

# TRYON WEST

## Architectural Guidelines & Maintenance Standards

**MARCH 2022<sup>\*</sup>**

**THIS DOCUMENT REGULATES THE DISPLAY OF POLITICAL SIGNS  
AND REGULATES THE DISPLAY OF THE FLAG OF THE UNITED  
STATES OF AMERICA OR STATE OF NORTH CAROLINA.**

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\*Townhome fencing revised 2/2021

## **INTRODUCTION**

### ***Purpose of Architectural Guidelines***

Tryon West is a single family home owner association. Simply stated, this means that the original tract of property was designed and approved as a self contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide and which would provide for the maintenance of all Common Areas and improvements thereon. Restrictions were established so that aesthetics, appearance, and continuity could be defined and written based on the covenants and on precedence established by the Board of Directors. The ACC reviews all architectural requests until an Architectural Control Committee is appointed. These Architectural Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. In addition, these Architectural Guidelines are established to give the homeowner some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values.

The architectural standards and use restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the Tryon West Community. The Tryon West Homeowners Association By-laws and Declaration of Covenants, Conditions and Restrictions (DCCR) supports the Board's ability to adopt and publish from time to time amend written architectural standards and construction specifications.

No improvement of any kind shall be erected, placed or maintained, and no addition, alteration, modification or change to any improvement shall be made without the prior written approval of the ACC. This would include, but is not limited to, any building, wall, fence, patio, deck, driveway, plating, clearing or cutting of trees, color or painting of the exterior, swimming pool, play equipment or screened enclosure constructed, installed or placed prior to the termination of the Declarant control. Nor shall a building permit for such improvement or change be applied for or obtained, nor shall any major landscaping or re-landscaping of any Lot be commenced or made (such construction, alteration and landscaping are hereinafter referred to as the "Improvements") until plans and specifications showing the nature, kind, shape, heights, materials, color and location of same shall have been submitted to and approved in writing by the ACC. Construction must be accomplished in strict conformity with such plans as approved, unless otherwise expressly agreed to in writing by the ACC. The ACC shall have the sole right, authority and complete discretion to approve or disapprove the plans and specifications for any reason, including, but not limited to, exterior colors and appearance, landscaping, location of the structure or structures and aesthetics. In addition to setting standards, the Architectural Guidelines establish a process for review of proposed modifications to Lots and Dwellings to ensure that all sites within the community are developed and maintained with the consistency and quality that attracted you to Tryon West HOA.

### ***Government Permits***

To the extent that City and County Ordinances or any local government ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the DCCR, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the DCCR and the Architectural Guidelines (in that order) shall prevail.

### ***Review Structure***

The ACC of Tryon West will handle architectural control and design review for the community. The ACC has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in the DCCR. The ACC shall review plans and specifications for all modifications and landscaping on any Dwelling or Lot, shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may promulgate additional design standards and review procedures consistent with these Architectural Guidelines.

## **ARCHITECTURAL REVIEW PROCESS**

### ***Review of Proposed Modifications***

The review of the proposed modifications shall require the submission of an application to the ACC. An application form can be obtained on the Charleston Management website at [www.charlestonmanagement.com](http://www.charlestonmanagement.com) or by calling Client Services at 919-847-3003. Depending on the scope of the modification, the ACC may require the submission of all or some of the plans and specifications listed below. In the alternative, the ACC may require a less detailed description of the proposed modification.

### ***Application Process***

The ACC will require a set of modification plans in addition to the submission of an application. The preferred method of receipt is via email to: [info@charlestonmanagement.com](mailto:info@charlestonmanagement.com). If the e-mail option is not viable, the application and plans should be submitted to the following address: Charleston Management, P.O. Box 97243, Raleigh NC 27624. FAX: 919-848-1548. Do not fax if the ACC needs to review colors.

Generally, drawings of the proposed change should be submitted (to scale) which show relationships to existing structures, landscaping, lot lines, and setbacks (distance from property lines) for all proposed improvements. These drawings should include a "site plan" and an elevation plan along with any additional information, which could help the ACC visualize the project. For further descriptions of the five (5) elements that follow [floor plan, elevations, exterior finishes, landscaping plan, and other], please refer to applicable sections of this document.

### ***Floor Plan***

Showing decks, patios, related to the residential dwelling, trash enclosures, HVAC equipment and utilities.

### ***Landscaping Plan***

Showing location of trees, protection of existing vegetation, use of plants and other landscaping details. For further information see "Landscaping and Site Standards" section of this document.

