



Architectural Guidelines

Revision 6.0

Effective August 2021

Revisions

The Park at West Lake Architectural Guidelines Revisions 6.0-Effective August 2021

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Introduction

Whether you are an original or subsequent owner of a home in The Park at West, **WELCOME** to the community. The Park at West Lake is an exciting and vibrant place in which to live, and we desire to make it an even better place to call home through continuing efforts to improve, maintain, and protect our community while safe guarding property values of owners.

In a planned community such as The Park at West Lake, the question naturally arises as how to maintain a harmonious, quality development as the community matures. Under the Declaration, Restrictive Covenants, and other related documents, most exterior changes to your home or property must come before the Architectural Review Committee (ARC) and be approved before work may begin. This document sets forth Architectural Guidelines and procedures for making a request for approval of changes to the exterior of your home or property, as well as rules and regulations arising out of the Declaration and Restrictive Covenants. These Architectural Guidelines and Rules and Regulations attempt to provide a meeting ground between private interests of property owners and the broader interest of the community, help insure quiet enjoyment for our residents, minimize problems and expenses for the Homeowners Association, provide for the architectural integrity of our community, and help maintain property values. Please retain this document as part of your permanent papers and make it available to any renters of your property.

Please note that the Declaration of Covenants, Conditions, and Restrictions, Easement, Charges and Liens for The Park at West Lake Homeowners Association, Inc. is recorded at Book 10-52-4, Page 2000 of the Wake County Registry ("Declaration") and governs use of lots within the community. In addition, certain Restrictive Covenants have also been recorded for various phases within the community which also govern the use of lots. The provisions of the Declaration and the Restrictive Covenants run with the land and are binding on property owners. We encourage you to review both the Declaration and the Restrictive Covenants applicable to your lot, and to provide those documents to your renters. In the event you need additional copies of the Declaration or Restrictive Covenants, please contact the Association's Management Company, download them from either the Association's or Management Company's websites, or visit the Wake County Register of deeds at www.wakegov.com/rod.

THE ARCHITECTURAL GUIDELINES SET FORTH HEREIN SUPERSEDE ALL PREVIOUS ARCHITECTURAL GUIDELINES, RULES OR STANDARDS, AND SHALL REMAIN IN EFFECT UNTIL OTHERWISE RESCINDED, AMENDED, MODIFIED, OR REPEALED BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS.

Architectural Review Committee

Architectural control within the community is governed by Article VIII of the Declaration, which provides for the establishment of an Architectural Control Committee. As provided therein, the Declarant has assigned architectural control to the Board of Directors, which in turn has appointed an Architectural Control Committee known as the Architectural Review Committee (ARC).

Under Article VIII of the Declaration, no building, fence, sign, wall or other structure may be commenced, maintained, erected or constructed on a Lot, nor may any exterior addition to or change or alteration be made, including landscaping and re-landscaping, unless plans and specifications have been submitted to and approved in writing by the ARC.

The ARC will regulate the external design, appearance, and location of all improvements, additions, and alterations upon any Lot in such a manner as:

- To promote those qualities in the environment which bring value to our 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 ARC is responsible for:

- Reviewing Architectural Requests for exterior architectural and landscaping changes from individual property owners.
- Approving or denying Architectural Request submissions.
- Developing draft Architectural Guidelines and Standards for submission to the Board of Directors for approval.
- Investigating possible Architectural Rule violations.
- Inspecting ARC approved projects as needed.
- Helping property owners/residents understand and comply with Architectural Guidelines, Rules, and Regulations.

The ARC is specifically authorized in the Declaration to establish and promulgate written architectural standards and construction specifications with Board approval. The purpose of these Architectural Guidelines is to provide guidance in preparing architectural requests and set forth some of the standards applied by the ARC. **These Architectural Guidelines are not all-inclusive, and no inference should be made that the failure to include a particular type of exterior, landscaping, or other change somehow exempts that change from the approval process.**

If any paragraph, section, sentence, clause or phrase of these Architectural Guidelines and Rules and Regulations 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.

No previously ARC, Board, or Developer approved installation shall constitute establishing a precedent for any other approval. Each Architectural Request will be examined and evaluated on its own merit.

Any changes in plans or specifications for a previously approved Architectural Request must be submitted to, and the changes approved in writing by, the ARC before proceeding with those changes.

