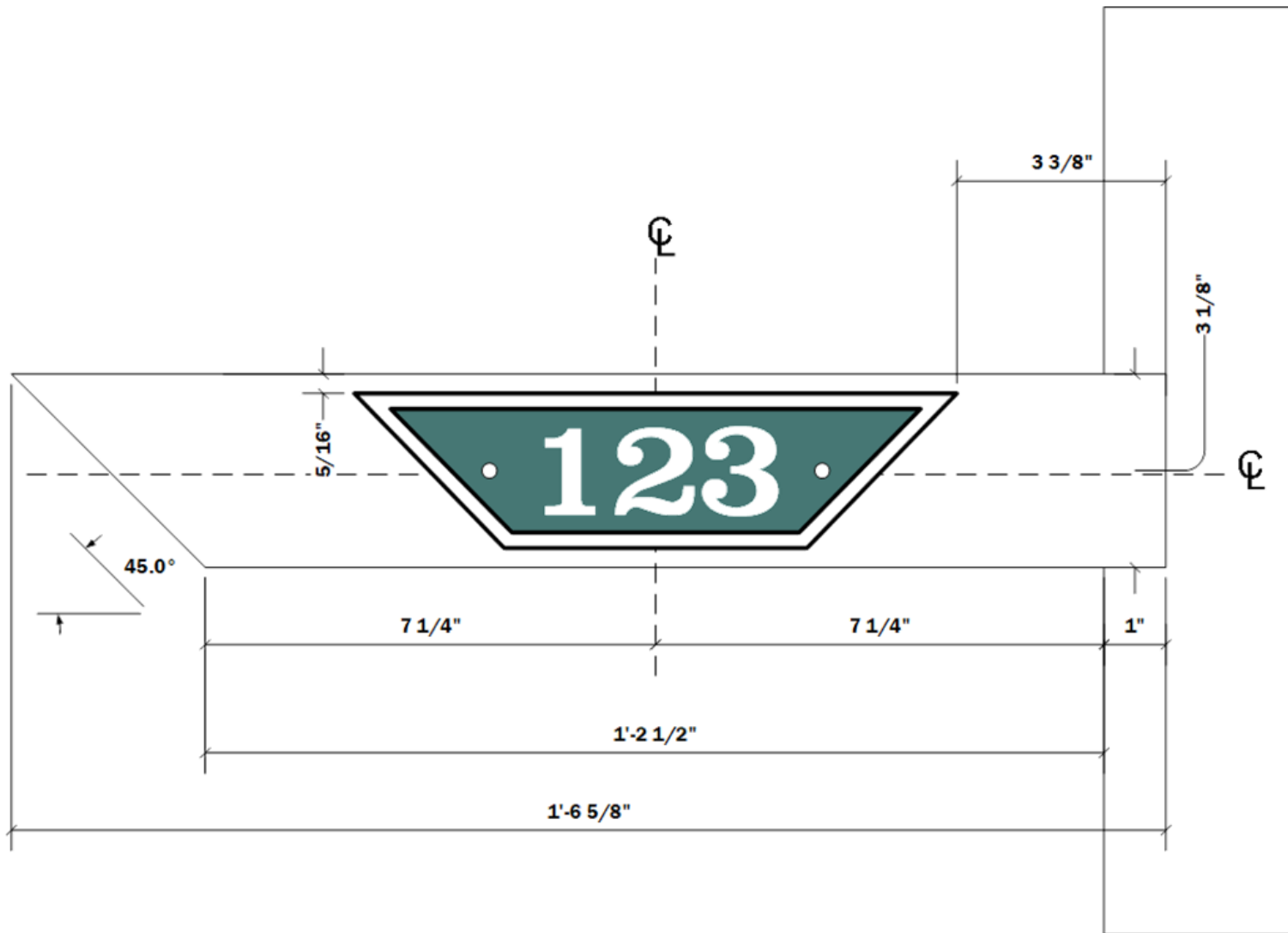
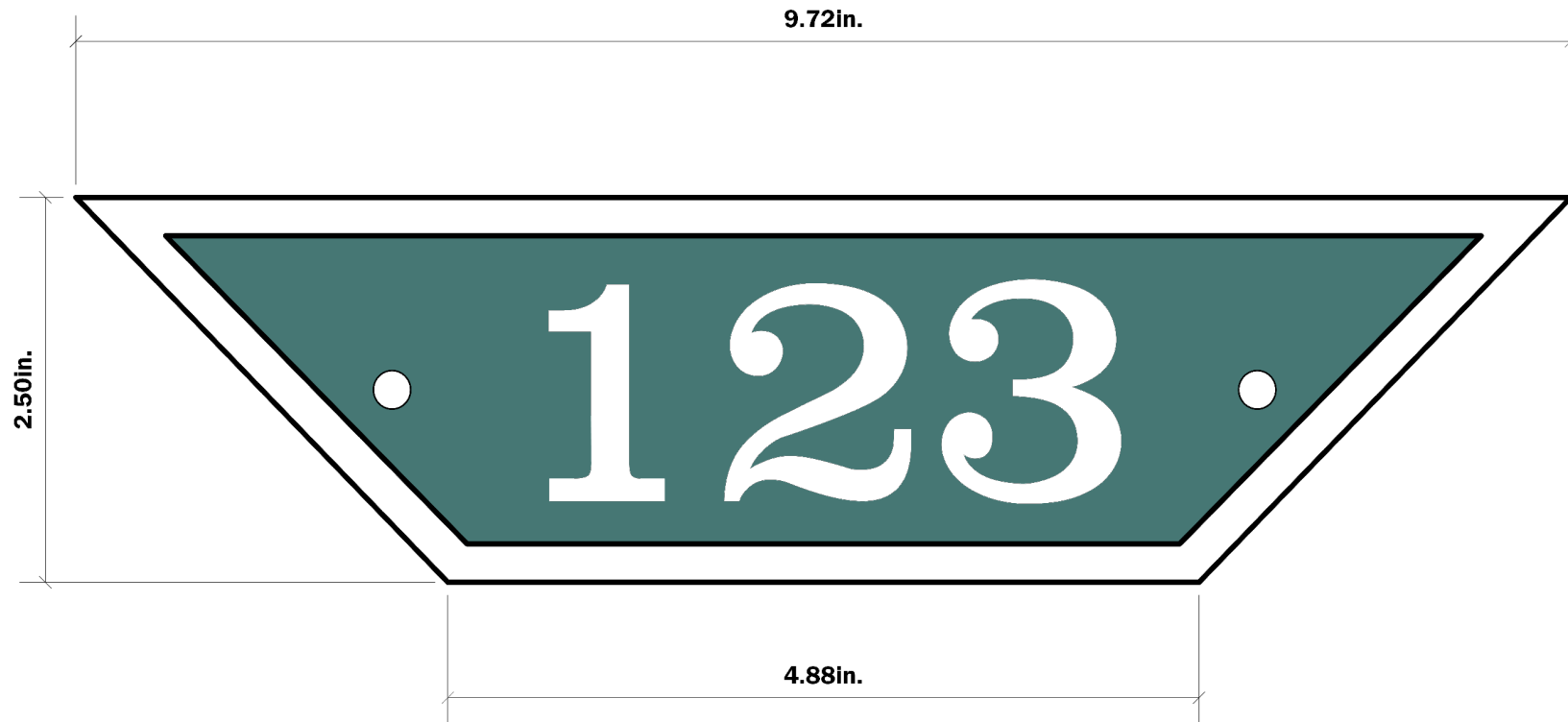


Figure C - West Park Mailbox Standard - Horizontal Cross-Member Detail and Dimensions



- Address plaque to be constructed from ½" thick UV stabilized marine grade polyethelene to the above specified dimensions
- Background color to be similar to Sherwin Williams SW6768 ("Gulfstream") or Elements "#3 Tropical Teal"
- Foreground color to be white
- Borders around the trapezoid to be ¼" bevel in white
- Font to be used for numbering is "Clarendon" at a height of 1.5", centered in both the horizontal and vertical plane
- Screw holes shall be pre-drilled by the manufacturer
- Address plaques are to be installed on both sides of the mailbox post's horizontal cross-member, centered evenly in the x and y plane or installed to cover the existing recessed address marker (if applicable) using stainless steel fasteners as specified in Appendix A

*Figure D - West Park Mailbox Standard - Address Plaque Detail and Dimensions*