### ***Other***

Such other information, data and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, and other features.

### ***Review Criteria: Recommendations & Variances***

While the Architectural Guidelines are intended to provide a framework for modifications, they are not all inclusive. In its review process, the ACC may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography, and finish grade elevation among other factors; however, the ACC will not grant approval for a proposed modification that is inconsistent with the Architectural Guidelines, unless the ACC grants a variance.

Variances may be granted in some circumstances, which include, but are not limited to, topography, natural obstructions, hardship, municipal requirements or environmental considerations. The ACC shall have the power to grant a variance from strict compliance in such circumstances so long as the variance does not result in a material violation of the DCCR. No variance shall be effective unless in writing and supported by all members of the ACC.

### ***Review Period***

Each application and plan submittal shall be approved or disapproved within 60 days of receipt of all materials required by the ACC. **The ACC's decision shall be based upon a majority vote of the ACC and shall be rendered in one of the following forms:**

1. "Approved" - The entire application as submitted is approved.

2. "Approved with Conditions" - The application is not approved as submitted, but the ACC's direction for curing objectionable features or segments are noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The ACC shall specify the particular grounds upon which denial of such application is based.
4. "Request for Additional Information." This response shall be deemed a determination that the information submitted was inadequate, and the sixty (60) day time period for further ACC response shall only commence upon receipt of the requested additional information. .

If the ACC fails to respond within 60 days of receipt of a complete application, approval shall be deemed granted.

*As a condition of approval under this section, each Owner and all successors- in-interest, shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.*

***Approval of plans for any proposed modification shall not set a precedent for future applications.***

### ***Appeal***

Any Owner who submits Plans to the ACC and disagrees with the finding of the ACC may appeal the decision to the Board by giving written notice of appeal to the President of the Association, [through the Managing Agent] within fifteen (15) days following its receipt of notice of denial. The Board shall review the Plans and hold a meeting to hear the case with the Owner and the ACC or its representative. At such meeting the ACC or its representative shall present to the Board specific reasons why the Plans were denied, and the Owner or his agent may present information challenging the findings of the ACC. The decision of the ACC shall only be overridden by a majority vote of the Board. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted if the Board does not respond within 60 days.

### ***City / County Approval***

The review and approval of plans and specifications by the ACC shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the Applicant to obtain any and all necessary permits and approvals.

### ***Implementation of Approved Plans***

All work must conform to approved plans. If it is determined by the ACC that work completed or in progress on any Dwelling or Lot is not in compliance with these Architectural Guidelines or any approval issued by the ACC or Board, the ACC shall, directly or through the Board, notify the Applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the DCCR and these Architectural Guidelines and the homeowner (property) shall be subject to a daily monetary fine.

### ***Time to Commence***

If construction does not commence on a modification for which plans have been approved within one year of approval, such approval shall be deemed withdrawn unless the applicant requests, in writing, additional time from the ACC.

### ***Time to Complete***

The ACC shall include, in any approval, a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, the modification shall be completed within 180 days of its commencement. The Applicant may request an extension of such maximum time period not

less than three days prior to the expiration of the maximum time period, which the ACC may approve or disapprove.

### ***Changes After Approval***

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the ACC prior to implementation of such changes. Close cooperation and coordination between the Applicant and the ACC will ensure that changes are approved within 15 days.

If the City or County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the ACC, the Applicant must notify the ACC of such changes and receive approval from the ACC prior to implementing such changes.

### ***Enforcement, Due Process Hearings, Fines & Fees***

Any construction, alteration, or other work done in violation of these Guidelines or the DCCR, shall be deemed to be nonconforming. Upon written request from the Board or the ACC, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the construction, alteration, or other work.

When a violation is determined to have occurred, the following steps shall be taken:

1. The ACC will investigate any reported violation and attempt to bring the owner into compliance. Homeowners will be notified in writing of the violation and are expected to bring the violation into compliance within thirty (30) days.
2. Should the owner fail to act upon the recommendations for corrections, the ACC shall submit the matter to the Board.
3. The homeowner shall be invited to hearing with the Board where the homeowner will have opportunity to be heard and present evidence. Failure to appear shall result in a fine, which will begin to accrue five (5) days after the date of the hearing. However, if the violation is brought back into compliance prior to the hearing, no hearing would be necessary.
4. After the hearing, the Board shall respond to the homeowner with a decision. Any penalties or costs relating to the violation (and the date from which the accrual shall begin, which will be no sooner than 5 days after the hearing date) shall be noted in the letter from the Board.
5. Fines will be levied on a daily basis, up to \$100 per day, per violation, until the violation is rectified. The North Carolina Community Act effective in January 2006 allows planned residential communities the ability to fine at a minimum up to \$100/day to uphold standards that will protect and insure homeowners of maintained property values, with regard to holding all property owners accountable for abiding by the existing covenants.

