



*Park Village Homeowners Association, Inc.*

# **Architectural Control Standards And Procedures**

**Revision 2.70  
July 2016**

# Architectural Control Table of Changes

## Table of Changes

- Revision 2.00 Distributed 07/15/97. Available only in hard copy. Complete rewrite of the Homeowner Guidelines And Procedures For Architectural Control. Changed title to Architectural Control Standards And Procedures.
- Revision 2.10 Released 09/15/98. This is the first soft copy version to be released. Incorporates the updated Section 3.01, allowing translucent staining of decks; this update was distributed via the October 1997 Park Village Gazette. Modified Section 3.03 to change wording specifying fences on corner lots to be measured from the curb, not the property line; removed restriction of lots bordering Park Village Drive. Added "Garbage Can Area Fence" to section 3.03. Clarified tree removal in section 3.07. Added "Flower/Plant Containers" and "Security Sign" to section 3.07. Updated Section 3.10 to specify no two houses within 4 houses may have the same base, shutter, door, or trim colors. Added new section "Mailboxes", section 3.14. Corrected Talis Management's Fax number. Corrected minor grammatical and formatting errors.
- Revision 2.20 Released 12/01/2000. Updated Section 2.04, "Management Company Address and Telephone Numbers" with new Management Company's information.
- Revision 2.30 Released 10/15/2002. Updated Section 3.03, "Fences", to allow staining of fences with a Behr Semi-Transparent stain, "Cedar Naturaltone".
- Revision 2.40 Released 11/01/2004. Updated Section 3.01, "Decks", to allow composite materials. Updated Section 3.02, "Building Addition or Exterior Modification", with more comprehensive materials subsection, along with addition of requirements for non-permanent additions. Updated Section 3.03, "Fences", to allow brands of stains other than Behr, and modified some grammar. Updated Section 3.14, "Mailboxes", with paint color information, and minor grammatical changes.

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- Revision 2.50 Released 11/01/2008. Updated Section 2.02, “Architectural Control Committee Application Request Form.” Added Section 3.15, “Window & Through-the-Wall Air Conditioning Units.” Added Section 3.16, “Replacement Siding and Trim.” Added Section 3.17, “Porch & Stair Railings.”
- Revision 2.60 Released 12/19/2014. Updated Section 1.01, “Introduction.” Updated Section 2.01, “Application Instructions,” clarifying where to get the application form, when the form is due, where to submit the completed form, and updating who to contact prior to digging. Updated Section 2.02, “Architectural Control Committee Application Request Form,” providing significantly more information on what is required; updated the application form, including signature lines, and changing “neighbors” to “home owners,” as well as other clarifications. Updated Section 3.02, “Building Addition/Exterior Modification” with new information regarding replacement garage doors. Updated Section 3.03, “Fences,” clarifying gate requirements. Updated Section 3.10, “Exterior Painting,” clarifying paint types and “four house” policy. Updated and renamed Section 3.14, “Mailboxes & Posts,” to clarify where replace mailboxes, numbers, and posts can be obtained. Updated Section 3.15, “Window & Through-the-Wall Air Conditioning Units,” changing the maximum number of days a temporary air conditioning unit may be used. Updated Section 3.16, “Replacement Siding and Trim,” clarifying materials that are acceptable and recommended, and other requirements. Added new Section 3.17, “Replacement Roofing.” Updated Section 3.18, “Porch & Stair Railings.” Updated Section 4.01, “Maintenance”, to explicitly include wording related to liens and fines.
- Revision 2.70 Released 07/26/2016. Updated Section 2.01 and Section 2.02 to indicate Park Village Architectural Control Committee meetings have moved to the second Wednesday of the month from the second Tuesday of the month. The 7:00pm start time remains the same. Updated Section 2.02, “Architectural Control Committee Application Request Form,” clarifying multiple points. Added additional instructions for getting signatures from home owners not residing at abutting property. Updated Section 3.01, “Deck,” now allowing solid bodied stains and metal balusters. Updated Section 3.02, “Building Addition or Exterior Modification,” adding clarifications of screened porch vs. sun room; also added sky light information. Updated

# **Architectural Control Table of Changes**

Section 3.16, "Replacement Siding and Trim," allowing textured siding without Carolina bead as well as clarification of measurement of siding boards. Updated Section 3.17, "Replacement Roofing," clarifying brands, styles, and colors which are pre-approved. Clarified application requirements. Renamed Section, 3.18, "Front Porch & Stair Railings," to clarify intent.

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**Introduction**

**and**

**General Information**

## Introduction

**WELCOME** to Park Village. Our community is an exciting and vibrant place in which to live and the people here wish to make it an even better place to call home through their continuing efforts to protect, maintain and enhance their property values.

Park Village is a Planned Unit Development (P.U.D.). The original tract of approximately 183 acres was planned, designed and approved as a self-contained, deed-restricted community with its own set of covenants, conditions and order of rule under which all property owners would live and abide and which provide for the maintenance of all Common Properties and improvements thereon (see your Master Covenants, Conditions, and Restrictions and other related documents). Conditions and restrictions were set so that aesthetics, congruity, appearance, safety, etc., would be defined and written guidelines would be promulgated (e.g., this handbook) in order to create an environment where approximately 608 homeowners could live in harmony. Each homeowner has some degree of assurance that actions of all members of the community are directed so as not to adversely impact the quiet enjoyment of their property or their property values. In effect, a P.U.D. is a "mini city" where there is a mayor (Board President), a city council (Board of Directors), a city manager (Property Manager), functional departments (Committees), and citizens (Homeowners). The ultimate intent of the covenants of a P.U.D. are not to create a totalitarian environment where property rights are trampled, but rather a self-ruled community where its members (Homeowners) look after their home and property and, ultimately, their investment through active participation in the governance of the community and on committees advising its appointed or elected leaders.

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

## **Architectural Control Committee**

### **ORGANIZATION**

The Declaration of Master Covenants, Conditions and Restrictions for Park Village requires that an Architectural Control Committee (ACC), consisting of three or more persons, shall be appointed by the Association's Board of Directors and shall be responsible to the Board. The Committee Rules and Regulations adopted by the Board of Directors specify that the Architectural Control Committee shall consist of not more than nine (9) members.

The Architectural Control Committee shall be organized with a chairperson, vice-chairperson, recording secretary and committee members. The chairperson shall be appointed from the membership of the Architectural Control Committee by the President of the Board of Directors with the approval of a majority of the Board of Directors. Membership on the Architectural Control Committee requires approval of the Board of Directors.

### **PURPOSE**

The Architectural Control Committee shall regulate the external design, appearance and location of the properties and improvements thereon in such a manner as:

- to promote those qualities in the environment that bring value to the community.
- to foster the attractiveness and functional utility of the community as a place to live, including a harmonious relationship among structures, vegetation and topography.

The Architectural Control Committee is responsible for:

- reviewing applications for exterior architectural and landscaping changes from individual homeowners.
- approving or denying submitted changes by a majority vote unless the authority to approve or deny is delegated to a part of the committee or an individual by a majority vote.



- developing draft architectural Standards and related regulations for submission to the Board of Directors for approval.
- enforcement of architectural Standards and related regulations as directed by the Board of Directors.

## **AUTHORITY**

The authority of the Architectural Control Committee flows from the Declaration of Master Covenants, Conditions and Restrictions for Park Village, the By-Laws of the Park Village Homeowners Association, Inc., the Articles of Incorporation of the Park Village Homeowners Association, Inc., the Committee Rules and Regulations of the Park Village Homeowners Association, the Enforcement Procedures of the Park Village Homeowners Association, the Architectural Control Standards and such other relevant rules, regulations, or resolutions related to architectural control as may be adopted by the Board of Directors. The Declaration of Master Covenants, Conditions and Restrictions for Park Village, the By-Laws of the Park Village Homeowners Association, Inc., and the Articles of Incorporation of the Park Village Homeowners Association, Inc. were provided to you at closing in your homeowner's manual. A copy of the Architectural Control Standards should also have been provided to every homeowner. Copies of all legal documents, rules, regulations, resolutions and other relevant documents are maintained on file by the management company. Some of the details of the Architectural Control Committee authority is explained below, but considerably more detail is contained in the documents listed above.

The Architectural Control Committee does not have authority over the initial construction and landscaping of dwelling units constructed by the Declarant (the developer) within Park Village and has no authority over common areas or commonly owned property such as the Clubhouse, the pool, the playground, mini-parks, the Park Village Drive right-of-way, trails and other common areas.

The Declaration of Master Covenants, Conditions and Restrictions for Park Village provide that no building, sign, fence, outside lighting, hedge, wall, walk, antenna, clothesline or other structure or planting shall be constructed, erected or planted until the plans and specifications showing the nature, kind, shape, height, materials, floor plans, color scheme, and location with respect to the topography and finished ground elevation shall have been submitted to and approved in writing by the ACC. The ACC shall have the right to refuse to approve any plans and specifications which are not suitable or desirable, in its sole discretion, for aesthetic or any other reasons, provided such approval is not unreasonably

withheld. In approving or disapproving such plans and applications, the ACC shall consider the suitability of the proposed building, improvements, structure, or landscaping and materials of which same are to be built, the site upon which it is proposed to be erected, the harmony thereof with the surrounding area and the effect thereof on adjacent or neighboring property.

The Architectural Control Standards adopted by the Board of Directors in September, 1994, provided that no building, fence, wall, residence, structure, or projection from a structure (whether of a temporary or permanent nature, and whether or not such a structure shall be affixed to the ground) shall be commenced, erected, maintained, improved, or altered, nor shall any grading, excavation, tree removal, planting, change of exterior color or other work which in any way alters the exterior appearance of any lot or improvement be done without the prior written approval of the Architectural Control Committee regarding (a) the harmony of its exterior design and location in relation to (b) the character of the exterior materials and (c) the quality of the exterior workmanship.

The Declaration of Master Covenants, Conditions and Restrictions for Park Village also provides that there is specifically reserved unto the ACC, the right of entry and inspection upon any Lot for the purpose of determination by the ACC whether there exists any construction of any improvement which violates the terms of any approval by the ACC or the terms of this Declaration or of any other covenants, conditions and restrictions to which its deed or other instrument of conveyance makes reference. The Enforcement Procedure of the Park Village Homeowners Association, Inc. provides that the power to enter and inspect shall be exercised in a reasonable manner and that nonconsensual entries shall not be made without express approval of the Board of Directors.

The ACC has the right, but not the obligation, to grant waivers for minor deviations and infractions. The granting of any waiver for any portion of the properties may be given or withheld in the ACC's sole discretion and a prior grant of a similar waiver shall not impose upon the ACC the duty to grant a new or additional requests for such waivers.

## STANDARDS

The Architectural Control Committee shall develop proposed policy standards for submission to the Board of Directors of the Association for approval setting forth policies and procedures governing the architectural control review and

enforcement process for Park Village. The policy standards shall include (a) the application process, (b) review procedures of the Architectural Control Committee, (b) the standards for various types of architectural and landscaping changes, and (d) such other Standards and rules as may be necessary to implement effective architectural control in Park Village. The Standards may also include specific recommended design practices that are generally accepted methods for achieving the objectives of the Association in particular design problems frequently encountered in the community. The policy standards are intended to assist the Architectural Control Committee and the Owners of lots in the ongoing process of community design.

