

**Grays Creek Homeowners Association, Inc.  
Architectural Guidelines and Rules  
& Regulations**

**Revised: September 2019**



**Table of Contents, References -> Table of Contents, nonworking on onedrive web verion**

**The Bylaws for Grays Creek Article III, Section C, 3.18 states: “The Board have the power to and be responsible for the following, in way of explanation, but not limitation: (f) making and amending use restrictions and rules and regulations.”**

The ARC shall meet as necessary to review Applications received and present their findings within sixty (60) days of receipt.

## **INTRODUCTION**

All residents benefit from the planning and design that has been an important part of the development of Grays Creek. The intent of the Architectural Guidelines is to assure the residents that the standards of design and quality will be maintained. This, in turn, protects the property values and-enhances the overall environment of Grays Creek.

An essential element of Architectural Control is the recognition by all homeowners of the importance of maintaining the ambiance of the Community.

## **PURPOSE**

The Protective Covenants establishes and describes the Grays Creek (Association), and assures each Owner that the quality of Grays Creek design will be maintained. The Association is responsible for administering these Covenants and providing administrative support to the Architectural Review Committee (ARC).

The Declaration for Grays Creek states: “No exterior construction, alternation, addition, erection, or alteration of any nature whatsoever shall made unless and until plans and specifications showing at least the nature, kind, shape, height, materials, and locations shall have been submitted in writing to and approved by an Architectural Review Committee to be established by the Board.”

## **MEETINGS**

The ARC shall meet as necessary to review Applications received and present their findings within sixty (60) days of receipt.

## **RESPONSIBILITIES**

On behalf of the Association, the ARC or Board of Directors is empowered to adopt, promulgate, amend, revoke, and enforce

Design Requirements for the purpose of:

1. Governing the form and content of plans and specifications to be submitted to the ARC for approval or disapproval.

2. Governing the procedure for submission of plans and specifications; and
3. Establishing guidelines with respect to the approval or disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of any structure, landscaping, and all other matters that require approval by the ARC.

## **LIMITATION OF RESPONSIBILITIES**

The ARC approval is based only on the aesthetic features of the approved modification. The ARC assumes no liability with regard to the structural integrity of any requests. The ARC makes no representation as to their expertise regarding either the structural adequacy, capacity or safety features of the proposed improvement or structure as shown on the submitted plans or on the ultimate construction of the approved modification. The ARC does not assume the responsibility for the performance or quality of work of any contractor.

## **ARCHITECTURAL CONTROL COMMITTEE POLICIES**

The ARC does not seek to restrict individual taste or preferences. In general, its aim is to avoid harsh concepts in the landscape and architectural themes of Grays Creek and to foster thoughtful design so that there is harmony between neighboring residences. The ARC intends to be completely fair and objective in the architectural review process and to maintain sensitivity to the individual aspects of design. The approval of the ARC of plans or specifications submitted for approval, shall not be deemed to be a waiver by the ARC of the right to object to any of the features or elements if and when the same features and elements are included in any subsequent, plans and specifications submitted for approval for use on other Units.

## **APPROVAL NECESSARY**

No building, outbuilding, garage, fence, wall, retaining wall, landscaping, (as set forth in Section 7 of the Architectural Controls, Guidelines, Standards and Procedures), pool, spa, porch, or other structure or improvement of any kind shall be erected, constructed placed or maintained on any properties, nor after construction of a dwelling or other exterior improvements upon a Unit shall any landscaping, dwelling or other improvements on each Unit or color scheme thereof, be altered, changed repaired or modified unless the same shall be approved in writing by the Architectural Review Committee. The foregoing prior approval is intended to specifically apply to the painting of the exterior of a dwelling, the installation of a pool or spa, or any other maintenance, repair or modification which changes the exterior appearance of a dwelling or other improvement on a Unit or a Lot.

## **TIME LIMITATIONS**

After approval by the ARC, all improvements shall be completed within one hundred twenty (120) days from commencement of the improvement. Projects that remain uncompleted for long periods of time are

visually objectionable and can be a nuisance and a safety hazard for neighbors and the Community. The ARC may establish a more specific time for completion as a condition of its approval.

In the event the ARC fails to approve or disapprove plans and specifications within sixty (60) days after they were received in writing to the ARC in acceptable form, including all information necessary for their consideration and review, approval by the ARC shall be deemed to have been granted. The ARC shall have the right to request additional information if in its opinion, the information submitted is incomplete or insufficient.