**Fees associated with enforcement.** Should an Owner fail to remove and restore as required hereunder, the Board or its designees shall have the right to enter the property, remove the violation and restore the property to substantially the same condition as existed prior to the construction, alteration or other work. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the nonconforming Lot and collected as a special assessment. In addition, the Board shall have the authority and standing, on behalf of the Association to pursue all legal and equitable remedies available to enforce the provisions of the DCCR and Architectural Guidelines and the decisions of the ACC.

***Fireplaces, Firepits, Firebowls, Contained Fires***

Outdoor fires located within an enclosed outdoor fireplace or other similar device specifically designed to hold and contain a fire, shall be permitted along with grills, if located in the rear yard of a home and if utilized in a safe manner. No fires may be left unattended at any time and all such installations must comply with municipal requirements. Barrels may not be used to contain a fire.

***Flags***

Flags may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of the flag displayed does not exceed 4' X 6'. A US flag and NC flag may be flown from the bracketed pole, in accordance with §47F-3-121 North Carolina Planned Community Act.

does not exceed the standard size cited above.

***Gardens, Garden Containers.***

Garden plots and/or raised beds do not require prior approval of the ARC, provided that the following criteria are met: 1) the total garden area does not exceed 8 feet X 12 feet; 2) the garden area is located directly behind the home and not visible from the street; 3) the perimeter of the bed is constructed of materials specifically designed for outdoor use; 4) no wire or chain link may be used to enclose the garden; 5) the garden must be properly maintained throughout the growing season and dead plant material removed at the end of the growing season.

***Garage Sales***

No garage sales or similar activities shall be permitted on any Lot or within the common Areas, except as approved in writing by the Board.

***Grills, gas or charcoal***

The preferred placement of a grill is at the rear of a home, on a deck with stairs or patio. Owners who choose to store their grill in their garage and place the grill on the driveway for operation must adhere to the following requirements: 1) the propane line must be disconnected from the grill whenever stored in the garage; 2) when in use, the grill must be placed on the rear portion of the driveway, at least 10 feet away from the building and any combustible materials; 3) the grill must be returned to the garage within 4 hours of use

***Home Businesses***

Lots are to be used for residential purposes. Home Businesses. An Owner may maintain an office or home business on such Owner's Dwelling or other improvement in the Properties only if: (i) such office or home business is operated by the Owner or a member of the Owner's household residing in the Dwelling; (ii) there are no displays or signs indicating that the Dwelling or improvement or portion of the Properties on which it is located is being used other than as a residence; (iii) such office or business does not generate significant traffic or parking usage by the business itself or by clients, customers or other Persons, it being in the discretion of the Board to determine compliance with this requirement; (iv) no vehicles, equipment or other items related to the office or business are stored, parked or otherwise kept on the streets in the Subdivision or on the portion of the Properties on which such Dwelling is located outside of the Dwelling or other enclosure approved by the Architectural Review Committee; (v) such Owner has obtained from the applicable Governmental Authority, and maintains in effect, all required approvals for such use; (vi) the activity is consistent with the residential nature of the Properties and complies with all Legal Requirements and other provisions of this Declaration; (vii) no person is employed in such office or home business except for the Owner or the members of the Owner's household residing in the Dwelling or the Owner's tenant residing in the Dwelling; and (viii) the Owner has obtained prior written approval from the Board before commencing such business or office use and thereafter registers annually with the Association and obtains annual re-approval of such business or office use by the Board as long as the operation of the home business continues. As a condition to such use, the Association may require the Owner to pay any increase in the rate of insurance, trash removal, utilities or other costs for the Association or other Owners which result or reasonably may be anticipated to result from such use.

***Hot Tubs and Saunas***

The approval of the ACC is required for the installation of any hot tub, sauna or spa. Any hot tub or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs or spas shall be located at the rear of the property and shall be installed in such a way that is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Owners are required to install safety features such as locks or covers for these items when such are not in use. Applicable City and County ordinances govern these requirements.