## **Enforcement**

### ***ENFORCEMENT AUTHORITY AND RESPONSIBILITIES***

#### **1. Board of Directors**

- a. The Park Village Homeowners Association Board of Director is responsible for overall direction and approval of all enforcement actions.
- b. The Board of Directors is responsible for appeal of enforcement actions by the Architectural Control Committee (ACC).
- c. Committees and the Management Company shall only have the enforcement power delegated to them by the Board of Directors, except that the ACC shall have that power delegated to it by the Covenants and related documents within the procedures established by the Board. All other enforcement powers shall be retained by the Board of Directors.

#### **2. Architectural Control Committee:**

- a. The ACC shall be responsible for identification and enforcement action against violations of the Architectural Standards, covenant provisions related to architectural standards, and rules and regulations related to architectural control on individual homeowner's lots.
- b. The ACC shall maintain close liaison with the management company to identify violations and to process complaints in a timely manner.
- c. The ACC may investigate alleged violations or may request the management company to conduct such investigations.
- d. The ACC shall review the results of investigations and take immediate action to prevent violation or continued violation where possible and make a recommendation to the Board of Directors for appropriate enforcement action.

### 3. Management Company

- a. The management company, under contract to the Park Village Homeowners Association, shall be responsible for conducting field inspections of Park Village to identify problem areas and violations. Inspection reports consisting of all sections shall be included in Board packets for all members of the Board of Directors. Inspections identifying areas requiring immediate action shall either be acted upon immediately by the inspector, reported to the Community Manager for appropriate action, or the appropriate chairperson notified as soon as possible.
- b. The management company shall receive complaints from any source regarding problem areas and violations requiring possible enforcement action in Park Village. The management company shall document all complaints received and forward them to the appropriate person(s) for action or act upon them depending upon the nature of the complaint.
- c. The management company shall perform those functions related to enforcement action as directed by the Board.
- d. The management company shall keep appropriate committee chairpersons informed and keep the Board informed through the President or other designated person(s), and by other appropriate means, of enforcement actions taken and of potential problem areas where enforcement may become necessary.

### *The Enforcement Process:*

#### 1. Identification and Investigation of Violations:

- a. For architectural violations, the Architectural Control Committee and the Management Company are primarily responsible for identification of violations and investigation to determine if an architectural violation has occurred.

#### 2. Enforcement Action:

- a. Architectural Control Violations

- 1) For enforcement action involving Architectural Control Violations, the Management Company is primarily responsible for initial enforcement action regarding minor architectural or landscaping changes without ACC approval and architectural or landscaping changes begun or completed after application for ACC approval but before actual approval.
- 2) For enforcement action involving major architectural or landscaping changes without ACC approval and architectural or landscaping not consistent with ACC approval, the management company is primarily responsible for initial enforcement action as approved by the ACC.

## *Architectural Control Enforcement*

### **1. The ACC has authority under the covenants to:**

- a. Enter and inspect any lot for the purpose of determination by the ACC whether there exists any construction of any improvement which violates the term of any approval of the ACC or the terms of the Covenants. This power shall be exercised in a reasonable manner and nonconsensual entries shall not be made without express approval of the Board of Directors.
- b. Enforce architectural standards.
- c. In its discretion, release existing improvements from restrictions or encroachments they violate in appropriate circumstances.
- d. In its discretion, grant waivers for minor deviations and infractions if appropriate.

### **2. The Architectural Enforcement Process:**

- a. The ACC shall maintain close liaison with the management company to identify violations and to process complaints in a timely manner. Field inspection reports related to architectural violations shall be forwarded to the Board of Directors by the management company in their monthly

report. The ACC shall also initiate proactive measures to identify violations.

- b. All complaints received by the management company alleging architectural violations shall be investigated on a property inspection, if needed, by the chairperson of the ACC and the President of the Board of Directors will be contacted.
- c. All complaints received by members of the ACC alleging architectural violations shall be reported to the management company.
- d. All complaints received by members of the Board of Directors alleging architectural violations shall be reported to the management company.
- e. Upon receipt of information concerning potential or alleged architectural violations, the ACC shall determine the nature of the violation within the following categories:
  - 1) Major architectural or landscaping changes without ACC approval.
  - 2) Architectural or landscaping changes not consistent with ACC approval.
  - 3) Minor architectural or landscaping changes without ACC approval.
  - 4) Architectural or landscaping changes begun or completed after application for ACC approval but prior to actual approval.
- f. The ACC may investigate alleged violations or may request the management company to conduct such investigations. In appropriate cases professional technical assistance, such as engineers, may be used if approved by the Board of Directors in advance. The President of the Board of Directors shall be notified of the initiation of such an investigation as soon as possible. The different categories of violation shall require different investigative responses.
  - 1) **Major architectural or landscaping changes without ACC approval** such as construction of a deck, fence, parking pad or other structure; cutting a substantial number of trees; filling large areas; or similar major changes shall require a formal,

comprehensive investigation with full documentation of actions taken. The management company shall prepare a packet for the ACC of all architectural requests and other documentation in their files relevant to the allegations or verify that no request was submitted. The management company, the ACC or both, at the discretion of the ACC, shall make visual observations of the alleged violation to the extent possible. Photographs should be taken if feasible. Interviews of the owners involved may be conducted if appropriate in the circumstances, but at least two members of the ACC or management company should be present and no promises should be made during the interview. Other investigative actions may be taken as appropriate.

- 2) **Architectural or landscaping changes not consistent with ACC approval.** In these cases, the management company shall compile a packet for the ACC of all architectural requests and other documentation in their files relevant to the alleged violation and forward it to the chairperson of the ACC. The ACC shall conduct an investigation or ask the management company to conduct such an investigation to verify that the improvements were actually not consistent with the ACC approval.
- 3) **Minor architectural or landscaping changes without ACC approval.** The ACC shall investigate, or refer these cases to the management company for investigation, in their discretion.
- 4) **Architectural or landscaping changes begun or completed after application for ACC approval but prior to actual approval.** The ACC shall investigate or cause the management company to investigate these allegations as quickly as feasible if the work is still in progress. If the work has been completed, the investigation shall proceed as determined by the ACC.



g. **Notice:**

- 1) One notice will be mailed by the management company to any owner in violation, noting the violation and requesting compliance by a certain date to avoid penalties. In the case of work in progress, a letter shall be sent by the management company as soon as possible informing the appropriate persons to cease the work immediately, explaining the violation and, in addition, giving the violator a set, but reasonable amount, of time to correct the violation.
- 2) A site inspection will be performed after the date outlined in the notice. If the violation has been corrected, the matter will be closed. A remaining violation will result in further compliance actions. Normally only one notice would be provided, but the ACC, with Board approval, may extend the grace period based on individual circumstances or issue subsequent notices if necessary.

h. **Enforcement options** shall include the following:

- 1) If the corrective action demanded by the notice is taken within the specified time and completed in a satisfactory manner, no further enforcement options will normally be appropriate.
- 2) If work is not ceased upon demand, corrective action demanded is not taken within the specified time, or the corrective action taken is not satisfactory, the following actions may be appropriate:
  - Impose fines in accordance with Article IV, Section I (c) of the Declaration of Master Covenants, Conditions and Restrictions for Park Village Subdivision for each week the violation continues.
  - With approval of the Board of Directors, seek a temporary restraining order or injunction to stop any continuing work.
  - Require further corrective action.

- Demand that unapproved architectural or landscaping changes be removed within a specified, but reasonable, period of time and impose fines if not accomplished by the applicable deadline.
- With the approval of the Board of Directors, hire appropriate contractors to correct the situation and charge the property owner, beyond any fines, for the cost of such corrective action.
- After notice and opportunity to be heard by the Board, suspend a member's voting rights and/or rights to use Association facilities for noncompliance with published rules and regulations of the Association.
- Other corrective actions that may be appropriate in the particular situation.

## Disclaimer

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

The purpose of the Architectural Standards is to provide guidance in preparing requests for architectural approval and set forth some of the standards applied by the Architectural Control Committee. **These Architectural Standards are not all-inclusive and no inference should be made that the failure to include a particular type of exterior or landscaping change somehow exempts that change from the approval process.**

If any paragraph, section, sentence, clause or phrase of these Standards shall be or become illegal, null or void for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, the remaining paragraphs, sections, clauses, and phrases are severable and shall continue to be in full force and effect. In case of any conflict between the Declaration of Master Covenants, Conditions and Restrictions for Park Village, the By-Laws of the Park Village Homeowners Association, Inc. and these Standards, the Declaration and By-Laws shall control. In case of any conflict between these Standards and other resolutions or rules adopted by the Board of Directors, the Board shall determine which shall control and make corrections as needed by a majority vote.

These Standards supersede all previous guidelines or standards and shall remain in effect until otherwise rescinded, amended, modified, or repealed by a majority of the Board of Directors.

**Procedure**

**For Requesting**

**Architectural Approval**

## Application Instructions

### ARCHITECTURAL CONTROL APPLICATION INSTRUCTIONS

- STEP 1.** *Prior to any alteration, addition or improvement*, the property owner (not contractors or other parties) either requests the *Architectural Control Committee Application Request Form* by phone or by mail from the management company, by the web, or photocopies or printing of the form from this document.
- STEP 2.** If requested from the management company, the management company will promptly forward to the property owner the *Architectural Control Committee Application Request Form*.
- STEP 3.** *Prior to any alteration, addition or improvement*, the property owner completes the application form and provides applicable information as requested on the application form. Reference should be made to the Architectural Control Standards for specific information needed for the proposed improvement, addition or alteration. All parts of the form shall be filled out and all pertinent information shall be included in the submittal. Incomplete applications shall be returned.
- STEP 4.** The property owner sends the completed form, along with any attachments or supporting documents required by the Architectural Control Standards to the management company for processing. **Applications must be mailed, e-mailed, faxed, or brought directly to the management company (refer to Section 2.04 for address and telephone numbers).** Applications left at the Club House, with a member of the Architectural Control Committee, with a member of the Board of Directors or with any other officer of the Association will not be processed. Furthermore, applications brought to the Architectural Control Committee meeting, bypassing the management company, will not be processed.
- STEP 5.** The management company will mark the date the application is received in its office. The management company will then copy and distribute the dated application to the Architectural Control Committee for inclusion on the agenda of the next regularly scheduled meeting of the ACC committee.

**STEP 6. Complete Applications:** Complete applications that are received by the management company by the First Work Day of the Month will be considered and acted upon by the Architectural Control Committee in that month. Any complete application that is received by the management company after the First Work Day of the Month will be deemed administratively denied or disapproved until considered and will be acted upon in the following month. An application may be received only on a regular business day. The purpose of this rule is to allow the Architectural Control Committee to duly consider and act upon all applications received within a given time period on a regular and periodic basis.

**Incomplete Applications:** Applications that are submitted without all necessary attachments and supporting documents or with insufficient information shall be deemed administratively denied and returned to the applicant with a request for the missing documentation. Any calculation of time concerning the processing of an application will not start to run until the application is complete.

**Illegible Applications:** Please do not attempt to “photo” copy the application or any part of it with a cellphone. Any application, or part thereof, which is deemed illegible shall be administratively denied and returned to the applicant with a request for legible documentation. Any calculation of time concerning the processing of an application will not start to run until the application is complete.