Enforcement

The Architectural Enforcement Process:

Upon receipt of information concerning a potential or alleged architectural violation, the ARC or Association's Management Company shall determine whether or not such a violation exists. If it is determined that a violation does exist:

- 1) The management company will mail one notice to the property owner deemed to be in violation (based on individual circumstances the ARC/Board reserves the right to issue subsequent notices as may be appropriate) 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 property owner to cease the work immediately, explaining the violation, and giving the property owner a set amount of time to correct the violation.
- 2) A site inspection by the ARC or management company will be performed after the date outlined in the notice of violation. If the violation has been corrected, the matter will be closed. In the event any violation continues, further compliance actions will continue which may include the imposition of fines or the suspension of community privileges in accordance with the North Carolina Planned Community Act, the institution of legal proceedings requesting injunctive and/or monetary relief as may be appropriate, and all other legal and equitable remedies that may be available by law.
- 3) For those suspected violations which appear irreversible or uncorrectable within a reasonable amount of time (like removing a mature tree), the board may opt to move directly to a hearing to make a determination on the context and severity of the violation, and the subsequent proposed fine and or suspensions. Hearings are held before the executive board.
- 4) For violations of the declaration, bylaws, and rules and regulations, the Board of Directors can impose

"reasonable" fines and suspend the violating member's access to the association's privileges or services in accordance with N.C. Gen. Stat. [§47E-3-102\(12\)](#). Fines may be up to \$100 for a single violation, and up to \$100 per day for each continuing violation that occurs more than five days after a decision is reached that a violation has occurred and remains uncorrected.

Procedure for Requesting Architectural Approval

- STEP 1** *Prior to any alteration, addition, or improvement* the property owner (property owners are the only persons who may make Architectural Requests) requests the Architectural Request Form and Instructions by phone, US mail, or email from the Management Company, or downloads the Architectural Request Form and Instructions from the Association's or Management Company's websites.
- STEP 2** *Prior to any alteration, addition, or improvement* the property owner reviews the Architectural Guidelines and Rules and Regulations and then completes the Architectural Request Form providing all applicable information as requested and/or required. All parts of the Architectural Request Form must be completely filled out and all pertinent information must be included with the submittal.
- STEP 3** The property owner submits the completed Architectural Request Form including any attachments or supporting documents requested/required by the Architectural Guidelines or Architectural Request Form to the Management Company for processing.

Architectural Request Forms may be returned by US Mail, Management Company Website, Fax, or Hand Delivery directly to the Association's Management Company at the appropriate address or fax number included in the Architectural Request Instructions.

Note: Black and white or gray scale images are unacceptable for color changes therefore faxing may not be acceptable for certain Architectural Requests.

Complete Requests: Architectural Request Forms that are submitted with all requested and/or required information, attachments, and supporting documents will be reviewed and a written Notice of Decision shall be issued within thirty (30) days of receipt of such request by the ARC committee.

Incomplete Requests: Property owners will be notified if their Architectural Request has been submitted without all the requested and/or required information, attachments, or supporting documents and a request for the missing documentation will be issued.

Note: Any calculation of time concerning the processing of an Architectural Request will not start to run until a fully completed Architectural Request Form and any requested/required information has been received by the ARC.

Appeals

Property owners dissatisfied with the ARC's decision regarding their Architectural Request may appeal the Committee's decision to the Board of Directors.

Note: Denials of Architectural Requests from the ARC due to incomplete Architectural Request Forms being submitted are not appealable but may be resubmitted with all requisite information for new consideration by the ARC (timing does not begin until a complete Architectural Request is received by the ARC).

Procedure for Appeal of ARC Decision:

- STEP 1** **Notice of Appeal:** The property owner shall have thirty (30) days from the date of mailing of the

Notice of Decision by the ARC to file a written appeal of that decision to the Board of Directors. The written appeal shall be sent by US mail to the Association's Management Company and shall include a copy of the denied Architectural Request, a copy of the ARC's decision, a detailed explanation of the reasons for the appeal, and appropriate documentation supporting the appeal.

- STEP 2 Hearing:** The Board President or Vice President (only if the President is unavailable) shall schedule a hearing on the appeal, normally in conjunction with a regularly scheduled Board Meeting, but not more than sixty (60) days from the Management Company's receipt of the Notice of Appeal from the property owner. The property owner shall be notified in writing of such hearing. The Chairperson of the ARC or a designated representative shall attend the hearing. Witnesses and evidence may be presented at the discretion of the Board by a majority vote.
- STEP 3 Decision of Board:** Within fifteen (15) days of the hearing, the Board of Directors shall report their decision in writing, based upon a majority vote of the Board, to the property owner.

ARC Approval is NOT Required for the Following Items:

NOTE: Prior to beginning any construction project, always call North Carolina One Call Company at 1-800-632-4949 to mark existing utility lines.