***Landscaping, Maintenance of***

Grass, hedges, shrubs, vines and mass plantings of any type on a Lot shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut so as to appear neat and attractive. It shall be each owner's responsibility to water the lawn and the plants on its Lot at regular intervals. Trees, shrubs, vines and plants which die shall be promptly removed. No leaves, trash, garbage or other similar debris shall be burned except as permitted by the appropriate governmental authority.

Mulch and/or pinestraw must be refreshed at least annually.

***Landscaping Modifications***

A comprehensive landscape plan must be included with architectural applications for landscaping redesigns. The plan shall show the scheme for decorative plantings, planned site improvements and modifications, including, but not limited to, major topographic changes and plans for revegetation and stabilization thereof, the specifications for all terraces, walkways, driveways, paths, fences, bulkheading, walls, pools, outdoor lighting and other fixtures and structures to be constructed as part of the Landscape Plan.

***Noise/Nuisance***

No noxious or offensive activity shall be carried on in or upon any part of the Property nor shall anything be done thereon which may be or become an unreasonable annoyance, inconvenience or nuisance to the residents of the Property or unreasonable interfere with the quiet enjoyment of occupants of Lots. No Owner shall permit anything to be done or kept on his or her Lot which would result in the cancellation of insurance on said Lot or any other residence or any part of the Common Area or which would be in violation of any law. ***Please also see Exhibit B, Wake Forest Noise Ordinance.***

***Outbuildings, Gazebo, Trampolines, Awnings, Freestanding Flagpoles and Pools.***

No Owner shall construct, install, erect or maintain upon any Lot any outbuilding, storage shed (unless erected by Declarant), gazebo, trampoline or awning without prior approval of ACC.

In no event shall any outbuilding, storage shed, gazebo, trampoline or play equipment be placed on any lot in the front or side yards as determined by the building lines applicable to the Lot.

No above-ground pools (except for wading pools, no deeper than 2 ft. tall and no wider than 10 ft. in diameter which shall be regulated by the ACC) shall be allowed on any Lot. Wading pools shall only be allowed in appropriate weather and must be emptied and stored when not in use.

***Parking***

Street parking is permitted only for short term guest parking, ie. for 6 hours or less. No vehicle may be parked in such manner to impede or prevent ready access to the remaining parking areas within the community. No vehicle shall be parked or stored on or across any sidewalk or any part of a Lot other than in areas improved for that purpose.

No boat, trailer, recreational vehicle, camper, camper truck, utility trailer, other water crafts or commercial vehicles may be parked or stored anywhere on the Property, except in a closed garage.

Clarification of Commercial Vehicles. The term "commercial vehicles" as used herein, shall include, without limitation, any vehicle used primarily for commercial services and activities, including, but not limited to, vehicles fitted with exterior pipes, ladders, ladder racks, tool boxes which project from sides of vehicle, box trucks, truck cabs with flat beds, all as determined by the Board in its sole discretion. Vehicles displaying signage of a commercial or business nature that are used primarily for transportation of passengers only would not be considered commercial vehicles, even if one ton in towing capacity. Commercial vehicles shall not be permitted in the Property, except if kept in an enclosed garage; provided however, construction, service, and delivery vehicles shall be exempt from this provision for such period of time as may be reasonably necessary to provide service to or make a delivery within the Property.

### ***Patios/Decks/Screened Porches***

The approval of the ACC is required for the construction of patios and screened porches. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio product must be similar to or generally accepted as a color and material complementary to the design and color of the residence. Any decks or screened porches must be constructed of wood, with siding and architectural shingles to match existing house.

### ***Pets***

No animals of any kind (including livestock, reptiles or poultry) shall be kept on any portion of the Properties or in any Dwelling except for dogs, cats or other domestic household pets which are not used for breeding or other commercial purposes, and provided that they do not create a nuisance (in the judgment of the Board), by number or type of animals, noise, odor, damage or destruction of property, animal waste, or any other reason, and further provided that they are kept in compliance with this document.

Animals must be kept on a leash, under the control of a competent individual, whenever they are anywhere in the community, other than in a fenced yard.

Owner is responsible for immediately picking up after their pet on their property or in common area of community and properly disposing of feces.

Each Owner who keeps any animal on any portion of the Properties shall be deemed to have indemnified and agreed to hold harmless the Association, Declarant and all other Owners, from and against any loss, claim for damages to person or property, cause of action, or liability of any kind, including all costs of defending against same (including reasonable attorneys' fees), arising out of or resulting from such animal, including any actions of the animal. An easement over and upon the Properties hereby is reserved for the applicable Governmental Authority to exercise and enforce Legal Requirements relating to animal control.