**STEP 7.** Committee members will review complete applications at the next regularly scheduled Architectural Control Committee meeting and approve or disapprove the application within the thirty (30) days from the management company’s receipt of the application, and return the signed application to the management company. *The Architectural Control Committee meets once a month on the Second Wednesday of the Month.* Meetings are open to the public and homeowners with applications pending are encouraged to attend, but public input is not permitted. Applicants may be allowed to speak to clarify aspects of the application at the discretion of the Chairperson. Meetings will normally be at the Clubhouse, but please contact the Chairperson of the Architectural Control Committee or Management Company to confirm the location of the meeting. The Architectural Control Committee may: (a) determine that an

application is incomplete and request additional information, (b) approve the application, (c) conditionally approve the application, stating the conditions in writing, or (d) deny the application, stating the reasons for the denial in writing.

**STEP 8.** Upon its receipt of the Committee's decision on an application, usually within ten (10) days of the regularly scheduled meeting, the management company will mark the decision with the date that the decision is forwarded to the property owner and will then forward a copy of the decision to the homeowner. In the case of approval, the homeowner can begin the project. In the case of an administrative denial for insufficient information, the information needed shall be listed on an appropriate form and provided to the homeowner. (Note: Any calculation of time concerning the processing of an application will not start to run until the application is complete.) In the case of approval with conditions, the conditions shall be listed on an appropriate form and provided to the homeowner and the homeowner may begin the project as long as the stated conditions are satisfied. In the case of "Disapproval" the reasons and/or requirements will be noted on the application. A property owner who is not satisfied with the Committee's decision on an application may (a) submit another different application (should the property owner want to resubmit another application, the thirty (30) day process starts again with each submittal) or (b) appeal the Committee's decision to the Board of Directors.

**NOTE:** Prior to beginning any construction project which requires digging within your property or the easement in front of your house, *always* call *North Carolina 811* (formerly named *North Carolina One Call Company*) at 811 within North Carolina, or 1-800-632-4949 anywhere in the continental US, to mark existing utility lines. For more information, please visit their website, <http://www.nc811.org>.

## Architectural Control Committee Application Request Form

Please use the two-page form on the following pages; both pages must be filled in completely to be processed.

The tables below lists the additional information required for each type of home improvement. Beside each improvement is a list of numbers that corresponds with the required attachments necessary for ACC review. The numbers in **BOLD print** identify the applicable standards that correspond with the improvement and are located in Chapter 3.00 of this manual. Please be sure to include all required information or the request will be returned causing a delay in the review process.

Architectural Control Standards & Procedures Section	Items To Attach With App
Decks <b>3.01</b>	1,2,4,5,6
Building Addition or Exterior Modification <b>3.02</b>	1,2,3,4,5
Fence <b>3.03</b>	1,2,4
Parking Pad <b>3.04</b>	1,2,4
Walkway/Patio <b>3.05</b>	1,2,3,4
Play Equipment <b>3.06</b>	1,2,3,4
Landscaping <b>3.07</b>	1,2
Satellite Dish/Antennae <b>3.08</b>	1,2,3,4
Exterior Detached Structure <b>3.09</b>	1,2,3,4,5
Exterior Painting <b>3.10</b>	2,3
Exterior Lighting <b>3.11</b>	1,2,3,4

Architectural Control Standards & Procedures Section	Items To Attach With App
Retaining Wall <b>3.12</b>	1,2,3,4
Hot Tub/Pool <b>3.13</b>	1,2,3,4
Mailboxes & Posts <b>3.14</b>	1,2,3,4
Windows & Through-the-Wall Air Conditioning Units <b>3.15</b>	1,4
Replacement Siding & Trim <b>3.16</b>	2,3,6
Replacement Roofing <b>3.17</b>	2,3,6
Porch & Stair Railing <b>3.18</b>	1,2,3,4
Other (no other section applies)	1,2,3,4

Please refer to the following page for the legend of the “Items to Attach With Application.”



## *Legend For Items to Attach With Application:*

The numbers in the tables on the previous page refer to the following:

1. **Plot Plan** with improvements shown, drawn to scale including all dimensions of proposed improvement and distances to property lines. It is highly recommended to use an original Plat Plan or current survey when possible; these surveys show any and all utility, sewage, and other easements within the property boundary. However, it is recognized that not every homeowner has access to one. Although a detailed, to-scale hand-drawn plot plan will be accepted, neither the Park Village HOA nor ACC will be responsible for damages to any improvements made within any easement if anyone working within an easement damages said improvement; the homeowner will be solely responsible for such damages.
2. **Materials List** (for landscaping requests, include lists of plants to be used with locations shown).
3. Indicate color(s) and in the case of painting requests, color swatches/samples; when submitting a color swatch, please provide the largest swatch available from the store/supplier. Scanned or electronic copies of color swatches will not be accepted.
4. Provide a picture, scaled drawing or manufacturer's literature indicating overall size, i.e., length, width and height.
5. Elevation drawings (i.e., top view looking down, and front and side views looking at improvement).
6. Material samples (refer to particular "Application" or "Materials" subsection for details in associated improvement section).

Also note, per the Covenants of the Homeowners' Association of Park Village, homeowners are not allowed to add, improve, or otherwise make changes to common property. Only the Board of Directors of the Park Village Homeowners Association has the rights to make such changes.

## *Examples:*

- Painting a house, include:
  - Materials list, specifying the type of paint (#2)
  - Color swatches/samples, and indicate which is the base, trim, shutters, door, etc. (#3)
- Building a deck, include:
  - Plot plan, including scaled drawing of deck and stairs (#1)
  - Materials list, specifying all materials used (e.g., #2 pressure treated pine 4x4 posts, galvanized hardware, etc.) (#2)

- Color swatch if the deck is to be stained (#3)
  - Drawings from above and elevation (sides and front) (#5)
  - Pictures would be helpful, if available (#4)
- Replacing the roof with architectural shingles not already pre-approved
  - Material list, specifying the brand, style/cut (#2)
  - Specify requested color (#3)
  - Provide shingle sample board from the company installing the shingles; this is usually a fairly sizable sample, as the architectural shingles tend to have multiple colors in them. (#6) Drop off the sample at the management company, or make arrangements through them to get the sample to an ACC representative. This sample will be returned after the application approval process is completed.

## Signatures:

The applicant must obtain signatures from the home owners of all abutting properties, those that share property lines of the applicant's property. However, this is not always possible, as the home owner may not reside at the property (i.e., property is a rental), or other reasons. **Signatures from renters will not be accepted.** If the home owner is unknown, contact the management company or use the Wake County iMaps tool to determine the home owner and mailing address:

<http://maps.raleighnc.gov/iMAPS/>

To this end, the following process should be used in lieu of getting the signature on the application form:

1. Make a copy of your application.
2. Create a cover letter to the home owner.
3. Make a copy of the cover letter to include with the application.
4. Address an envelope to the home owner, and put the cover letter and a copy of the application into the envelope.
5. Go to the US Post Office (or Post Office affiliate) and fill out the following forms (or their current replacements):
  - U.S. Postal Service™ CERTIFIED MAIL RECIEPT® Domestic Mail Only (green and white form – refer to Figure 2.02-1)
  - U.S. Postal Service™ Domestic Return Receipt (green postcard – refer to Figure 2.02-2); fill out both front and back of the postcard.
6. Bring the two forms along with the addressed envelope to the clerk; the clerk will attach everything if not already done.
7. Once the signed and dated Domestic Return Receipt is received from the US Post Office, make a copy of both the front and back, and include those copies with the application, along with the copy of the cover letter.

Please note:

1. No Return Receipt postcards will be accepted in lieu of a signature if it was not also sent via Certified Mail; the latter ensures that the addressee, or agent of the addressee, signs the postcard.
2. If receiving the Return Receipt would delay reviewing the application by the Architectural Control Committee at a regularly scheduled meeting, the application may be submitted for review without said Return Receipt. However, the application will be administratively denied pending receipt of the copy of the Return Receipt by the Management Company/ACC. Once the copy of the Return Receipt is received by the ACC, an approval or conditional approval will be sent

# Architectural Control

# Section 2.02

to the applicant if that was the decision of the ACC at the regularly scheduled meeting. All other decisions will be sent immediately and prior to the Management Company/ACC receiving the copy of the Return Receipt so the applicant can remedy the application as needed.

3. If the Return Receipt is not received by the applicant within 15 days of mailing, submission of a copy of the Certified Mail Receipt, including the mailing address, may be substituted as proof of due-diligence in an attempt to contact the abutting neighbor. If said Return Receipt is received after the 15 days and/or review of the application, please submit a copy of it for the records of the Management Company and ACC, but know the application process will not be delayed due to someone not willing to sign for the letter.
4. If a homeowner lives in a country other than the United States, send the required documentation to that homeowner using equivalent services from the United States Postal Service or other shipping company. Availability of these services is dependent on which foreign country the parcel is being sent.




The image shows a USPS Certified Mail Receipt form. On the left, there is a vertical green bar with the text "CERTIFIED MAIL" and a barcode. To the right of the barcode is the text "7015 0640 0000 5557 7604" repeated twice. The main form area has a green header with "U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only". Below the header, it says "For delivery information, visit our website at www.usps.com®". A large green box contains the text "OFFICIAL USE". The form includes sections for "Certified Mail Fee", "Extra Services & Fees" (with checkboxes for Return Receipt (hardcopy), Return Receipt (electronic), Certified Mail Restricted Delivery, Adult Signature Required, and Adult Signature Restricted Delivery), "Postage", and "Total Postage and Fees". There is a "Postmark Here" area. At the bottom, there is a "Sent To" section with fields for "Street and Apt. No., or PO Box No." and "City, State, ZIP+4®". The footer contains "PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions".

Figure 2.02-1: Example USPS Certified Mail Receipt Domestic Mail Only Form; form subject to change.

# Architectural Control

# Section 2.02

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>X</b></p>																
1. Article Addressed to:	<p>B. Received by (<i>Printed Name</i>)</p> <p>C. Date of Delivery</p>																
 <b>9590 9403 0120 5077 7324 65</b>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
2. Article Number ( <i>Transfer from service label</i> )	<p>3. Service Type</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
PS Form 3811, April 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span>																	

**Figure 2.02-2:** Example USPS Domestic Return Receipt Postcard (front); form subject to change.

ARCHITECTURAL OR LANDSCAPE REQUEST FORM  
*PARK VILLAGE ARCHITECTURAL CONTROL COMMITTEE*  
PARK VILLAGE HOMEOWNERS ASSOCIATION  
c/o R S Fincher & Co., LLC  
Post Office Box 1117  
Apex, North Carolina 27502  
Telephone: (919) 362-1460  
FAX: (919) 362-1462

Submit all requests for changes or additions to R S Fincher & Co., LLC at the above address. Please attach any drawings and/or sketches that will aid in making a decision regarding your request. Refer to the Architectural Standards and Control Specifications for detailed requirements for submissions. Attach additional sheets if necessary.