1. Annual or perennial flowers planted in existing landscaping beds or existing natural areas.
2. Shrubs and bushes less than three (3) feet in height or diameter at maturity and planted within an existing natural area or landscaping bed.
3. Shrubs and bushes less than three (3) feet in height or diameter at maturity and used as a cover for a foundation, fence, deck, or HVAC equipment.
4. Ground cover planted in existing natural areas or existing landscaping beds.
5. Mulching with pine straw, hardwood or bark mulch.
6. Replacement of existing shrubs, plants, or trees that have died or are diseased with the same variety and size shrub, plant, or tree in the same location.
7. One (1) course of edging not to exceed six (6) inches above ground level of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete, black plastic, metal, or other commonly used edging material as long as it is a neutral earth tone color.
8. Flower and plant containers thirty (30) inches or less in diameter or rectangular window boxes that are commercially produced. **Note:** Window boxes may not exceed the width of the window they are mounted under and their finish must be consistent with the exterior house colors or neutral earth tone colors. Flower and plant containers must be neutral earth tone colors.
9. Mailbox replacement (must be the exact size, style, and color of original).
10. Exterior repainting in original colors.
11. Replacement of current exterior light fixtures with a similar type and style.
12. Low-voltage accent landscape lighting a long walkway and on the inside of decks provided the lights are at least five (5) feet apart and do not shine directly onto adjacent property or cause excessive indirect light to be directed onto adjacent property.
13. Exterior replacement of roof, shutters, windows, or garage doors with original style, color, and material.
14. Installation of satellite dishes one meter or less in diameter. **Note:** Property owners/renters must comply with all appropriate Architectural Guidelines, Rules, and Regulations regarding satellite dishes contained within this document.
15. Temporary holiday lighting provided it does not cast excessive indirect light, cause a nuisance, or present a safety hazard to surrounding homes.
16. Installation of a single flagpole attached to the front portion of the house or garage entry way, not to exceed six (6) feet in length.
17. Display of one garden flag up to two (2) feet in length and one seasonal or sports flag not to exceed three (3) feet by five (5) feet.
18. Display of U.S. and/or State of North Carolina flags not to exceed four (4) feet by six (6) feet.

ARCHITECTURAL GUIDELINES

Guidelines contained in this document are to be considered as design standards, related to the aesthetics and harmony of the community. The Board derives the authority to set design standards from the Declaration. The Guidelines contained in this document are meant to help property owners/residents know what styles or materials are deemed acceptable and therefore will most likely result in an approval of an Architectural Request. When submitting an Architectural Request, please consider whether the proposed change complies with the Park at West Lake's Declaration, Restrictive Covenants, or other appropriate Rules while also fitting within the scheme and development of the community. This document also sets out Rules and Regulations which are based on the provisions of the Declaration and Restrictive Covenants.

All exterior changes and improvements to each property within the community, unless specifically noted otherwise, must be approved in writing by the ARC and must comply with all laws, statutes, and ordinances of the Town of Cary, Wake County, and the State of North Carolina. Approval of an Architectural Request by the ARC does not in any way imply that an Architectural Request complies with any laws, statutes, or ordinances. Property owners are solely responsible for compliance with these Architectural Guidelines and Rules and Regulations, and any laws, statutes, or ordinances that are applicable. The ARC reserves the right to impose restrictions greater than those of the Town of Cary, Wake County, or the State of North Carolina when allowed by law. Please consult with the proper authority prior to starting any work to determine if a Building Permit or other authorization is required.

Each Architectural Request shall be considered independently. Any previous ARC, Board, or Developer approval of an ARC Request shall not set any precedent for any current or future ARC Request.

Decks and Screened Porches

Appearance:

The size and styling of decks/screened porches must complement and be in proportion to the dwelling. Deck railings should complement the home and deck/screened porch. Railing style must be clearly identified on Architectural Requests.

Decks/screened porches are to be stained a natural earth tone or painted to match the house trim color. Deck/screened porch railing style must be approved in writing by the ARC. Any style change to existing railings or railing additions to existing decks/screened porches must be approved in writing by the ARC prior to replacement or addition.

Location:

Final placement of decks/screened porches must be approved by the ARC and may be more restrictive than the Town of Cary setback requirements.

All decks/screened porches should be confined to the rear of the dwelling and should not protrude forward of the rearmost corners on each side of the home.

Materials:

Composite and other approved decking materials found in the Residential Building Code currently in use by the Town of Cary are permitted provided they are neutral/natural in color or are painted or stained a natural earth tone to complement the house color scheme. Composite trim and railings should be painted to match or complement the existing house color scheme.

Deck/screened porch framing must be constructed of #2 or better pressure-treated southern yellow pine or other approved materials found in the Residential Building Code currently in use by the Town of Cary. All decking hardware must meet or exceed the design requirements of the current Residential Building Code in use by the Town of Cary.

Drainage:

Proper drainage must be maintained around the deck/screened porch. Excessive water shall not be directed to a neighboring property or to the house foundation. Runoff shall be controlled during any construction so as to prevent migration of soils, trash, and debris into drainage culverts, neighboring properties, sewers, and streams.

Fences

Pools and Hot Tubs may require a different style and/or height fencing or gate by law than these Architectural Rules and Guidelines allow and will be considered separately when appropriate.

