



Park Village Homeowners Association, Inc.

Architectural Control Standards And Procedures

**Revision 2.30
October 2002**

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".

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Introduction

and

General Information

Introduction

Whether you are an original owner of a home in Park Village or you're a second or third owner, **WELCOME** to the community. Park Village 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 (e.g., painting one's home bright orange; abandoning cars in the street or driveway; the keeping/breeding of vicious pets such as pit bulls; unkempt yards). In effect, a 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 hearth and, ultimately, their investment through active participation in the governance of the community and on committees advising its appointed or elected leaders.

A well run P.U.D. makes for a pleasant community in which to live. Under the covenants and related documents, all exterior changes must come before the Architectural Control Committee (ACC), including any that are not covered in this booklet. 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 or photocopies the form from this booklet.
- 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 or faxed directly to the management company (refer to Section 2.04 for address and telephone numbers).** Applications left at the Sales Office, the Construction trailer, 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.
- 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 Chairman of 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 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 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.

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 Tuesday 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 Chairman. Meetings will normally be at the Clubhouse, but please contact the Chairman of the Architectural Control Committee 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, 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, *always* call *North Carolina One Call Company* at *1-800-632-4949*, to mark existing utility lines.

**Architectural Control Committee
Application Request Form**

Homeowner's Names: _____
Lot #: _____ **Address:** _____
Telephone: (W) _____ (H) _____

Please check the improvement you would like to make. 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.

<input type="checkbox"/> Deck (1,2,4)	3.01	<input type="checkbox"/> Satellite Dish/Antennae (1,2,3,4)	3.08
<input type="checkbox"/> Building Addition or Exterior Modification (1,2,3,4)	3.02	<input type="checkbox"/> Exterior Detached Structure (1,2,3,4)	3.09
<input type="checkbox"/> Fence (1,2,4)	3.03	<input type="checkbox"/> Exterior Painting (2,3)	3.10
<input type="checkbox"/> Parking Pad (1,2,4)	3.04	<input type="checkbox"/> Exterior Lighting (1,2,3,4)	3.11
<input type="checkbox"/> Walkway/Patio (1,2,3,4)	3.05	<input type="checkbox"/> Retaining Wall (1,2,3,4)	3.12
<input type="checkbox"/> Play Equipment (1,2,3,4)	3.06	<input type="checkbox"/> Hot Tub/Pool (1,2,3,4)	3.13
<input type="checkbox"/> Landscaping (1,2)	3.07	<input type="checkbox"/> Mailboxes (1,2,3,4)	3.14
		<input type="checkbox"/> Other (1,2,3,4)	

Information and Attachments Required to Process Application

1. Plot Plan with improvements shown, drawn to scale including all dimensions of proposed improvement and distances to property lines.
2. Materials List (for landscaping requests, include lists of plants to be used with locations shown).
3. Indicate color(s).
4. Provide a picture, scaled drawing or manufacturers literature indicating overall size, i.e., length, width and height. (Top view looking down and a front/side view looking at improvement)

Detailed Specifications and Description of Request: (Attach additional sheet(s) if necessary)

Materials List: (Attach additional sheet(s) if necessary)

Signature: _____

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 address and telephone numbers for the current 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*

Architectural Standards

Decks**Appearance:**

Decks must remain natural in finish color. Natural colored, translucent stains may be used; however, no painting or solid-bodied staining of the wood will be permitted. 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 with galvanized hardware. A clear water seal is recommended but not a requirement for approval.

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.

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.

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 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.

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.

Fences

Appearance:

Fences shall remain natural in color. Staining is allowed only with one application of Behr Semi-Transparent stain, "Cedar Naturaltone"; however, no other tinting, staining or painting will be permitted. A clear water repellent is also acceptable.

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 set back 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 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. These exceptions must be approved in advance by the Architectural Control Committee. 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 garbage can 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). Fences are to be constructed of #2 or better pressure treated yellow pine. All fasteners are to be galvanized.

Garbage Can Area Fences may be no taller than four feet, no wider than three feet, and no longer than eight feet, and must be fully enclosed (three sides of fence plus the original garage wall). A gate no wider than three feet may be installed on either the side or rear of the enclosure; if installed, the gate must be kept closed at all times. Garbage Can 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. Garbage Can Area Fences must remain natural in color; tinting, staining or painting is not allowed. A clear water repellent is recommended.

Requirements:

There shall be a minimum of one walk through gate at least 3'-0" for access.