---

Please indicate the type of Change Request:  Architectural  Landscape

Homeowners Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
e-Mail: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_  
Estimated Completion Date: \_\_\_\_\_

1. Provide a narrative description of the proposed home and/or landscape improvement change or addition. Cite materials and color(s) to be used. (Please submit paint color samples.) State similarities to existing structures as appropriate. Use a separate sheet of paper if necessary. ***NOTE: The Town of Cary has a policy on any type of structure or plantings in their easements. Please contact the Town of Cary prior to planning any project that could involve their easement to attain necessary variances.***
  
2. Please attach drawings to this request showing all proposed improvements including relationships to existing structures, landscaping and lot lines. The following drawings are needed to clearly show proposed improvements including existing structures:
  - a. Plot Plan (top down view) Drawn on a copy of your lot survey.
  - b. Elevation (front & side views) One or more as required in the Arch. Stds. & Control Specs. document.
  
3. Attach paint samples if applicable. Do you plan to change the color of your home? YES\_\_\_ No\_\_\_
  
4. A permit and inspection by the Wake County may be required.

# ARCHITECTURAL OR LANDSCAPE REQUEST FORM

The applicant home owner is required to review the proposed changes with **ALL** abutting home owners. Abutting properties are those that share a common property line. The review by the home owners is not an approval or disapproval, but serves merely as a notification to the home owners that a change is being requested. The signatures below indicate that the home owners are aware of the change and that they understand they may come to the next meeting of the Architecture Control Committee to voice their opinion on this request. (The ACC meets the 2<sup>nd</sup> Wednesday of each month at the clubhouse at 7:00pm.) Alternately they may submit letters of concern to the Architecture Control Committee for consideration. The Architectural Control Committee will take into advisement concerns of the home owners but will not necessarily be governed by those concerns. Failure by a home owner to offer an option to the Architectural Control Committee by the following meeting will be construed as acceptance of the proposed application.

**Renters may not sign this form.**

PRINTED NAME	ADDRESS or LOT #	SIGNATURE
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

***This form is not complete without all appropriate attachments and signatures. Please review the Architectural Standards and Control Specifications prior to submission for detailed requirements.***

You have 90 days to begin the project and another 90 days from the beginning of the project to complete the project. The Board of Directors can only grant extensions. You must notify management immediately as soon as the project is complete so that compliance and completeness may be verified.

**Appeal Process**

If the request is denied, the homeowner has the right to:

1. Appeal the decision of the Architectural Control Committee within 30 days. This may be done by submitting the request for appeal in writing to the Board of Directors, c/o R S Fincher & CO, LLC, Post Office Box 1117, Apex, NC 27502. The appeal will be considered at the next regular meeting of the Board of Directors. An appeal received 30 days or more after denial from the Architectural Control Committee will not be considered.

OR

2. Submit an updated request form with changes for the next Architectural Control Committee meeting.

For administrative use:

The following action has been taken on your request:       Approved       Denied       Incomplete

REASON FOR DENIAL \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_ (For the Architectural Committee)      Date: \_\_\_\_\_

## The Appeal Process

The following process will be followed for appeals from decisions of the Architectural Control Committee:

1. **Notice of Denial:** Upon receipt from the Architectural Control Committee of a final decision denying their request, the management company shall forward to the applicant a notice of denial of their request. The notice shall provide the applicant thirty days to file an appeal of a final Architectural Control Committee decision in writing to the management company. Administrative denials pending more information or for other reasons are not final decisions and are not appealable.
2. **Reconsideration:** Administrative denials will be reconsidered by the Architectural Control Committee and not the Board of Directors. Once a final decision has been reached, then the time for appeal begins to run.
3. **Notice of Appeal:** Notice of Appeal to the Board of Directors must be filed in writing by mailing it to the management company within thirty days of the notice of denial being mailed from the management company to the applicant. Include with the Notice of Appeal, a copy of the application, any supporting documentation, a copy of the Committee's decision, and an explanation of the reason for the appeal.
4. **Transmittal to Board:** Upon receipt by the management company, the original of the Notice of Appeal and all supporting paperwork shall be filed and copies sent to the President of the Board of Directors and the Chairperson of the Architectural Control Committee.
5. **Hearing:** The President shall schedule a hearing on the appeal, normally in conjunction with a normal Board Meeting, within sixty days of receipt of the Notice of Appeal. The management company shall notify the applicant and the chairperson of the Architectural Control Committee of the hearing date and time. The chairperson of the ACC or a designated representative shall attend the hearing. The hearing shall begin with the ACC chairperson explaining the position of the Architectural Control



Committee and reasons for the denial. The applicant shall then have an opportunity to present their reasons for the appeal. Witnesses and evidence may be presented at the discretion of the President of the Board.

6. **Decision of Board:** No decision shall be rendered at the hearing. Within fifteen days of the hearing, the Board of Directors shall report their decision, based upon a majority vote, in writing. The management company shall forward copies of the decision to the applicant and the chairperson of the ACC.

## **Management Company Address and Telephone Numbers**

The current address and telephone numbers for the management company for Park Village Homeowners Association, Inc. are:

**R S Fincher & Company, LLC**  
*Post Office Box 1117*  
*Apex, NC 27502*

**Telephone:** *919-362-1460/1461*

**Fax:** *919-362-1462*

**Website:** *<http://www.rsfincher.com>*

# **Architectural Standards**

**Decks****Appearance:**

Decks must remain a natural wood color; natural colored translucent, semi-translucent, or solid-bodied stains may be applied to wood components of the decks. Composite material must maintain a natural or stained wood appearance. However, no painting of the wood or composite material will be permitted, as paint tends to peel off of the pressure treated wood and becomes a problem for maintenance. Deck height is not restricted but is recommended to be no more than 15' in height from the ground. The size and styling of decks must complement the dwelling and be in proportion to the dwelling.

**Location:**

All decking must be confined to the rear of the dwelling and must not protrude past the sides of the building. Decks must be within the minimum set-back requirements of the Town of Cary, however, final placement and approval will be determined by the Architectural Control Committee and may be more restrictive than the Town set-back requirements.

**Materials:**

The deck shall be constructed of #2 or better pressure-treated southern yellow pine or composite decking materials. Color choice of composite material (submit sample of material with request) to be approved by the Architectural Control Committee prior to construction; only natural wood tone colors will be considered. Metal balusters (a.k.a., vertical pickets) may also be used; a sample (or clear, detailed picture), including color choice, must be submitted with the application. Galvanized hardware should be used throughout.

**Requirements:**

A building permit must be obtained from the Town of Cary and all required inspections successfully completed. All decks must meet the building requirements for the Town of Cary in addition to this guideline. Proper drainage must be maintained around the deck and away from the foundation.

## **Building Addition or Exterior Modification**

(Examples of additions include screened porches, new living space or storage areas that are physically attached to the main structure of the existing house. Examples of exterior modifications include the addition of storm doors, gutters or similar modifications. Modifications or changes in exterior colors are covered in Section 3.10)

### **Appearance:**

All building additions and or modifications will be reviewed on an individual basis. Generally, the Architectural Control Committee will review materials, colors, location, scale and other details of the proposed addition or modification to determine compliance with the architectural intent of the existing structure and the relationship of the proposed structure to surrounding sites. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style that maintains the scale, detailing, materials, massing, color(s) and design intent of the original structure.

Replacement shutters must resemble style of original builder shutters.

Replacement windows on the front of the house must resemble double hung six over six windows, with trim painted to match current house trim. Windows styles on the sides and/or back of house may vary, but are subject to Architectural Control Committee approval.

Replacement driveway must be concrete and must be consistent in color with all other driveways in neighborhood.

Screened in porches must be built to comply with Section 3.01, "Decks", and the roofing material must match existing roofing.

Sunrooms must use materials consistent with the existing dwelling, including but not limited to siding and roofing.

## **Location:**

In general, with the exception of building modifications, the location for building additions will be governed by the maximum building area that is defined by the Town of Cary in respect to the minimum setback requirements from the property line. However, the Architectural Control Committee reserves the right to reject applications which may meet the Town of Cary setback requirements but fail to meet the objectives of the Architectural Control Committee. The Architectural Control Committee will review each application on an individual basis and approvals will be granted on this basis. Prior approval of an application does not guarantee subsequent approval on the same or another lot.

Sky lights will generally be allowed on the rear side of the house, so as not to be seen from the front street of the house (as defined by where the front door is located).

## **Materials:**

Materials for use on any building addition or modification must meet or exceed the quality of and be consistent with the materials used in construction of the original structure. Compliance with the *current* edition of the Town of Cary building codes will be considered meeting the *minimum* standards of construction. The Architectural Control Committee reserves the right to require homeowners to *exceed* these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the Architectural Control Committee seeks to maintain the quality of materials and workmanship present in the original structure. Requests to use different materials other than in the original structure, such as brick or vinyl siding shall be reviewed on a case by case basis.

## **Requirements:**

All building additions and modifications shall maintain proper drainage on the site. If a building addition is planned or a modification which will affect drainage, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the addition/modification.

## *Application:*

**The changes specified below do not require approval if accomplished in accordance with the standards provided:**

1. Properly installed storm doors that are full height glass without cross members, white in color with narrow stiles. Other colors or other style doors require submission of an architectural request for approval.
2. Properly installed white pre-finished, or color consistent with the house trim, aluminum gutters do not require approval. Other colors or materials require submission of an architectural request for approval. In addition, if the gutters will cause a change in normal runoff patterns and quantities sufficient to impact the drainage on adjacent properties, submission of an architectural request for approval is required.
3. Properly installed garage doors painted white or color of trim, in the same style as originally installed at the time the house was built:
  - 4 grids per panel for single wide garages / 8 grids per panel for double wide garages.
  - No visible hardware, other than handle, when the garage door is closed.Any other color or style garage door, including those with windows, will require submission of an architectural request for approval on a case-by-case basis.

**All other building additions or exterior modifications will require submission of an application.**

**Fences****Appearance:**

Fences shall remain natural in color. A clear water repellent is recommended. Staining is also allowed using Behr Semi-Transparent stain, "Cedar Naturaltone" or an equivalent stain from another brand which provides the exact same stain color; any other stain color will require approval from the Architectural Control Committee. Painting will not be permitted.

Trash and Recycling Container Area Fences must remain natural in color. A clear water repellent is recommended. Alternatively, staining is allowed, as long as it is consistent with the previous paragraph, or stained to be consistent with the color of an existing fence on the property, provided that color was previously approved.

Whenever possible, alternatives to hard fencing are recommended (i.e., landscaping and plants or "invisible" electronic fencing). It is also recommended that fencing be softened through the use of landscaping on the exterior side of the fence, where possible.

**Location:**

Fences shall follow the natural topography of the land.

Existing trees shall not be removed to place the fence without prior approval from the Architectural Control Committee.

The set back from the homeowner's property line shall be one inch. However, any corner lot will generally be required to have a setback of fifteen feet from the curb on the side of the lot facing the street; if the property line is greater than fifteen feet from the curb, then the one-inch setback will apply. The one inch setback is required to allow other neighbors to erect new fences and not have "tie-in" gaps of more than two inches (refer to Figure 3.03-2).

The fence shall not extend more than ten feet from the rear corners of the house in a direction toward the front street. Exceptions will be made on an individual basis to accommodate HVAC systems that are out of the ten foot limit. The Architectural Control Committee must approve these exceptions in advance. The Architectural Control



Committee will determine the final placement of the fence based on aesthetics and street appearance.

Fences enclosing garbage can areas should be located on the garage side of the house. However, they may not be located where the use, including, but not limited to the entry, of said area encroaches on neighboring property. Fence should be no further forward on the house than the power meter and utility hook-up boxes (telephone and cable). Houses with a rear garage service door may locate the trash and recycling container area next to the door.