No fence or fencing type barrier of any kind shall be placed, erected, allowed, maintained, or replaced with another upon any Lot without the prior written approval of the ARC.

Appearance:

Metal and wood fencing size and style should fit with the look and design of each section of the community the fence will be built within and complement the lot it is placed upon as well as adjacent lots. Additional landscaping around fencing may be required.

All fences must be maintained in a safe and aesthetically pleasing condition.

Wooden fences should not be painted and should be treated with a natural wood tone stain. In keeping with the aesthetics of the community, wooden fences should not exceed a height of five (5) feet. All heights are measured from ground level.

Metal fences should not exceed five (5) feet in height, must be black in color, and match the predominant metal fencing style existing within the community as of the effective date of this document. All heights are measured from ground level.

Location:

Fences should follow the natural topography of the land. A setback from the homeowner's property line should be observed to prevent fence encroachment. Any corner lot will generally be required to have a setback of fifteen (15) feet from the curb on the side of the lot facing the street; if the property line is greater than fifteen (15) feet from the curb, then a one (1) inch setback will apply. Fencing shall be placed, erected, allowed, or maintained upon any lot to encompass the back and side yards and should extend no farther forward than approximately ten (10) feet from the rearmost corners of the home. Exceptions may be considered for lot shape or the use of fencing as a screen.

No fence or wall shall be erected on any lot closer to any street than the front or side building setback line. Existing trees six (6) inches in diameter or more may not be removed to place any fence without written approval from the ARC.

Materials:

Wood and metal (includes aluminum) fencing shall be considered for installation in the Carriage Gate, Commons, Heritage, Park at West Lake (Drees), and Woodlands sections of the community. Approval of the requested material or style of fencing is not guaranteed. The ARC will take into consideration community aesthetics, functionality, and how the proposed fence blends with the lot it is being installed upon and with the surrounding lots and fences within that section of the community.

There shall be a minimum of one walk through gate with at least three (3) feet for access.

Garbage/Recycle Receptacle Screening

Appearance:

Fencing/screens should appear similar with or complementary to the style and materials of the house. Additional landscaping may be required for some installations.

Location:

Garbage/Recycle receptacle storage areas should be located on the garage side of the house and may not be located where they will encroach upon neighboring property. The selected storage area will consider odor emissions to the neighboring properties.

Materials:

Materials should be appropriate for exterior conditions and installed in a secure manner.

Garbage/Recycle receptacle storage area fences and screens shall not exceed four (4) feet in height, three (3) feet in depth, and eight (8) feet in length. A gate no wider than three (3) feet may be installed on one side or the rear when creating a fully enclosed storage area. All fencing and screens must be maintained in a safe and aesthetically pleasing condition.

Building Addition and Exterior Modification

Examples of additions include screened porches, new living spaces, dormers, 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, shutters, and awnings, and the replacement or addition of roofing, garage doors, windows, or exterior doors which are **not** the original style, size, material, or color.

Appearance:

The ARC 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 addition and/or modification to the neighborhood. Specific emphasis will be placed on preserving a cohesive neighborhood architectural style that maintains the scale, detailing, materials, massing, color(s), and design intent of the original structure.

Location:

The ARC approved location of building additions shall 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 except; the ARC reserves the right to disapprove Architectural Requests which may meet the Town of Cary setback requirements but fail to meet the objectives of the ARC Rules and Guidelines.

Materials:

Materials that will be considered acceptable 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. The ARC seeks to maintain or exceed the quality of materials and workmanship present in the original structure. Architectural requests to use materials dissimilar to those used in the original structure shall be considered.

The current Residential Building Code in use by the Town of Cary shall be considered as the minimum standard for both material specifications and construction techniques. The ARC reserves the right to require homeowners to exceed minimum Building Code Standards if it is deemed necessary to maintain the architectural intent of the original structure.

Drainage:

All building additions and modifications shall maintain proper drainage on the site. If a building addition or modification is planned, which will change drainage, property owners are required to provide a plan that details drainage patterns and runoff as a result of the addition/modification. Excessive water shall not be directed to a neighboring property or to the house foundation. Runoff shall be controlled during any building addition or exterior modification work so as to prevent migration of soils, trash, and debris into drainage culverts, neighboring properties, sewers, and streams.

Driveways and Parking Pads

Appearance:

The layout or design of parking pads or changes to driveways should preserve and complement the original driveway and walkway as well as blend with the property and neighborhood. Additional landscaping may be required to screen parking pads from adjacent properties.

The surface shall be concrete of the same color and finish as the existing drive.

Location:

Parking pads (driveway extensions) must be constructed adjacent to and contiguous with the original concrete driveway on the side opposite the front walkway.