## **INSPECTIONS**

Periodic inspections may be made by the ARC while construction is in progress to determine compliance with the approved plans and specifications and provisions of the Declaration.

## **JOB SITE CONDITIONS**

All job sites shall be kept in a neat and orderly condition and all trash must be contained. Construction hours are subject to rules and regulations as established by the ARC and/or the Association from time to time, or the local ordinances, whichever is more restrictive. All construction operations must be performed in Accordance with local governmental ordinances.

## **APPROVAL**

Upon approval by the ARC, a copy of the applicant's plans and specifications bearing such written approval shall be returned to the applicant. Approval of any application shall be final and the approval may not be thereafter reviewed or rescinded provided that there has been compliance to all conditions of approval. If the request for approval is disapproved by the ARC due to aspects of the request that can be remedied by the applicant, the recommended changes can be made to the request and returned to the ARC for approval.

## **VIOLATIONS**

If any alteration or modification is made without the required prior written consent of the ARC, the alteration has been undertaken in violation of the Protective Covenants. All unapproved alterations or modifications may be required to be removed until ARC approval is granted. In no event may any alteration or modification be allowed to remain if in violation of any of the Covenants and Restrictions contained in the Declaration, or in violation of any zoning or building ordinance or regulation.

The ARC is empowered to enforce its policies, as set forth in the Covenants and this Manual, by means specified in the Covenants, including an action in a court of law, to ensure compliance. The Association also has the right to levy a fine on Owners for modifications made without the written request and approval from the ARC.

## **KEY ARCHITECTURAL GUIDELINES**

The ARC evaluates all submissions based on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the individual site and lot size, since what may be an acceptable design on an exterior in one instance may not be for another. The following criterion is general in nature and applies to all of the dwelling units in Grays Creek.

### **Relation to Grays Creek Open Space**

Factors such as removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off may also adversely affect Grays Creek open space common.

### **Conformance with Covenants**

All applications are reviewed to conform that the request is in conformance to all applicable Covenants and Restrictions affecting Grays Creek as recorded in the records of Wake County.

### **Validity of Concept**

The basic idea of the proposed alteration requested must be sound and appropriate to its surroundings.

### **Design Compatibility**

The proposed alteration must be compatible with the architectural characteristics of the applicant's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials color and construction details.

### **Location and Impact on Neighbors**

The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight and drainage. For example, fences or landscaping may obstruct views, or access to neighboring properties; decks or larger additions may infringe on a neighbor's privacy.

### **Scale**

The size of the proposed alteration should relate well to the adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.

### **Color**

Color may be used to soften or intensify visual impact. Parts of an addition that are similar to the existing house such as roofs and trim should be matching in color. No permission or approval is required to repaint in accordance with the originally approved color scheme.

## **Materials**

Continuity is established by use of the same or compatible materials as were used in the original house. For instance, an addition with vinyl siding may not be compatible with a stucco house.

## **Workmanship**

Workmanship is another standard, which applies to all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others.

## **Wetland/Preserve Areas**

Certain areas within and contiguous to Grays Creek are designated as wetland and/or preserve areas for which the Association has the ultimate maintenance responsibility. Such areas are protected by various regulatory agencies, and as such, may not be disturbed by residents and/or the Association. .

# **GRAYS CREEK HOMEOWNERS ASSOCIATION, INC. ARCHITECTURAL STANDARDS, CRITERIA AND DESIGN REQUIREMENTS**

## **SUPPLEMENT TO THE DECLARATION OF RESTRICTIONS AND COVENANTS**

The following are ARC approved standards that are not specifically outlined in the Grays Creek Protective Covenants. No assumptions should be made that the restrictions included in the Protective Covenants and not listed here have been waived by the Association.

### **1. WINDOWS, DOORS, SCREENED ENCLOSURES AND PATIOS**

- a. Bright-finished or bright plated (other than white) metal exterior doors, windows, window screens, louvers, exterior trim or structural members shall not be permitted. The use of black or white anodized aluminum to match the original trim is the preferred material.
- b. The use of reflective tinting or mirror finishes on windows and doors is prohibited.
- c. Security bars on windows or doors are prohibited.
- d. Only proper window treatments and blinds are allowed in the windows. Any broken blinds must be replaced.
- e. Screened enclosures (attached and detached) shall not be permitted on the front or sides of dwelling units without approval of the ARC.
- f. All screen enclosures must have a hip, gable or mansard roof.