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

Garbage Can Areas must be kept neat; no loose debris shall be allowed in the Garbage Can Areas.

Standard Fence Detail Drawing

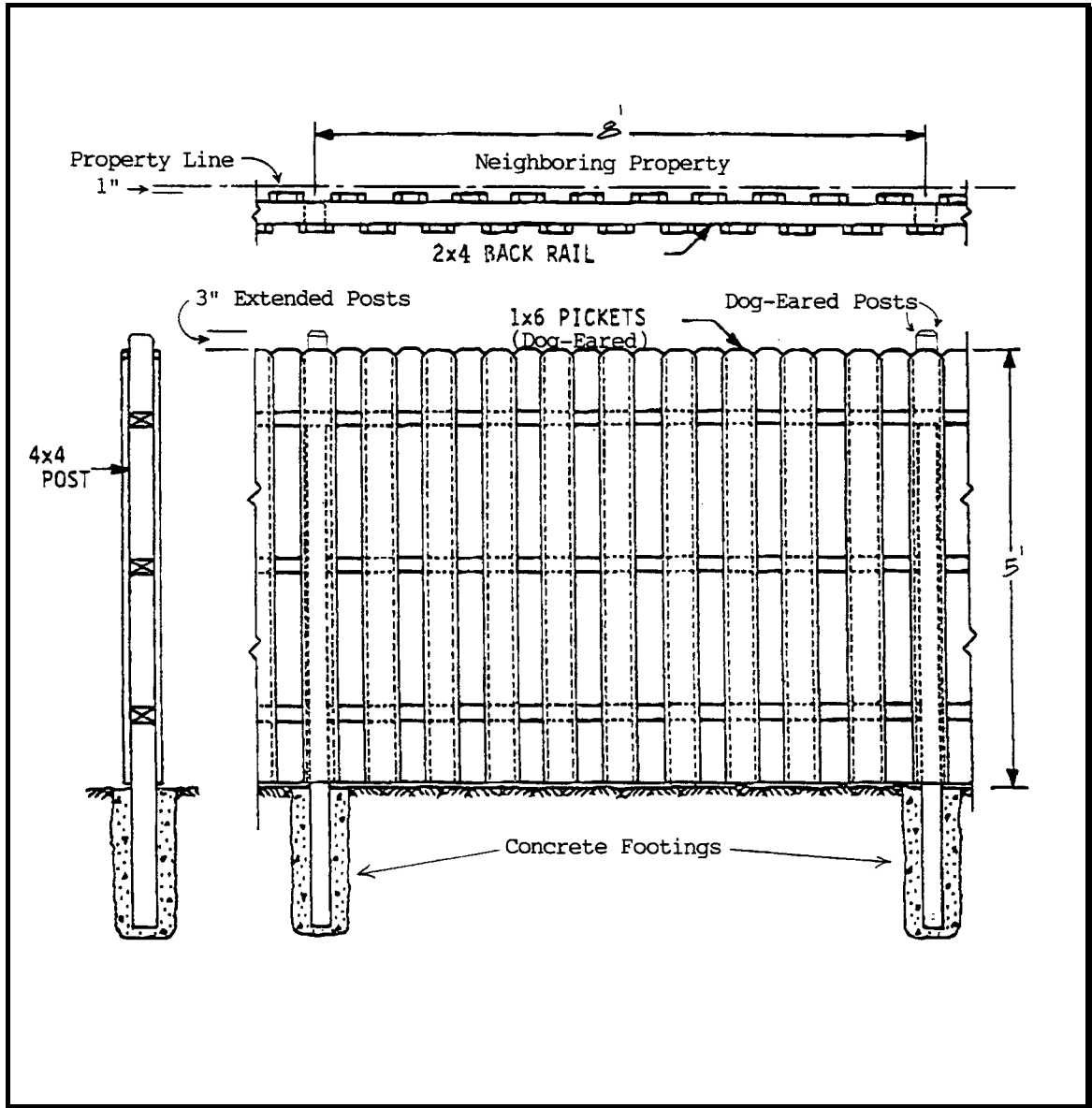


Figure 3.03-1: Drawing details for a standard fence addition.