Dimensional Limitations:	Maximum Width nine (9) feet. The ARC will decide the maximum width to be approved for any Architectural Request but shall not be more than nine (9) feet.
Set Back Requirements:	Minimum setback from side property line is eighteen (18) inches except that the setback may be less with specific approval of the ARC on cul-de-sac lots because of lot configuration and size.
Drainage/Slope:	Slope of the driveway/parking pad and that of the adjacent yard shall preserve, enhance, or connect 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:

The surface of the parking pad shall be concrete of the same color and finish as the original driveway.

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

Walkways and Patios

Appearance:

Patios and walkways shall be designed and constructed in scale with the site and existing structures. The slope of patios and walkways and that of the adjacent yard shall preserve, enhance, or correct 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:

Patio and walkway size, design, and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site.

Patios shall be confined to the rear yard. All walkways and patios shall be a minimum of eighteen (18) inches from property lines except; a reduction of the minimum setback may be approved by the ARC for some lot sizes and configurations.

Materials:

Brick, concrete, concrete pavers, flagstone, and slate may be considered as acceptable patio or walkway materials. The materials and color chosen shall complement existing structures as well as the lot.

Toys/Playground and Recreational Equipment

Appearance:

Playground and recreational equipment should blend with the natural surroundings to the extent possible. Landscaping or fencing should be used to screen playground and recreation equipment when needed to provide a safe and harmonious environment.

Location:

The location of play areas and recreational equipment should 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. When possible, recreational equipment should not be visible from the street when standing directly in front of the house.

Materials:

Playground equipment should be constructed of quality materials to ensure safe usage, be properly anchored, and be aesthetically pleasing. All playground and recreational equipment must be maintained in a safe aesthetically pleasing condition.

Basketball goals must be mounted on a single pole with a backboard that is predominately white, clear, or gray. Basketball goals should not be mounted directly on the house. Any fixed basketball goals, e.g., cemented and/or anchored into the ground, require written ARC approval.

Safety:

The streets of our community are narrow and support a high frequency of traffic; therefore, it can be dangerous for children and adults alike to utilize our streets for activities. Please use sound judgment in determining the appropriateness of using the street for any activity. Play or recreational equipment that is placed so as to be used with the street as part of the play area will be reported to the Cary Police. Toys and Playground and Recreational equipment should be returned to an approved storage when not in use.

Lawn Care and Landscaping

Definitions:

Natural Area/Landscaping Bed	Any area (excluding flower beds and gardens with ground cover other than grass).
Bushes and Shrubs	Any bush or shrub that will exceed three (3) feet in height or width at maturity.
Flower Bed	Any grouping of flowers not contained within a natural area or landscaping bed.
Garden	Any area used to grow fruits, vegetables, or herbs.
Water Garden	Natural, man-made, or pre-fabricated body of water used for decorative purposes.
Lawn	Any area covered or intended to be covered by grass.
Devil Strip	The grass area between the sidewalk and the street.

Appearance:

The standard used for lawn care maintenance, including maximum height of grass, shall be found in the NC State Extension Service Publications, which can be found on the internet <https://content.ces.ncsu.edu/catalog/series/227/>. Lawn maintenance and care appropriate to all types of grasses in our community can be found at this website.

Natural areas, landscaping and flower beds, and gardens shall be made in proportion to the home and property. Screening of gardens should be considered through the use of fencing or shrubs to eliminate views from neighboring properties, the street, or common areas.

Except as otherwise stated in this document, all types of decorative mulching (including gravel) require written ARC approval. Mulch is required in all-natural areas, landscaping beds, and flower beds. Additionally, mulch is required when plants, trees, bushes, or shrubs are located immediately adjacent to property lines. Natural (excluding gravel) mulch must be replenished yearly.

Location:

Natural areas and landscaping beds may be utilized throughout the yard. Mature plant size shall be considered in determining locations of trees, bushes, and shrubs. Plantings should be sufficiently set back from the property line to account for mature growth. New trees should be located away from foundations, driveways and parking pads, or walks to limit potential damage caused by root growth.

Water gardens and fountains shall normally be placed in the rear yard. Design and construction must take into account safety as well as aesthetics.

Landscaping and plantings in utility easements will be considered, however, property owners assume full liability for any damage, cost, or loss as a result of utility or other work that may be necessary in the easement after the property owner/resident has completed landscaping/planting.

Landscaping beds and natural areas located in the front yards shall not encompass more than fifty percent (50%) of the total area available for the front yard. Front yards shall be measured from the street edge or curb to the nearest point of the house, and from one side yard property line to the other side yard property line. Corner lot front yards shall be measured from the street edge or curb to far side yard property line. Front yard total area shall exclude the existing walkway and driveway. The remaining fifty percent (50%) of the front yard area shall be lawn (grass). Natural areas and landscaping beds and flower beds adjacent to the street may not exceed twenty-five percent (25%) of the lot's total street frontage.

Vegetable and herb gardens shall be confined to the rear yard. The maximum height of plantings in vegetable, herb, and water gardens shall not exceed five (5) feet.