### ***Play Equipment/Trampolines***

No owner shall erect a trampoline or play equipment without prior approval of the ACC. In no event shall trampoline or play equipment be constructed on any Lot in the front or side yards, as determined by the building lines applicable to the Lot.

### ***Pools***

In ground pools are permitted with prior approval of the ACC. No above ground pools (except for wading pools no deeper than 2 feet tall and no wider than 10 feet in diameter, which shall be regulated by the ACC) shall be allowed or approved on any lot. Wading pools shall only be allowed during appropriate weather and must be emptied and stored when not in use.

### ***Rentals/Leasing***

Rental agreements must be for a minimum of twelve (12) months. Owner may only rent entire house and must require that occupants be members of a single housekeeping unit. Rooms may not be rented out individually.

Owner is responsible for the actions of tenants and their guests. Owners are responsible for providing a copy of this document to all tenants and requiring tenants to comply with all provisions in this document. HOA reserves the right to require Owner to terminate lease and evict tenants for on-going violations of this document.

### ***Rooftop Equipment***

The approval of the ACC is required for all rooftop equipment and accessories, unless specifically accepted in this section. Any installed solar energy equipment may be considered on the rear roof line and shall not be visible from the street. Landscaping or other buffering may be required for solar panels.

### ***Shed, Playhouse or Tree House***

Storage shed, playhouse or tree house plans must be in approved in advance before construction can begin. Approved storage sheds and play houses must be no larger in size than eight (8) feet by twelve (12) feet and be constructed of wood and finished with a siding material which is similar in color and composition to the residence.

The shed/playhouse must have a suitably-constructed flooring system or foundation. (A masonry foundation or slab is permitted, provided that it is completely enclosed by brick or siding to grade level.) The roof must have a six (6) inch overhangs, and be constructed of architectural shingles that match the color of the home. Additional landscaping or screening plants may be required by the ACC, depending upon location of shed. Sheds and playhouses may not be located in a sewer, landscape or drainage easement. Lastly, owner must obtain all necessary permits and approvals from municipality.

Tree houses do not have a standard design requirement and will be considered on a case-by-case basis.

### ***Signs***

Except as otherwise required by the Town, no sign of any kind shall be displayed to the public on any Lot other than one sign of not more than nine (9) square feet advertising a Lot for sale and up to two (2) signs of not more than nine (9) square feet expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general or special election, provided that such political signs shall not be placed on a Lot earlier than sixty (60) days before such election and shall be removed within seven (7) days after such election.

### ***Solar Panels & Other "Green Energy" Improvements***

The installation of solar panels or other "green energy" improvements to the roof or exterior of a dwelling located on a Lot shall be permitted in accordance with NCGS §22B-20 after approval by the ACC.

### ***Storm Doors***

Storm doors may be installed on the front or rear doors of a home provided that the following criteria are met: 1) door must have full view, single pane of glass with no etchings or tint; 2) frame of door must be the same color as the existing door trim; and 3) the hardware metal on the storm door must match the hardware on the existing door.

### ***Temporary Structures***

No temporary structures shall be placed upon any portion of the Property at any time. Tents (except tents as used temporarily for recreation), recreational vehicles, trailers (whether attached or unattached to the realty) may not, at any time, be used as a temporary or permanent residence or be permitted to remain on any portion of the Property.

### ***Trash, Garbage, Rubbish, Waste***

No trash, rubbish, garbage or other waste material shall be kept or permitted upon any Lot or the Common Area, except in sanitary containers located in a garage or in an appropriate area screened and concealed from view of the street or adjoining lots.

**Examples of approved screens may be found in Exhibit C.** Other designs may be submitted and will be reviewed on a case-by-case basis.

Trash containers may be placed at the curb the night before the scheduled pick up and must be returned to their storage area within twelve (12) hours after collection.

### ***Trees and Foliage***

No trees may be removed from a lot without prior approval of the ACC. In the event of a diseased or dead tree, the application will be expedited for the benefit of the owner. Owners should submit a photograph of the yard area, marking the tree to be removed and submit this with the application.

### ***Utilities***

Owners are responsible for any damage to the common area as a result of the installation of the installation of service lines from utility companies other than the electric, water, sewer, and gas. Pipes, wires, and other utility facilities shall be kept and maintained underground. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

### ***Vehicles, including Recreation Vehicles***

All motorized vehicles operating within the Properties, including automobiles, motorcycles, trucks, lawn mowers, and golf carts, must have proper and adequate mufflers.