### **2. SOLAR PANELS**

- a. Solar heating panels shall be reviewed on an individual basis, and if approved by the ARC must be installed so as to present the least obtrusive condition.

### **3. EXTERIOR WALL FINISHINGS**

- a. The use of the following materials is appropriate:
  - 1. Stone (natural or synthetic)
  - 2. Vinyl Siding
  - 3. Brick
  - 4. Hardiplank (cement board)
  - 5. Masonite Siding
- b. The use of the following materials is not allowed:
  - 1. Rough Sawn Siding
  - 2. T-111 Siding
  - 3. Aluminum siding
- c. Anything not specifically stated would be subject to approval by the ARC. In general, colors should be muted. Most paint manufacturers have "traditional" or "Williamsburg" color charts from which selections should be made. All exterior colors and materials must be approved by the ARC.
- d. Exterior colors that, in the opinion of the ARC would be inharmonious, discordant and/or incongruous to the Grays Creek shall not be permitted.

### **4. ROOFS**

- a. Roof colors shall be an integral part of the exterior color scheme of the building. Roofs shall be either black or dark gray in color
- b. No change in color of existing roofing material shall be permitted without the approval of the ARC. Roofing material must be either asphalt or fiberglass shingles, with a minimum 20-year warranty. c. Flat roofs are not permitted.
- d. Flat deck first floor patio roofs, which also serve as second floor balconies, may be approved by the ARC. The second story balcony must be accessible from a second story door and must have a continuous railing at its perimeter. The first floor roof structure/second story floor must match as close as possible the existing house roof in materials and design.

### **5. GARAGES, SHEDS, DRIVEWAYS, WALKWAYS AND EXTERIOR LIGHTING**

- a. Only one (1) outbuilding per lot is permitted.
- b. Any change from the existing garage door must be approved by the ARC.
- c. No curbside parking areas are to be created by altering existing curb or street paving.
- d. All proposed exterior lighting should be detailed on the request for architectural modification. No exterior lighting shall be permitted which, in the opinion of the ARC, would create a nuisance to the adjoining property owners
- e. Driveways and walkways shall be constructed of concrete and have a concrete pipe and graveled surface installed prior to the digging and pouring of the footings. No asphalt drives or walkways will be permitted.
- f. Driveway aprons must be concrete and may not be widened without the approval of the ARC.

- g. Any proposed walkway must be approved by the ARC prior to installation. This includes concrete walkways, stepping-stones or paver bricks.
- h. All holiday lights and decorations must not be installed before 30 days of the holiday and must be removed no later than 30 days after the holiday.

## **6. AWNINGS AND SHUTTERS**

- a. Metal fold-down awnings and canopies do not meet the standards of the community with respect to conformity and harmony of external design and shall not be permitted or affixed to the exterior of any residence.
- b. Permanent fixed and operational shutters are permitted. Design and color of shutters must be coordinated with the house and be approved by the ARC.

## **7. LANDSCAPING**

- a. All major improvements of landscaping must first be submitted to the ARC with a survey prior to installation. Proposed landscaping must be shown on a lot survey, which includes the house, all impervious surfaces and existing landscaping.
- b. Landscape of a minor nature such as naturalizing an area of the yard or adding low growing shrubs or bedding flowers need not be submitted for approval, provided they do not encroach upon neighboring properties.
- c. All Landscaping installed with approval by the ARC must be maintained to the standards as set forth by the Association.
- d. No private landscaping may be planted within any utility easement or within the designated slope easements. The HOA reserves the right to landscape within the slope easements.

## **8. FENCES**

- a. All fencing shall be either wood with pressure-treated lumber of grade 2 or better. Masonry walls or wooden fences, not to exceed six (6) feet in height, may be permitted.
- b. Black wrought iron fencing, at a height ranging between four (4) feet and six (6) feet is acceptable in the community.
- c. White picket fencing at a maximum height of six (6) feet is acceptable.
- d. Vinyl fencing at a height of six (6) feet, may be permitted.
- e. Chain link, chicken-wire, and wooden split rail are prohibited.
- f. No fencing shall be placed on Grays Creek property. No fencing shall be installed within any utility easements without prior written consent of the utility company.
- g. Fencing may not start before the front corners of the house.
- h. Fence must be on the property line and any new fences must be tied into a neighbors existing fence.
- i. If you put up a fence, you are agreeing that neighbors are able to tie in to existing fence.
- j. Maintenance of a shared fence is to be determined between owners.
- k. All fences must have finished sides facing outward. Rough sides, posts, etc. must face the interior of the fenced area.