## **Materials:**

In order to maintain a uniform style of fencing throughout Park Village, a shadowbox style (picket on picket) with a "dog eared" picket will be the only style allowed. Fences are to be five feet high with 3" extended chamfered posts (see detail drawings). A single gate no wider than 4 feet (48 inches) may be installed on either the side or rear of the enclosure; if installed, the gate must be kept closed at all times. Fences are to be constructed of #2 or better pressure treated yellow pine. All fasteners are to be galvanized.

Trash and Recycling Container Area Fences may be no taller than four feet, no wider than three feet, and no longer than eight feet, and must fully hide the containers from view from the front street, utilizing two or three sides for the fencing plus the original garage wall. Trash and Recycling Container Area Fences may be constructed with the same material as stated above for a standard shadowbox fence, or may use pressure treated yellow pine diagonal lattice, slats 1 ½ inches wide and holes 2 ¾ inches wide, ±½ inch, and finished with a top cap.

## **Requirements:**

There shall be a minimum of one walk through gate 3 feet (36 inches) to 4 feet (48 inches) for access.

All fencing must be maintained in an aesthetic and safe condition.

Trash and Recycling Container Areas must be kept neat; no loose debris shall be allowed in the Trash and Recycling Container Areas.

Standard Fence Detail Drawing

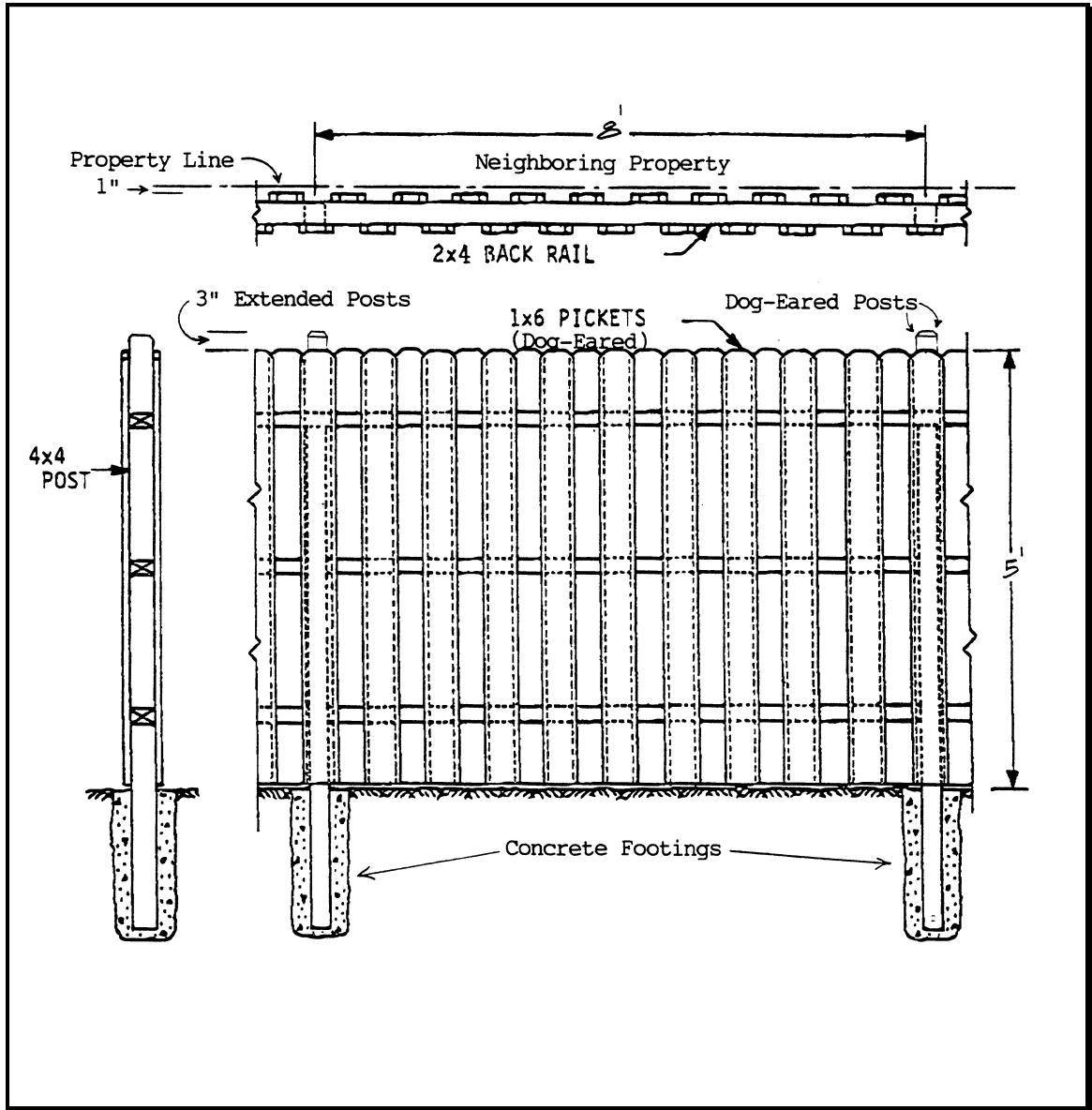


Figure 3.03-1: Drawing details for a standard fence addition.

Tie-In Fence Detail Drawing

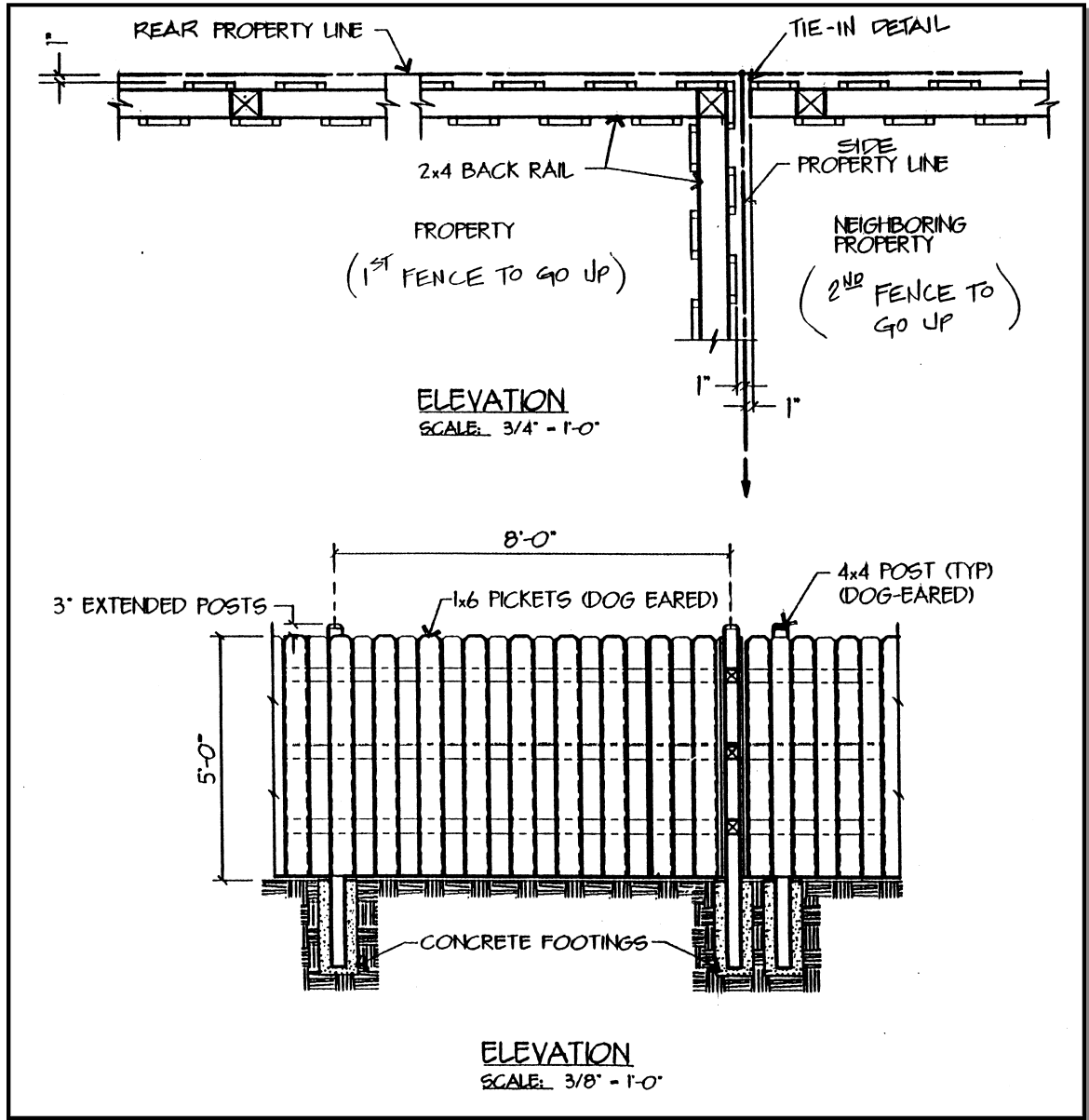


Figure 3.03-2: Drawing details for constructing a new fence adjacent to an existing fence.

## **Parking Pads**

### **Appearance:**

The layout or design should preserve and complement the original driveway and walkway. The surface shall be the same color and finish as the existing concrete drive. Depending upon lot configuration, screening with landscaping may be required to visually block the area from adjoining property owners.

**NOTE:** *Not all lots can accommodate a parking pad.*

### **Location:**

Parking pads (driveway extensions) may be constructed adjacent to and contiguous with the original concrete driveway on the side opposite the front walkway. The parking pad shall terminate in line with the front of the house.

**Dimensional Limitations:** Minimum width of 7'-6", and maximum width of 9'-0". Each lot will be reviewed individually.

**Set Back Requirements:** Minimum set back from side property line is 18" except that the set back may be less with specific approval of the ACC on cul-de-sac lots because of lot configuration and size.

**Drainage/Slope:** Slope of the parking pad and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

### **Materials:**

**Concrete shall be the only allowable material.** The preparation of the soil base shall be consistent with sound construction practices to minimize the risks of settling, excessive cracking and improper drainage.

### **Requirements:**

See attached drawing on page 3.04-2.