Tie-In Fence Detail Drawing

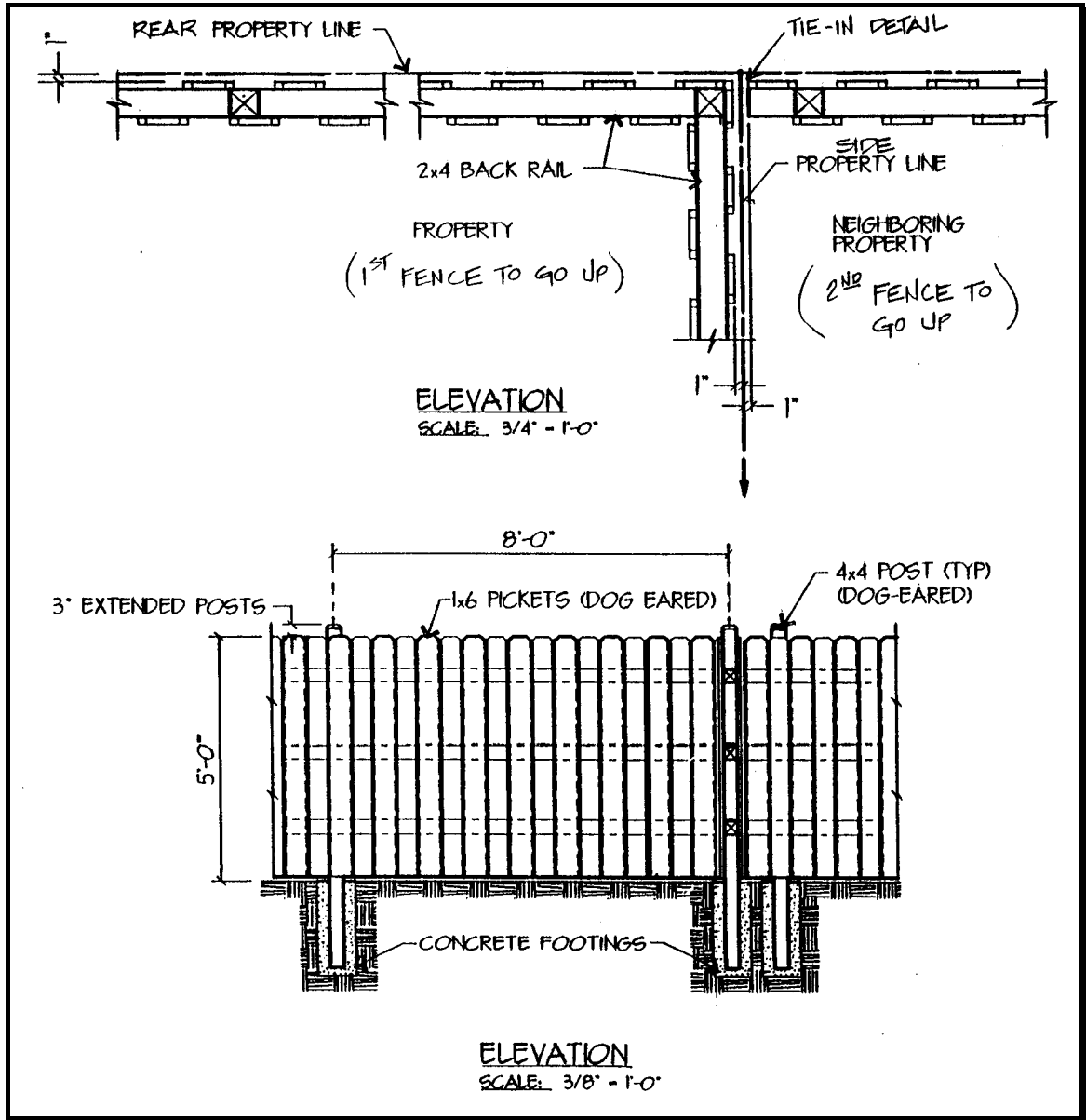


Figure 3.03-2: Drawing details for constructing a new fence adjacent to an existing fence.

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: 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.