Materials:

Edging other than one (1) course not to exceed six (6) inches above ground level of unstained pressure treated yellow pine timbers, brick, stone, pre-cast concrete, black plastic, metal, or other commonly used edging material as long as it is a neutral earth tone color needs written ARC approval. Selections should consider scale, color, and proportion to harmonize with existing structures and surrounding site.

Drainage:

All landscaping modifications shall maintain proper drainage on the site. If any landscaping changes are planned which will alter drainage, property owners are required to provide a plan that details drainage patterns and runoff as a result of the landscaping change. Excessive water shall not be directed to a neighboring property or to the house foundation. Runoff shall be controlled during any landscaping work so as to prevent migration of soils, trash, and debris into drainage culverts, neighboring properties, sewers, and streams.

Culverts/Drainage trenches must be kept clear of debris and maintained to allow free passage of water. Written ARC approval is required before altering culverts/drainage trenches (The Town of Cary maintains an easement in culverts/drainage trenches and their Engineering Department must be notified before any changes are made as well).

Tree Removal and Replacement:

At The Park at West Lake we love our trees and protect our streetscapes. Residents are encouraged to plant additional trees in their yards.

The removal of trees greater than six (6) inches in diameter at three (3) feet from the ground must be approved in writing by the ARC, except when emergency removal is required due to the tree(s) presenting a clear and present danger to life, person, or property, and will include stump grinding. Photos of the trees requested to be removed, the location and the reason(s) for their removal must accompany the ARC Request as well as information on a replacement tree to be replanted and a designated location.

Recommendations for replacement tree including minimum planting size:

Flowering Accent Trees should be not less than 1"- 2" in caliper and 7'-8' in height. Suggested flowering accent trees: Dogwood, Plum, Cherry, Serviceberry, Redbud, Bloodgood Japanese Maple, Japanese Flowering Apricot, Tulip Magnolias etc.

Street Tree should not be less than 2.5" – 3" caliper. Suggested street trees: Nuttall, White Oak, Trident Maple, Southern Magnolia and Linden.

Compost:

One compost pile measuring not more than three (3) feet diameter and three (3) feet in height shall be permitted in the rear yard but must be adequately screened by plantings and/or fencing so as to conceal it from view of neighboring residents and view from the street. Property owners/residents shall be responsible for ensuring that compost piles are maintained in a manner which does not emit offensive odors or attract rodents or excessive insects. The ARC/Board reserves the right to have any compost pile immediately removed that is not properly maintained.

Satellite Dishes and Antennas

Architectural applications are not necessary for the installation of satellite dishes that are one meter or less in diameter, however property owners/residents are required to follow the rules and guidelines set forth in this document. The ARC reserves the right to address inadequate screening of satellite dishes. Satellite Dish and Antenna installations shall be governed by current FCC rules.

Location:

Satellite dishes and antennas should be placed on the roof on the back of the home. If an acceptable quality signal is not available in that location, satellite dishes may be placed in the rear of the lot. If an acceptable quality signal is not

available in the rear of the lot, satellite dishes may be placed in other areas of the lot.

Satellite dishes and antennas shall be installed solely on individually owned property and may not encroach upon common areas or any other owner's property. Installation is not permitted on common property, even if an acceptable quality signal may not be received from an individually owned lot.

Installation:

All satellite dishes and antennas shall be screened from view from the street or from other lots to the maximum extent possible. All cables should be hidden to the maximum extent possible.

Satellite dishes and antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safeties of any person at or near dishes/antennas, including damage from wind velocity based upon a unique location.

Satellite dishes and antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. All installations must comply with all applicable codes.

Maintenance:

Property owners/residents shall not permit their antennas or satellite dishes to fall into disrepair or to become safety hazards. Property owners/residents shall be responsible for installed satellite dishes and antennas including all associated materials, maintenance, repair, repainting, or replacement. Satellite dishes and appurtenances no longer in use shall be removed within 6 months.

Exterior Freestanding Detached Structure

Examples of exterior freestanding detached structures include garages, storage sheds, gazebos, tree houses, doghouses/pet enclosures, greenhouses, arbors, permanent patio fireplaces and firepits, etc.

Appearance:

The ARC will generally review the design, style, materials, colors, location, scale, and massing of the proposed structure to determine compatibility with 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 and architectural style. ARC Requests for exterior freestanding structures must include the details of the foundation and/or anchoring for any structure.

Storage sheds should not exceed eight (8) feet by twelve (12) feet.

Location:

The location for exterior freestanding detached structures will typically be governed by the maximum building area that is defined by the Town of Cary in regarding the minimum setback requirements from the property line. The ARC reserves the right to disapprove applications, which may meet the Town of Cary setback requirements but fail to meet the objectives of the ARC. Most structures should not be visible from the street when standing directly in front of the home.