- l. If there are any types of easements on your property, there may be additional fence restrictions from the Town of Fuquay. Please check with the Town directly prior to submitting your request.

## **9. BASKETBALL GOALS**

- a. Portable goals are allowed but must be removed from view immediately when not in use.
- b. Permanent goals will be considered providing they are constructed of black poles, permanently mounted, not visible from the street, and the ARC approves the location, height, and type of goal and post.
- c. Permanent goals mounted on the house will not be allowed.
- d. Lights for night basketball play will not be permitted. Use shall be restricted to daylight hours.
- e. All play equipment must be kept in good condition.

## **10. SWIMMING POOLS**

- a. Proposed pool, decking, screen enclosure and landscaping plans with survey must be submitted to the ARC for review.
- b. Above ground swimming pools shall not be permitted, other than toddler or wading pools.
- c. Swimming pools shall not be permitted on the street side of the residence without the approval of the ARC.
- d. All pool equipment and heaters must be screened from view with landscaping from adjacent properties and roadways.
- e. No decking, screening or landscaping may be installed on any portion of any HOA property.
- f. Spas or hot tubs will be permitted only when their placement does not interfere with the neighboring homes and will not create a nuisance. They do require ARC approval.
- g. Any pool, spa or hot tub that is permitted must also conform to all local zoning ordinances regarding this type of installation.
- h. All pools, spas and hot tubs will only be approved if enclosed by an approved fence.

## **11. ANTENNAS, SATELLITE DISHES, FLAGPOLES, SIGNS AND MAILBOXES**

- a. No exterior television or radio masts, towers, poles, antennas or aerials may be erected.
- b. Placement and landscape buffering requirements must be determined by the ARC as a condition of approval for satellite dishes. All satellite dishes must be maintained on a regular basis to include proper industry standard mounting and damages.
- c. A flagpole for display will be permitted with prior approval from the ARC. Flagpoles shall not be used as an antenna.
- d. One "For Sale" or "For Rent" sign shall be allowed to be erected or displayed on a Lot without written permission of the ARC.
- e. One political sign shall be allowed to be erected or displayed on a Lot without written permission of the ARC. Such sign shall not be placed on the Lot earlier than 60 days before an election and must be removed within 7 days after the election.
- f. No sign shall exceed 10 square feet. No sign shall be nailed or attached to a tree.

- g. The ARC shall determine form, size, color, content, time of placement and location of any other sign. This prohibition of signs, flags and banners does not apply to the Declarant or assigns.
- h. Mailboxes have been designed and installed for the Neighborhood by the Builder and shall be provided by the builder. If said mailbox is damaged after the closing of any lot, the homeowner must replace the mailbox at his own expense with an identical mailbox. Mailboxes and mailbox posts must be kept in good condition to include cleaning, painting and replacing if needed.

## **12. PLAY EQUIPMENT, GARDENS AND DECORATIVE OBJECTS**

- a. All playground equipment or playhouses shall be placed to the rear of the property and only with approval of the ARC. Location on the Lot and screening requirements may be a condition of ARC approval.
- b. Trampolines are permitted but owner must receive approval from the ARC. Trampolines must be in working condition and kept in a neat manner in the rear of the property.
- c. Vegetable gardens require approval from the ARC and must be located to the rear of the property. Large vegetation such as corn may be prohibited.
- d. No clotheslines or similar structures shall be permitted on any portion of an Owner's property.
- e. No decorative objects such as sculpture, birdbaths, fountains and the like shall be placed or installed on the street side of any Lot without approval from the ARC.
- f. Window air conditioning units are prohibited.
- g. Above-ground and sub-surface fuel tanks are prohibited.
- h. Holiday decorations may not be displayed earlier than 30 days before the holiday and must be removed within 30 days after the holiday.