**Architectural Control** **Section 3.04**

**Parking Pad Detail**

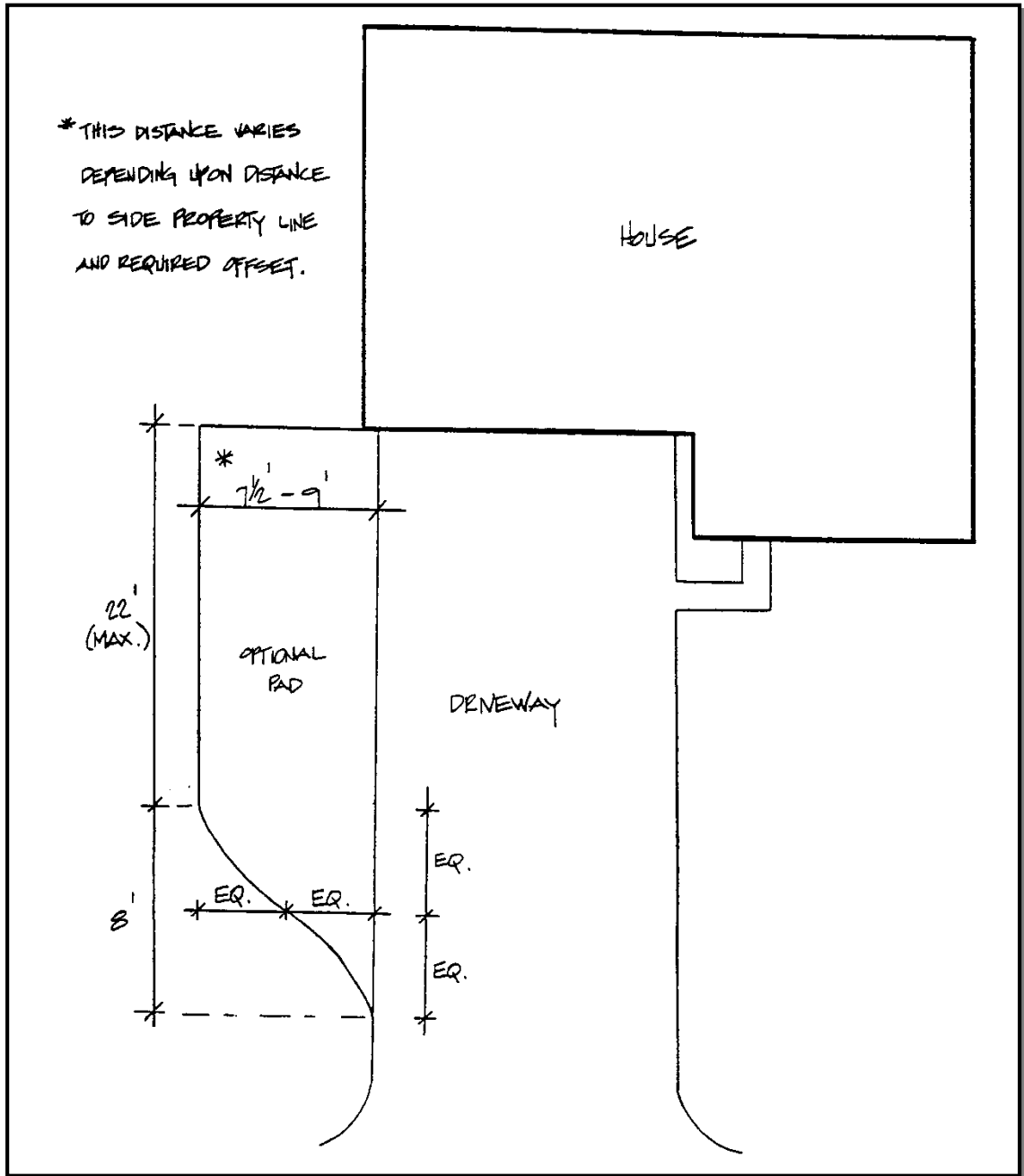


Figure 3.04-1: Drawing details for a standard parking pad addition.

## **Walkways and Patios**

### **Appearance:**

Patios and walkways shall be created in scale with the site and existing structures. Slope of the patios, walkways and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

### **Location:**

Patios shall be confined to the rear yard while walkways will be confined to the side and rear yards. The patio and walkway size, design and set backs to adjacent property lines shall be kept in proportion to the existing structures and site. All walkways and patios shall be a minimum of 18" from property lines. Lot size and configuration may permit reduction of the 18" set back in particular instances, but specific approval of the ACC is required for a set back less than 18".

### **Materials:**

Generally, brick, concrete, concrete pavers, flagstone and slate will be considered as acceptable materials. Materials and color chosen shall complement the existing structures. All patios and walkways shall be reviewed on an individual basis for material, color and location.

### **Requirements:**

All patios and walkways must maintain proper drainage on the site. If a walkway or patio is planned, homeowners are required to provide a plan that details drainage patterns and runoff.

Repair, including consistent replacement of size, style, and placement, of patios and walkways does not require submission of an application for approval.

## **Playground and Recreational Equipment**

### **Definitions:**

***Playground or Play Equipment:*** Swing sets, sliding boards, sandboxes, and similar items are classified as playground or play equipment for the purposes of this guideline. This guideline does not cover moveable, temporary items such as bikes, wagons, and similar items.

***Recreational Equipment:*** Basketball goals, trampolines, horseshoe pits, permanent volleyball courts, and similar items are classified as recreational equipment for the purposes of this guideline. This guideline does not cover a temporary volleyball net, badminton net, or similar items.

### **Appearance:**

Playground and recreational equipment should blend with the natural surroundings to the extent possible.

Landscaping or fencing should be planned to screen playground and recreation equipment from being visually offensive and to maintain a safe environment for the children. “Visually offensive” shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

### **Location:**

Dependent on the configuration of each lot, playground equipment should be placed in the rear yard. The location of play areas and of recreational equipment must take into account the impact on adjacent properties, noise concerns, safety concerns, and the minimization of any offensive visual impact on neighbors or public areas.

Recreational equipment should also be placed in the rear yard area where applicable (i.e., trampolines). It is recommended that potentially dangerous items such as trampolines should be located within fenced in areas to prevent access by unsupervised and unintended child users. For equipment such as basketball goals, they may be placed in the front yard if a hard surface (driveway) is desired for the playing surface. **Basketball**



goals, fixed or portable, *shall not be placed near the street*, where the street is intended as the playing surface. Basketball goals located by driveways must be placed to avoid balls striking vehicles, landscaping or other items on the adjacent property.

## **Materials:**

Playground equipment constructed of treated natural wood is encouraged, but not required. Playground and recreation equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing. It is recommended that recreational equipment be "portable", however, fixed in place equipment will be considered on an individual basis.

## **Requirements:**

Detailed drawings shall be presented to the Architectural Control Committee for approval *prior* to the installation of any equipment.

All equipment in a fixed location for 90 days or longer must be submitted for approval. All playground and recreational equipment must be maintained in a safe condition and kept visually pleasing to the community and surrounding environment.

## Landscaping

### Definitions:

<i>Natural Area/ Landscaping Bed</i>	Any area with ground cover other than grass.
<i>Bushes and Shrubs</i>	Any bush or shrub that will exceed 3'-0" in height or width at maturity.
<i>Flower Bed</i>	Any grouping of flowers not contained in a natural area or landscape bed.
<i>Garden</i>	Any area used to grow vegetables or herbs.
<i>Water Garden</i>	Natural or prefabricated body of water for decorative purposes.
<i>Trees/Tree Removal</i>	Any tree added to or removed from the property.

### Appearance:

Natural areas and landscaping beds shall be made in proportion to the home and property. All landscaped areas shall be maintained to prevent overgrowth of individual plants or weeds. Landscaped areas shall be mulched to improve appearance and aid in maintenance. Edging around the bed or natural area may be used but is not a requirement, and if used, should be consistent with the existing style and aesthetics of the community.

Vegetable, herb and water gardens shall be maintained regularly to prevent excessive weed growth. All plants located in a garden shall not exceed 5'-0" in height. Screening of these areas should be considered through the use of fencing or shrubs to eliminate views from the street or common areas. These areas should not be visually offensive to neighbors.

Trees shall be maintained and pruned to remove debris and damaged limbs due to wind, decay, disease or ice damage.

## Location:

Natural areas and landscaping beds may be utilized in the front, rear and side yards. Landscaping beds and natural areas located in the front yards shall not encompass more than 50% of the total area available for the front yard. (Areas are measured from the curb to the nearest point of the house, and from one side yard property line to the other side yard property line. Corner lots will be measured from the curb to far side yard property line. Areas will *exclude* the existing walkway and driveway.) The remaining 50% of the front yard area shall be grass.

Mature plant size shall be considered in determining locations of bushes and shrubs near property lines and the plantings set back sufficiently to account for mature growth. When bushes and shrubs are located immediately adjacent to property lines, mulch is required at the property line to provide easy maintenance for adjacent property owners.

Vegetable, herb and water gardens shall normally be confined to the rear yard out of view from public streets and common areas. The maximum height for plants in these gardens shall not exceed 5'-0". Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning). Requests for water gardens in front yards shall require specific written approval of the ACC.

New trees shall be located away from foundations, drives or walks to limit potential damage caused by root growth.

Landscaping and plantings in utility easements will be reviewed on a case by case basis and normally be permissible, but with the full understanding that any plantings may have to be removed for utility work in that easement without any liability on the part of the Association or the utility company.

## Materials:

In the application, provide "common" variety names of plants that are to be used.

Approval is not required for mulching with pine straw, hardwood or bark mulch. Decorative gravel mulch or other types of mulching require approval.

Edging may consist of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete edging, black plastic edging, or other commonly used material. Railroad ties are prohibited. Selections should consider scale, color and proportion to harmonize with the existing structures and surrounding site. Normally, edgings are only one level

high and multiple levels of landscape timbers or other materials would normally be considered as a retaining wall under section 3.12.

## **Requirements:**

All front yards shall have a minimum of 50% grassed area (see appearance above).

All landscaping will maintain proper drainage on the site. If landscaping is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Plans which cause excessive runoff to neighboring properties or common areas will not be approved without modifications which solve the drainage situation.

All tree removal, except emergency removal where the tree(s) present a clear and present danger as a result of wind or ice damage or disease or decay (trees posing a danger to life, person, or property), must be approved by the Architectural Control Committee in advance. Photos of the trees to be removed and the reasons for removal must accompany the application prior to tree removal..

## **Architectural Control Committee approval is *not* required for the following items:**

Flowers planted in **existing** beds.

Shrubs less than 3'-0" in height or diameter at maturity and located within an **existing** bed.

Shrubs less than 3'-0" in height or diameter at maturity and used as a cover for the foundation, fence, deck or HVAC equipment.

Ground cover in **existing** natural areas.

Ground cover in **existing** landscaping beds.

Mulching with pine straw, hardwood or bark mulch.

Replacement of existing shrubs, plants, or trees that die or are diseased with the same variety and size shrub, plants or tree in the same location.

One level of edging consisting of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete edging, black plastic edging, or other commonly used material as long as the edging is natural in color or the commercially available white stone or cast concrete edging material, but painted stones or other materials painted or stained will require prior approval and normally not be approved.

Flower/plant containers provided they are standard size as can be purchased from any nursery/garden center, with the following conditions:

- Flower boxes may be no longer than the widest window on the side of the house the flower box is installed.

- Flower or plant pots may be no larger than five gallons.

Finish must be consistent with the exterior house colors or neutral earth-tone colors. Custom or oversized or colored containers must have prior approval; each application will be reviewed on an individual basis.

Security signs, as provided by security service companies, less than 12 inches, which are located behind the sidewalk/walkway in the existing flower bed/natural area. All other sized signs or locations must have prior approval, and each application will be reviewed and on an individual basis.

Association approved community watch signs mounted under the mailbox.