The placement of doghouses/pet enclosures should take into consideration aesthetics, safety, noise minimization, and the possibility of offensive odors.

All exterior freestanding detached structures should be confined to the rear yard.

Materials:

Materials that will be considered acceptable for use on any exterior free-standing structure must meet or exceed the

quality of and be consistent with the materials used in construction of the original structure. The ARC seeks to maintain or exceed the quality of materials and workmanship present in the original structure. Architectural requests to use materials dissimilar to those used in the original structure shall be considered.

The current Residential Building Code in use by the Town of Cary shall be considered as the minimum standard for both material specifications and construction techniques. The ARC reserves the right to require homeowners to exceed the minimum standard if it is deemed necessary to maintain the architectural intent of the original structure.

If electrical service will be provided to the detached structure, the ARC Request must include details of how that service will be run to that structure. Underground installation of electrical lines shall be the preferred method.

All electrical materials and installation of electrical components must comply with all applicable electrical codes and regulations in use by the Town of Cary at the time of construction.

Drainage:

All exterior freestanding structures shall maintain proper drainage on the site. If an exterior freestanding structure is planned, which will change drainage, property owners are required to provide a plan that details drainage patterns and runoff as a result of the new structure. Excessive water shall not be directed to a neighboring property or to the house foundation. Runoff shall be controlled during any construction so as to prevent migration of soils, trash, and debris into drainage culverts, neighboring properties, sewers, and streams.

Exterior Painting

Appearance:

When repainting an existing home or freestanding detached structure, or any new additions, modifications, or exterior freestanding detached structures, the paint colors used shall be consistent with the current color scheme of the home so as to maintain continuity and an appropriate color variety within the community. Painting the same body color on homes within three (3) homes to the immediate left and right of your home and homes across the street within two (2) homes in either direction is prohibited.

Any changes to the current exterior paint colors of any existing home or exterior freestanding detached structure must have written ARC approval.

Materials:

Siding paint should be Exterior Flat House Paint (no Semi-Gloss or Gloss), however Satin will be considered. Trim and shutter paint shall be Exterior Acrylic or equivalent (may be semi-gloss).

Exterior Lighting

All exterior lighting (except that lighting noted in this document as not requiring ARC approval) added to any property after the certificate of occupancy has been issued shall require written ARC approval.

Appearance:

Exterior lighting 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. Lamp posts positioned in the front yard should not exceed five (5) in height. ARC Requests should include a picture or diagram of light fixtures.

Temporary holiday lighting generally does not require approval from the ARC provided it does not cast excessive indirect light, cause a nuisance, or present a safety hazard to surrounding homes; the ARC/Board reserves the right to have property owners/residents immediately remove such holiday lighting.

Location:

ARC requests for lighting must include a diagram showing the proposed location of new or relocated lights and their projected light beams.

Generally, low voltage accent lighting confined to planting beds or along walkways is acceptable. Floodlights and spotlights will generally be limited to rear and side yards (this guideline is not meant to be construed as discouraging security lighting systems).

Consideration will be given to the source and spread of light towards neighboring properties. Indirect light should be confined to the property owner's/resident's lot to the extent possible. Where lighting may affect the vision of drivers or pedestrians, care must be taken to ensure that lighting does not cause an unsafe condition by blinding any person (particularly on corner lots).

Retaining Walls (including Driveway Culvert Walls)

All retaining walls must be properly engineered and constructed and must meet all applicable Town of Cary Building Codes and any other requirements.

Appearance:

Generally, the ARC will consider for approval "natural" materials for use in the construction of retaining walls. The ARC 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.

Generally, there is no height limit, but compatibility with the surrounding area and the dwelling will be considered. ARC Requests for any retaining wall greater than three (3) feet in height shall include detailed engineered design specifications which must include wall anchoring details.

Location:

Locations for retaining walls must be clearly specified on the plot plan submitted with the ARC Request. 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. Materials and colors chosen should complement the existing structure on the site.

Railroad ties will generally not be approved as they are not considered to be within the scheme and plan of development for the Park at West Lake.

Drainage:

All retaining walls shall maintain proper drainage on the site. Property owners are required to provide a plan that details drainage patterns and runoff as a result of the new retaining wall. Excessive water shall not be directed to a neighboring property or to the house foundation. Runoff shall be controlled during any construction so as to prevent migration of soils, trash, and debris into drainage culverts, neighboring properties, sewers, and streams.

Hot Tubs/Saunas/ Pools

Appearance:

As styles of hot tubs, saunas, and pools are somewhat limited, emphasis will be placed on screening to minimize the visual impact to common areas, streets, or neighboring properties.

Pumps and other equipment related to the operation and maintenance of hot tubs, pools, and saunas shall be concealed in such a manner so as to minimize any offensive visual appearance while also minimizing noise transmission to neighboring lots. "Visually offensive" shall be judged by the ARC.