## **13. PETS, PET HOUSES AND PENS**

- a. No poultry, fowl, horse, cow, sheep, goat, pig, or animal other than household pets shall be kept, harbored, or bred on any of the said lots or within any home situated thereon.
- b. Household pets are herein described to be cats, dogs, parakeets, and other small domestic animals with the exception of pigs. Household pets may not be kept, bred, or maintained for any commercial purpose. All dogs shall be contained in an enclosed rear fence or decorative privacy fence. No chain link permitted unless in a fully enclosed structure in the rear yard.
- c. All dog houses must be approved prior to installation.
- d. Doggie doors are allowed but must be approved prior to installation.
- e. All dogs shall be kept on a hand leash and must not be allowed to become a nuisance by barking or otherwise disturbing neighbors.
- f. Tying a dog will not be permitted.
- g. Owners must clean up after their pets.

## **14. VENTILATORS, SKYLIGHTS, GUTTERS AND DOWNSPOUTS**

- a. Attic ventilators or other apparatus requiring penetration of the roof should be as small in size as functionally possible and should be painted to match the roof color. They should be located

generally on the least visible side of the roof and not extend above the ridgeline. Approval of any ventilators must be obtained from the ARC prior to installation.

- b. Gutters and downspouts must match the trim on the house and be as inconspicuous as possible. Runoff must not adversely affect the drainage on adjacent properties. Installation of gutters and downspouts must have ARC approval.

## **15. PATIO, PATIO ENCLOSURES, AND DECKS**

- a. Patio enclosures are an extension of the home and have a significant impact on its appearance. All enclosures should be designed to conform to the contours of the house color and materials should be compatible with the existing home and surrounding homes. All patio enclosures must have ARC approval prior to the commencement of construction.
- b. The roof of the patio enclosure should conform to the roof on the home as closely as possible. Insulated aluminum roofs will not be permitted.
- c. All patios, patio slabs and courtyards must be approved by the ARC prior to installation.
- d. All decks shall be constructed on the rear or side of the house. Material shall be pressure treated lumber of grade 2 or better.

## **16. PERMANENT BARBECUES**

- a. Permanent barbecues may be permitted in rear yards but should not be a dominant feature on the landscape and should be located so they will blend as much as possible with the surrounding area. Supplemental planting should be provided to soften the visual impact of the barbecue, particularly when little or no natural background or screening is available.
- b. No permanent barbecue shall be installed until approval is received by the ARC.
- c. Non-permanent barbecues must be stored in the back of the house when not in use.

## **17. MAJOR EXTERIOR ALTERATIONS**

- a. The design of major alterations should be compatible in scale, materials, and color with the applicant's house and adjacent houses.
- b. The location of major alterations should not impair the views or amount of sunlight and natural ventilation on adjacent properties.
- c. Roof pitch should match the type used in the applicant's house.
- d. New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well with the location of exterior openings in the existing house.
- e. If changes in grade or other conditions, which will affect drainage, are anticipated they must be indicated. Generally approval will be denied if adjoining properties are adversely affected by changes in drainage.

- f. Construction materials should be stored so that impairment of views from neighboring properties is minimized. Excess material and debris should be immediately removed after completion of construction.

## **18. HOME AND YARD MAINTENANCE**

The following items must be maintained on a regular basis:

- a. Lawns must be mowed
- b. Flower beds must be weeded
- c. Driveways, streets, sidewalks and fence line must be edged
- d. Juniper hills must be weeded and maintained (if applicable)
- e. Furniture, trash, tools, construction materials, etc. are not to be stored on a property at any time.
- f. Trash and recycle bins must be stored out of sight or screened from view from the street. Any fencing or landscaping installed to cover trash/recycle bins must be approved by the ARC prior to installation.
- g. All exterior portions of the home must be kept in a state of good repair.
- h. Mold and mildew must not be allowed to collect and grow on the exterior of the home.
- i. Siding and trim around the windows, doors and garages must be kept in a good state of repair including painting and power washing as needed.

## **19. VEHICLES AND PARKING**

- a. Parking of any vehicles (including but not limited to motorhomes, boats, trailers, motorcycles, minibikes, scooters, go-carts, trucks, campers, buses, vans and automobiles) on streets, thoroughfares, sidewalks, walkways or grass is prohibited.
- b. Parking of commercial vehicles, mobile homes, recreational vehicles, boats and other watercraft, trailers, damaged, rusty, unkempt, unsightly, stored or inoperable vehicles in places other than enclosed garages is prohibited.
- c. Garage doors shall be kept closed at all times, except during times of ingress and egress from the garage.