*Under no circumstances will the Architectural Control Committee approve any landscaping changes in the Park Village Common Areas.*

## Satellite Dishes and Antennas

### I. Preamble

WHEREAS, the *Park Village Homeowners' Association* ("the Association") is responsible for governance and maintenance of the *Park Village Subdivision* ("the Community"); and

WHEREAS, the Association exists pursuant to *applicable state law and governing documents*; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to *sections of state law and the governing documents permitting the Association to adopt and enforce rules*; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("antennas"); and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interests of the Community and consistent with the FCC rule.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the "Rules," which shall be binding upon all owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

### II. Definitions

**A. Antenna:** Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission

capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

- B. Mast:** Structure to which an antenna is attached that raises the antenna height.
- C. Transmission-only antenna:** Any antenna used solely to transmit radio, television, cellular, or other signals.
- D. Owner:** Any homeowner in the Association. For the purpose of this rule only, "owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas.
- E. Telecommunications signal:** Signals received by DBS, television broadcast, and MDS antennas.

### III. Installation Rules

#### A. Antenna Size and Type

1. DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited.
2. MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed, but only after written authorization is obtained from the Architectural Control Committee, and only if installing in the attic is unfeasible. (Refer to section III B below.)
4. Installation of transmission-only antennas are prohibited in the Community.
5. **All antennas not covered by the FCC rule are prohibited.**

#### B. Location

1. Antennas shall be installed solely on individually-owned property as designated on the *recorded deed or other document defining the portions of common or individually-owned property.*
2. **If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.**
3. Antennas shall not encroach upon common areas or any other owner's property.
4. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit

installation on common property, even if an acceptable quality signal may not be received from an individually-owned lot.

## **C. Installation**

1. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
2. All installations shall be completed so that they do not damage the common areas of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of buildings on common areas or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
  - a. Place (or replace), repair, maintain, and move or remove antennas;
  - b. Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance or use;
  - c. Pay medical expenses incurred by persons injured by antenna maintenance, or use;
4. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
5. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

## **D. Maintenance**

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

## **E. Safety**

1. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within five (5) feet of underground power lines (as indicated by North Carolina 811) and in no event shall antennas be placed where they may come into contact with in electrical power lines. This purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. All installations must comply with all applicable codes.



4. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand the pressure of snow and ice.

## IV. Antenna Camouflaging

- A. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- B. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable cost.
- C. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed. *(Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not degrade the signal. This does not pertain to satellite dishes – do not paint them.)*
- D. Antennas may not obstruct a driver's view of an intersection or street.
- E. *Camouflaging antennas may not be unreasonably expensive. For example, it would not be unreasonable to require a \$40 hedge. A \$150 fence, on the other hand, would most likely be found to be unreasonable. The Association may require more expensive screening, if the Association chooses to fund part of the cost.*

## V. Number of Antennas

No more than one antenna of each provider may be installed by an owner.

## VI. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then the association may prohibit such installation. The notice of rejection shall specify these safety risks. *(This*

*12-foot baseline may change, if the Building Officials and Code Administrators (BOCA) Code is amended.)*

- C. Masts must be installed by a licensed and insured contractor.
- D. Masts must be painted the appropriate color to match their surroundings.
- E. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- F. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.
- G. Masts shall not encroach upon another owner's lot or common property.
- H. Masts must be designed to withstand the weight of ice and snow.

## **VII. Notification Process**

- A. Any owner desiring to install an antenna must complete an Architectural Control Committee Application Request Form (Section 2.02) and submit it to the Architectural Control Committee via the Management Company. If the installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately.
- B. If the installation is other than routine for any reason, and after an Architectural Control Committee Application Request Form has been submitted, owners and the ACC must establish a mutually convenient time to meet to discuss installation methods. The Management Company must be contacted to schedule this meeting.

## **VIII. Installation by Tenants**

Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the Architectural Control Committee Application Request Form.

## **IX. Enforcement**

- A. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable, a fine of \$50 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law, the Association shall be entitled to

reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.

**B.** If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

**X. Severability**

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

## **Exterior Freestanding Detached Structure**

**Definition:** Examples of exterior freestanding detached structures include storage sheds, gazebos, dog houses, greenhouses, etc.

**Appearance:**

Generally, the Architectural Control Committee will review materials, colors, location, scale and massing of the proposed structure to determine compatibility of the proposed structure to surrounding structures and sites. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style. This "style" incorporates the scale, materials, details, massing, color and design intent of the original structures. Every application will be reviewed on an individual, case by case basis.

Chain link outdoor dog runs or animal cages are prohibited.

**Location:**

All exterior freestanding detached structures will be confined to the rear yard. The location for these structures will typically be governed by the maximum building area that is defined by the Town of Cary in respect to the minimum setback requirements from the property line. However, the Architectural Control Committee reserves the right to reject applications which may meet the Town of Cary setback requirements but fail to meet the objectives of the Architectural Control Committee. The Architectural Control Committee will review each application on an individual basis and approvals will be granted on this basis. Prior approvals of an application does not guarantee subsequent approvals on the same or other lot.

The placement of dog houses must also take into consideration safety concerns, noise minimization, the possibility of offensive odors, and not be visually offensive to neighbors and public areas. "Visually offensive" shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

## **Materials:**

Materials for use on any detached structure will meet or exceed the materials used in construction of the original structure. Compliance with the "current" edition of the Town of Cary building codes will be considered meeting the "minimum" standards of construction. The Architectural Control Committee reserves the right to require homeowners to **exceed** these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the Architectural Control Committee seeks to maintain the quality of materials and workmanship that are present in the original structure.

Materials for the siding and roofing of the new structure must be compliant with Sections 3.16, "Replacement Siding and Trim," and 3.17, "Replacement Roofing."

Applications must include details of the foundation or anchors for such structures.

## **Requirements:**

All exterior freestanding structures shall maintain proper drainage on the site. If a structure is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

If electrical service will be provided to the detached structure, the application must include details of how that service will be run and must comply with all applicable electrical codes and regulations. Overhead electrical service is not permitted in Park Village.

No metal or plastic storage structures will not be approved.

All external detached freestanding structures must comply with all applicable Town of Cary regulations, ordinances, permit requirements and inspection requirements. The Town of Cary standards are the minimum requirement and the Park Village standards may be more stringent.

## **Exterior Painting**

### **Appearance:**

All exterior paint colors shall be consistent with the initial paint application to maintain a variety as well as a continuity with the surrounding homes. Siding paint shall be only a flat or satin latex type of paint (no semi-gloss or gloss type paints are permitted); for the purposes of maintenance, it is recommended to use a satin exterior paint rather than a flat exterior paint. Trim paint may be semi-gloss.

Paint colors on additions and exterior detached structures shall be consistent with the dwelling and surrounding area.

### **Location:**

Not applicable.

### **Materials:**

Siding paint shall be flat or satin exterior house paint.  
Trim, shutter, and door paint shall be semi-gloss exterior paint..

### **Requirements:**

Any changes to the original exterior paint colors must have Architectural Control Committee approval. No two houses within four houses of each other shall be painted the same siding, or shutter colors. The four house rule includes:

- Three houses to the right of the applicant's house on the same side of the road.
- Three houses to the left of the applicant's house on the same side of the road.
- Three houses to the right of the applicant's house on the opposite side of the road.
- Three houses to the left of the applicant's house on the opposite side of the road.
- If a road intersection exists between the applicant's house and the fourth house, the intersecting road will count as one house/lot.
- If a greenway or open space exists between the applicant's house and the fourth house, the greenway/open space will count as one house/lot

## **Exterior Lighting**

### **Appearance:**

Exterior lighting fixtures must be compatible with the architectural character of the neighborhood. Generally, low voltage accent lighting confined to planting beds or along walkways and on decks is acceptable. Other lighting devices, i.e., flood lights, spot lights, lampposts will be reviewed on an individual basis. "Temporary" holiday lighting generally does not require approval from the Architectural Control Committee, however, such "temporary" lighting and any associated wiring must be removed within 30 days after such holiday.

### **Location:**

Generally, low voltage accent lighting confined to planting beds or along walkways is acceptable. All exterior lighting must have locations approved prior to installation. This guideline is not meant to be construed as discouraging security lighting systems, but only to control the source and spread of the light beam that may be intrusive to adjacent property owners. The application should include a diagram showing the proposed location of new lights and the lighted area.

### **Materials:**

Include a materials list and if possible, a picture or drawing of the proposed fixtures, with the application.

### **Requirements:**

Beam spread from all light sources should be confined to the homeowner's lot. On corner lots and locations where the lighting may affect drivers, care must be taken to insure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic.

All electrical installations must be in accordance with all applicable electrical codes and regulations.

**Approval is not necessary for the following:**

- Approval is not necessary for replacement of current light fixtures with a similar type and style.
- Approval is also not necessary for properly installed low voltage accent lighting along walkways and on the inside of decks. Any low voltage spotlights or lights on the outside of decks require an application if the light may shine onto adjacent property.



## **Retaining Walls**

### **Appearance:**

Generally, the architectural Control Committee will consider for approval "natural" materials for use in the construction of retaining walls. All retaining walls will be considered on an individual basis. The ACC will review materials, colors, location, scale and massing of the proposed wall to determine compatibility with the architectural intent of the existing structure and relationship to the surrounding site.

### **Location:**

Locations for retaining walls must be clearly specified on the plot plan submitted with the application. Applications for retaining walls will be reviewed on an individual, case-by-case basis. Consideration will be given to changes in the natural topography and existing drainage patterns.

### **Materials:**

"Natural" building materials such as stone, slate, brick and pressure treated timbers will be considered as acceptable materials. Railroad ties are prohibited. Materials and colors chosen should complement the existing structure on the site.

### **Requirements:**

All retaining walls will maintain proper drainage on the site. If a wall is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

All retaining walls will be properly secured to prevent collapse and must meet all applicable Town of Cary requirements. There is no height limit, but the compatibility with the surrounding area and the dwelling will be considered. Any request for a retaining wall over three feet in height shall include in the application detailed specifications on anchoring the wall.

## **Hot Tubs/ Pools**

### **Appearance:**

All hot tubs and pools will be reviewed on an individual, case-by-case basis. The Architectural Control Committee realizes that pool and hot tub styles are limited and will place emphasis on screening systems to minimize the visual impact from a public way or adjoining property.

### **Location:**

All hot tubs and pools will be confined to the rear yard. On lots where a rear yard adjoins or is visible from a public way, appropriate screening shall be installed to minimize the visual impact.

### **Materials:**

All pools and hot tubs will be reviewed individually for materials and color.

### **Requirements:**

Installation must meet or exceed all applicable codes, regulations, ordinances, permit requirements, and inspection requirements of the Town of Cary. The Town of Cary standards are the minimum standards and the Park Village Architectural Control Standards and Procedures may exceed those standards.

All pools and hot tubs will maintain proper drainage on the site. If a pool/hot tub is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Water from the pool or hot tub may be drained into the storm sewer system at the end of the season. Care should be taken to contain water from spilling over onto adjacent properties.

All pools and open hot tubs (hot tubs without a locked lid) shall be surrounded by a fence (see Section 3.03) with locking gates. Pools and hot tubs may require additional screening based on the location on the lot to provide visual screening from adjacent property owners or public ways.

Pumps and other machinery related to the pool or hot tub shall be concealed in a manner to avoid offensive visual appearance and minimize noise production or transmission of such noise to nearby lots. “Visually offensive” shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

Care should be taken to locate pools and hot tubs away from potential hazards (i.e., electrocution, drowning). All electrical work related to the pool or hot tub shall comply with all applicable electrical codes.