Location:

Consideration of potential hazards (e.g. electrocution, drowning, etc.) should be taken in to account when locating hot tubs, pools, and saunas.

Potential noise from the use of hot tubs, pools, and saunas will be considered in their approved placement. Property owners/residents should be considerate of their neighbors and must comply with any applicable Town of Cary noise ordinance(s).

In keeping with the aesthetics of the community, hot tubs, pools, and saunas will only be approved if confined to the rear yard.

Drainage:

All hot tub, pool, and sauna installations shall maintain proper drainage on the site. Property owners are required to provide a plan that details drainage patterns and runoff as a result of the new installation. Excessive water shall not be directed to a neighboring property or to the house foundation. Runoff shall be controlled during any construction so as to prevent migration of soils, trash, and debris into drainage culverts, neighboring properties, sewers, and streams.

Property owners/residents may not drain hot tubs, pools, or saunas onto neighboring properties.

Safety:

Owners may be required to install safety features such as locks and covers, or a specific style and/or height fence or gate (refer to Fencing section and Town of Cary Ordinances).

Installation of all hot tubs, pools, and saunas must meet or exceed any applicable Wake County or Town of Cary law, rule, or ordinance in effect. The ARC/Board may require a stricter standard than the Town of Cary or Wake County when allowed by law.

Mailboxes and Posts

Appearance:

Any new mailbox and/or mailbox post shall be of the same size, style, and color as originally installed.

Location:

All mailboxes shall be confined to the front yard. Movement of the mailbox from the original placement to an alternate location requires written ARC approval.

The location and height of all mailboxes must conform to US Postal Service requirements.

Non-Permanent Lawn Ornaments, Decorations, and Flags

Excessive non-permanent outdoor decorations are subject to approval by the ARC, and the Homeowner may be asked to take them down if they are deemed excessive or disruptive in the sole opinion of the ARC (e.g., statuary, birdfeeders, sculptures, etc.) Any outdoor decoration which is fixed (e.g., mounted, in-ground foundations, etc.) requires ARC approval.

ARC approval is not required for installation of a single attached flagpole, not to exceed six (6) feet in length which must be attached to the front portion of the house or garage entryway. Additionally, homeowners/residents may display one garden flag, not exceed two (2) feet in length and one (1) seasonal or sports flag not exceed three (3) feet by five (5) feet.

ARC approval is not required for installation and display of flags of the United States or North Carolina, of a size no greater than four (4) feet by six (6) feet, which may be displayed in accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended, governing the display and use of the flag of the United States.

Solar Panels

Solar panels may be installed only after approval of the ARC. Requests must include the following:

- Plans and photographs showing visibility of the system from areas open to common or public access (e.g., public streets, neighboring lots, or association properties or common areas);
- A drawing (with dimensions) showing the proposed location of the system and how the equipment will be mounted, as well as a description of any visible auxiliary equipment;
- An image showing a model of the proposed installation on the property;
- Photographs/images and manufacturer literature for all proposed system components including manufacturer, specifications, color, materials, etc.; and
- If possible, photographs from the installation company of a similar installation having the same type of panels.

Only low profile roof mounted solar collector systems shall be permitted. No solar panels may be installed on any ground-mounted solar collector system either on the homeowner's property or on any common area.

Solar shingles are generally acceptable on any roof surface currently composed of traditional roof shingles.

Solar collectors must be mounted parallel to the plane of the roof surface, minimizing stand-off distance from the roof.

Solar collectors must be mounted horizontally, not vertically nor at an angle.

All solar collectors must be located entirely within a boundary defined by the roof eaves and peak.

Visibility of the underside of the panels shall be minimized from areas open to common or public access.

Preferred solar panel color is black or closely matched to the roof color, especially on roof surfaces visible from areas open to common or public access, but other colors will be considered.

Efforts must be made to harmoniously integrate the solar energy system with the architectural design of the residence.

Efforts must be made to design panel placement to achieve symmetry with the shape of the roof slope. Visibility of any plumbing, wiring, or auxiliary equipment shall be minimized as much as possible (e.g. painting of wires to match color of roof or adjacent surface). All system components visible from areas open to common or public access and not involved in energy production shall be painted to blend with the roof or adjacent surface.

Any tree removal to increase solar exposure must adhere to the tree removal guidelines. It is a violation of these guidelines to remove the top of a tree to increase solar exposure. Minor pruning of tree branches that do not adversely affect the aesthetics of a tree canopy is permitted.

End of Life: Solar panels and appurtenances shall be maintained in working condition and maintained as required by the system manufacturer. Failed panels that result in foggy/smoky panels shall be replaced. At the end of the system's life, the system shall be removed and the roof restored to its condition prior to installation of the system within 6 months of the end of its life.