Parking Pad Detail

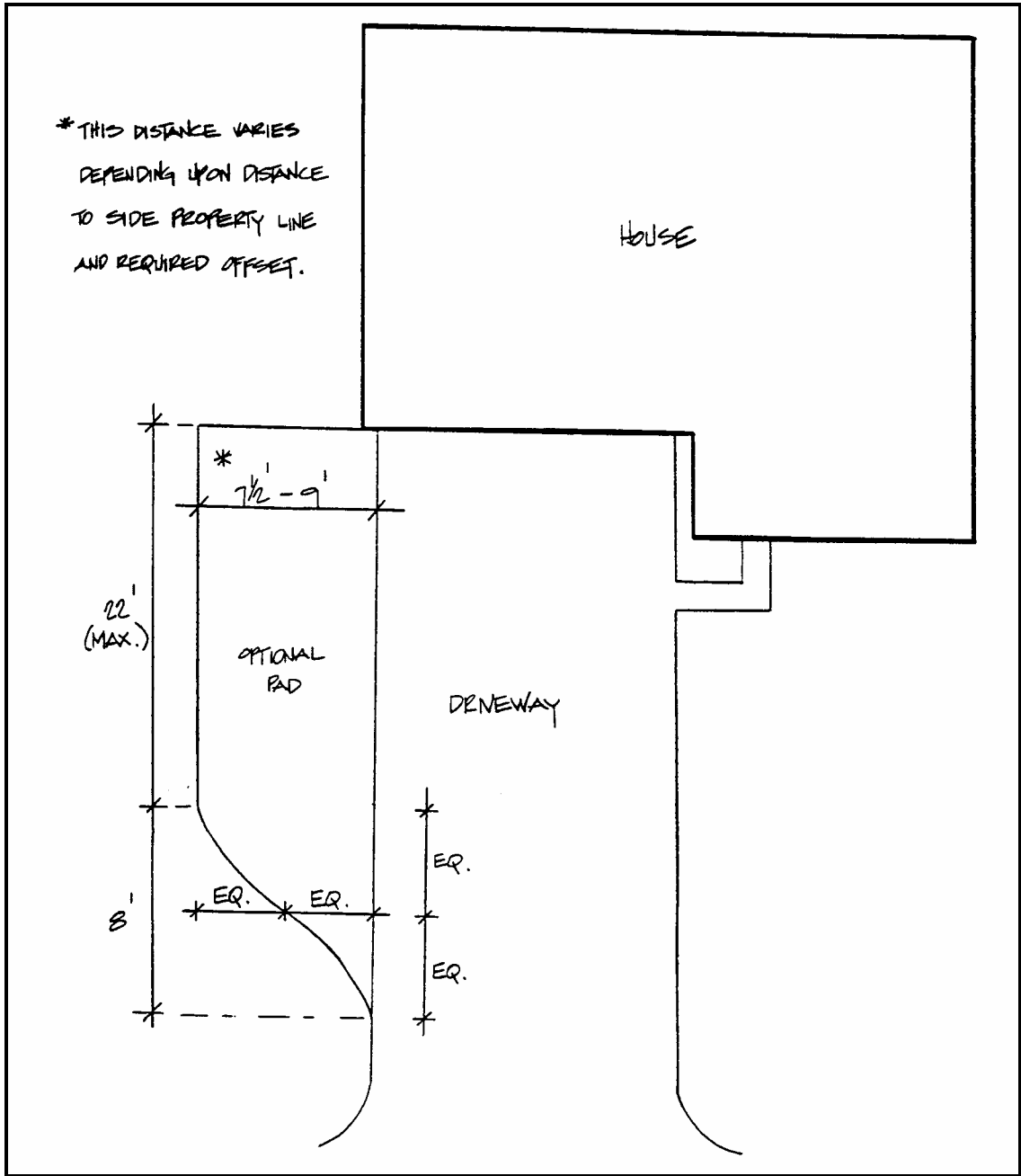


Figure 3.04-1: Drawing details for a standard parking pad addition.

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 inch 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.

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). 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 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. Recreation equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing.

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 an extended period of time must be submitted. 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.

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 No-Cuts) 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.)*
- 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 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.

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.

Metal 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, including mailboxes, 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 latex type of paint (no semi-gloss or gloss type paints are permitted). 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 Duron Deluxe Exterior Flat House Paint or equivalent.
Trim and shutter paint shall be Duron Weathershield Exterior Acrylic or equivalent.

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 base, shutter, door, or trim colors.

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 a reasonable period after such holiday.

Location:

Generally, low voltage accent lighting confined to planting beds or along walkways is acceptable. Flood lights and spotlights will generally be limited to rear and side yards. Specific approval shall be required for spotlights or floodlights on driveways. 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 if the lights are at least five feet apart. If closer placement is desired, then an application must be submitted. 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 Park Village requirements 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 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.

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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

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 numbers must be 2.5 inches high, and may be purchased from Post and Pickets (772-7170) for \$5.00 for a complete set of six numerals (if the price increases excessively the ACC and/or Board of Directors will re-evaluate this single source situation). 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.

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.

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

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Section 4.01

Restrictions for Park Village Homeowner's Association, the Enforcement Procedures policy of the Association, and other applicable regulations and policies.