Homeowners should understand that pools increase the intensity of noise and appropriate measures need to be taken to limit this potential conflict with adjacent homeowners. In addition, homeowners must also comply with the Town of Cary noise ordinance.

**Mailboxes & Posts****Appearance:**

All mailboxes and posts must remain the same size and colors as originally installed by the builder. The color of the mailbox must remain Hunter/Forest Green. The color of the post must remain Glidden "Old Navajo" or equivalent.

The Glidden "Old Navajo" paint can be obtained at ICI Delux Paints (3208 South Wilmington Street, Raleigh, 779-5400), as it is a custom color created by the original developer.

Another option, other than going to ICI Delux, is to use one of the paint mixtures below. Each mixture was determined by bringing an "Old Navajo" paint sample to the specified store.

Please note, the Park Village ACC does not require or recommend the use of one brand of paint over another; however, the information contained herein is the only information currently available to the ACC. If you wish to purchase another brand other than noted below, please contact the Chairperson of the ACC to procure a paint sample for matching.

Currently available paint mixture information:

Paint	Behr Premium Plus Exterior Semi-Gloss Ultra Pure White (5050)
Store/Vendor	The Home Depot
Size	Quart

<b>Colorant</b>	<b>0Z</b>	<b>48</b>	<b>96</b>
B Lamp Black	0	2	0
C Yellow Oxide	0	16	0
F Red Oxide	0	0	1

# Architectural Control

# Section 3.14

Paint	Behr Premium Plus Exterior Semi-Gloss Ultra Pure White (5050)
Store/Vendor	The Home Depot
Size	Gallon

Colorant	0Z	48	96
B Lamp Black	0	8	0
C Yellow Oxide	1	16	0
F Red Oxide	0	2	0

Paint	ICI Dulux Exterior Latex Semi Gloss Finish White Tint (2407-0110)
Store/Vendor	ICI Dulux or any Glidden dealer
Color #	Old Navajo White
Size	Quart

Colorant	P
BLK (Black)	4
YOX (Yellow Oxide)	17
OXR (Red Oxide)	2

The numbers on the mailbox must be 2.5 to 3 inches high, white or cream colored with no background.; The numbers must be located as follows:

- On the side of the flag, the far side away from the flag.
- On the side opposite of the flag, the middle of the mailbox.

A replacement mailbox and applicable numbers may be purchased from R.S. Fincher. If purchased from R.S. Fincher, the new mailbox will have the numbers properly affixed.

A replacement post may be obtained at Post and Pickets (215 Tryon Road, Raleigh, 919-772-7170). The style of the post is called "The Ashley." Mailboxes and numbers may also be available at Post and Pickets, but not guaranteed.

**Location:**

All mailboxes will be confined to the front yard. Movement from the original location to an alternative location will require an application. Location and height must conform to US Postal Service requirements.

**Materials:**

Any new mailbox must be the same size and color as the original box. Any new mailbox post must be the same size, style, and color as the original post. No exceptions will be made.

**Requirements:**

All mailboxes must be repainted or replaced if approximately 20% or more of the surface shows signs of rust or paint peeling.

## **Window & Through-the-Wall Air Conditioning Units**

### **Definition:**

Window or through-the-wall air conditioning units are supplementary type air conditioning units that provide cooling to one or more rooms and are not connected to the "central air" ducted system.

### **Requirements:**

In general, homeowners may NOT install window or through-the-wall air conditioning units.

### **Exceptions:**

A temporary window air conditioning unit may be installed in the following instances:

- The homeowner submits an application form to the PV ACC committee and the committee approves the application,
- The committee will only approve the temporary installation of a unit in the event of a central AC unit failure (the unit may be installed immediately, but an application must be submitted within 7 days of installation of temporary AC unit),
- The window unit is not visible from the road (units may not be installed on the front or sides of a house unless no other option is available),
- The unit is in place for no more than 60 days.

No application is required if the temporary air conditioning unit is in place for 7 days or less.

## Applications:

Applications must be reviewed and approved by the committee before the units can be installed (except as noted above). The committee will review each application on a case by case basis and the decision may be made without apparent regard to precedent or past decisions.

- Approval will only be granted in the event of a central AC unit failure.
- Approval will NOT be granted for additional, supplementary or seasonal requirements.



## **Replacement Siding & Trim**

Applications to replace or reside dwellings with low maintenance or maintenance free products will generally be favorably reviewed by the Architectural Control Committee. Applications are encouraged to include a copy of this standard with their application to ensure compliance with the ACC standards.

### **Siding Appearance:**

Replacement siding products shall maintain the same exterior profile as the original siding products used on all Park Village homes. The original siding is defined as a flat smooth board, 6" tall with a single bead along the bottom edge. This siding is sometimes referred to as "Carolina Bead".

Replacement siding must have a smooth face, have a single bead along the bottom edge, and be 5"-7" from bottom to bottom (this does not include the portion of siding that is covered and used to attach to the house). Subtle textured siding which cannot be discerned from the street, such as smooth-painted or wood-grain textures, generally shall be approved; if such textured siding is used, the bead will be optional, but preferred. Vinyl siding with a slightly concave face shall be considered.

### **Trim Appearance:**

Corner trim, window trim, door trip, window keystones and other trim may be replaced with low maintenance products such as PVC, vinyl, or composite materials, or covered with aluminum at the discretion of the homeowner.

It is strongly recommend that all rotted trim be completely removed and replaced with PVC, vinyl, composite, or other low maintenance products, or pressure treated trim with aluminum product covering. Material beneath the rotted trim including insulation, substrate and framing should be carefully inspected before being covered over. Should the homeowner have any concerns about the structure behind or beneath rotted trim, the homeowners should seek professional advice from a qualified home inspector.

In no event shall existing trim and architectural details be removed. All keystones above the garage and windows must be maintained (repaired or replaced) in size and style. **It is**

a requirement of these standards that all homes maintain cohesiveness in architectural appearance.

## **Materials:**

Replacement siding and trim materials include, but are not limited to:

- Vinyl
- PVC
- Composite materials
- Aluminum
- Fiber Cement Board

## **Brick:**

Replacement of the front façade with brick will be considered on a case by case basis; color of the new brick must be consistent with the existing foundation.

## **Pre-Colored Materials:**

Care must be taken in the selection of pre-colored or permanent colored materials to ensure the homeowner complies with the exterior painting standard, Section 3.10, in that no two homes within four homes of each other shall be painted the same color. The paint color rule applies to all pre-colored materials including vinyl siding and composite trim.

Any selection of pre-colored materials other than those colors and shades already on the home must first be approved by the Architectural Control Committee.

## **Application:**

A sample of the proposed siding and trim material must be presented to the Architectural Control Committee at the committee meeting. Samples can be submitted to the committee via the management company or by attending the committee meeting with relevant samples.

The sample shall match the proposed style and colors of the finished product.

## Replacement Roofing

### Appearance:

All replacement roofing should be the same color as the original roofing (before fading). Although the original style of roofing is a triple tab basic asphalt shingle, it is recommended to replace the roof with what is considered an “architectural” style shingle (see below for approved styles and colors), as they have a better warranty and are better at hiding the fungal growth that plagues traditional three-tab shingles.

### Materials:

All shingles should be made of an asphalt and/or fiberglass composite. The style should be the three-tab (what was originally installed at the time the house was built), or the newer architectural style. The following table lists the brands, styles/cuts, and colors of the architectural shingles which have been pre-approved at the time of the writing of this document; others may be listed on the Park Village website (<http://www.parkvillage.org>).

<b>Brand</b>	<b>Style Options / Cut</b>	<b>Pre-Approved Colors</b>
Atlas	Pinnacle	Pristine Black, Pristine Dove, Pristine Hearthstone, Pristine Pewter, Pristine Weathered, Pristine Weathered Shadow
CertainTeed	Landmark Landmark TL Landmark Pro Landmark Premium	<u>Base and "Max Def" of the following:</u> Charcoal Black, Cobblestone Gray, Driftwood, Georgetown Gray, Moire Black, Pewter, Weathered Wood.
GAF	Timberline HD Timberline Ultra HD	Charcoal, Pewter Gray, Weathered Wood
Owen Corning	TruDefinition Duration TruDefinition Oakridge Oakridge	Driftwood, Estate Gray, Onyx Black, Peppermill Gray, Twilight Black, Williamsburg Gray
Tamko	Heritage Heritage Premium Heritage IR	Aged Wood, Black Walnut, Oxford Gray, Rustic Black, Weathered Wood .

**Please note:** Pre-approved colors are only for the listed brands and styles; colors names in one brand/style may not be acceptable for another brand/style.

Other brands, styles, or colors may be approved upon submission of an application.

## **Application:**

No application is necessary if either of the following is true:

- The replacement roofing will be using the three tabbed style and is the same color as the original roof (without fading).
- The replacement roofing will be using the architectural style, and the brand, style, and color is listed in the aforementioned table.

Otherwise, a sample palette and/or brochure from the manufacturer of the shingles must be presented to the Architectural control committee at the committee meeting. Samples can be submitted to the committee via the management company or by attending the committee meeting with relevant samples. Any sample palettes submitted to the ACC will be returned to the homeowner after the review process is completed.

The sample shall match the proposed style and colors of the finished product.

## **Front Porch & Stair Railings**

### **Definition:**

Porch railings on the front of a house include the railings around an open porch and the front stairs leading up to the front entrance of the home. This section does not pertain to rear and side deck railings, which are covered under Section 3.01.

### **Appearance:**

Porch & Stair Railings shall be constructed from nominal 2 x 4 timber railings with 2 x 2 timber spindles.

Railings and spindles shall be painted to match the existing railing colors. Spindles shall be square in cross section and not turned or otherwise decorative.

### **Replacement Materials:**

As necessary, replacement railings and spindles shall be constructed from pressure treated timber, composite material, or extruded PVC which is available in sections that match the nominal sizes indicated above.

Composite or PVC material shall be white or painted to be the same color as the house trim.

Fasteners including screws and nails should be exterior grade, preferably hot dip galvanized or stainless steel.

### **Painting:**

Replacement pressure treated railings should be left untreated for several weeks to allow the moisture in the wood to escape.

Railings and spindles should, if possible, be replaced in the cooler spring and fall months. During the summer months, the exposure of pressure treated timber with high moisture contents to direct sunlight and high temperatures greatly increases the risk of the railings and spindles buckling as they rapidly dry out.

# **Maintenance**

## **Maintenance**

### **Appearance:**

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

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

- Lawn Care
- Trimming of trees and shrubbery
- Landscaping
- Decks
- Fences
- Driveways and Sidewalks
- Playground equipment
- Paint
- Roofing
- Garbage can Storage
- Debris and Trash Removal

### **Deterioration:**

If at any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the Architectural Control Committee, a representative of the management company, or a combination of the two will be requested to make a site inspection. The committee will then make a recommendation for action to the Board of Directors. Appropriate action will be taken in accordance with the enforcement policies of the Park Village Homeowners Association.

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

# Architectural Control

# Section 4.01

Restrictions for Park Village Homeowner's Association, the Enforcement Procedures policy of the Association, and other applicable regulations and policies. The Board may take upon itself to correct any said violation and bill the homeowner for the costs; if the homeowner then refuses to pay that bill, the Board will then take legal actions to put a lien against the house. **Furthermore, fines for violation may also be levied, up to the maximum daily limit allowed by law.**