Each Owner shall provide for adequate parking space on such Owner's Lot for all of the following "vehicles" that are regularly used in connection with the Lot by any Person or are used or kept on the Lot by any Person: motorized vehicles; bicycles; and other apparatus moved by use of wheels or otherwise designed or used for movement over and upon streets or highways (whether motorized or whether or not self-propelled), including trailers and carts. Trailers and carts must be stored in the garage with the doors closed.

Vehicle repairs may not be performed in driveways or on the streets of the Property, except for emergency repairs completed within 24 hours.

No tractors, inoperable or wrecked motor vehicles, campers, RVs, ATVs, trailers, boats or similar recreational equipment may be stored anywhere on the Property except for inside a closed garage.

No vehicles of any kind shall be parked or left in the Common Elements and trucks with tonnage in excess of one (1) ton shall not be permitted to park overnight on the streets, driveways or otherwise within the Properties. Provided, however, and notwithstanding the foregoing, and subject to Legal Requirements, vehicles may be parked temporarily on streets and driveways within the Properties as reasonably necessary in connection with construction, installation, or maintenance of improvements within the Properties.

### ***Yard Art, Statuary, Exterior Decorations***

Statuary such as sun dials, globes, sculptures, wreaths, decorative flags, bird houses, bird feeders and other yard art, is restricted to the front porch and rear yard of a Lot.

### ***LANDSCAPING AND SITE STANDARDS***

Landscaping is an essential element of design in the neighborhood and is also an integral part of maintaining property value and neighborhood continuity. Preservation of existing vegetation must be considered in establishing and maintaining the landscape design.

Grass, hedges, shrubs, vines and mass planting of any type on any Lot or any portion of the Property shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut so as to appear neat and attractive. It shall be each Owner's responsibility to water the lawn and the plants on its Lot at regular intervals. Trees, shrubs, vines and plants which die shall be promptly removed. No leaves, trash, garbage or other similar debris shall be burned.

Changes to the existing landscaping plan of the home require prior approval of the ACC. Requests should be accompanied by a plat plan or landscaping plan illustrating the location of the modifications, including hardscape features, plantings, and other information which may requested by ACC.

***Drainage***

Drainage of the property must conform to all municipality requirements. All drainage and grading must be indicated on the proposed plans submitted to the ACC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ACC.

The established drainage pattern is defined as the drainage pattern engineered and constructed by the original builder prior to (or in some cases, immediately following) conveyance of title from the builder to the individual homeowner.

No building or other structure shall be placed or permitted to remain on any Lot which may damage or interfere with the use, maintenance, repair or replacement of such drainage facilities and appurtenances and no Lot Owner shall do any work, construct any improvements, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Lots or common area.

Landscaping shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under, ponding near, or against the foundation of the dwelling. Water should flow fully over walkways, sidewalks, or driveways into the street.

**CONSTRUCTION GUIDELINES*****Construction and Completion Timeliness***

When construction of any Lot, structure, improvement or addition has begun, work shall commence diligently and continuously through completion. Any structures must be "dried-in" with exterior finishes installed within 120 days of commencement of construction and all phases of work, including all landscaping must be complete within six (6) months of the date of ACC approval.

***Inspections***

The ACC may perform periodic informal inspections to ensure that work is being performed in conformance with approved plans and the Architectural guidelines. All inspections are observations only and will not relieve the owner's obligation to obtain inspection approvals from the City and or County and other governmental entities having jurisdiction.

Job sites not in compliance with these Architectural Guidelines or approved plans will be issued a Notice of Violation. Further construction is prohibited until the homeowner addresses the violations.

***Construction Damages***

Any damage to vegetation or common area facilities caused by the Applicant, their contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the Board and the owner of the damaged property. If the damage is not corrected, the Association may repair such damage and assess the costs of repair to the Applicant.

***Conduct***

The applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in the community. Loud music, profanity and other behavior, which is unbecoming, will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future access to the community.

***Site Cleanliness***

All **work sites** must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared on a regular basis.

**OWNERS SHOULD REFER TO ARTICLE XI, ARCHITECTURAL APPROVAL, IN THE DECLARATION OF PROTECTIVE COVENANTS FOR TRYON WEST FOR ADDITIONAL INFORMATION.**

#### **LIMITATION OF LIABILITY**

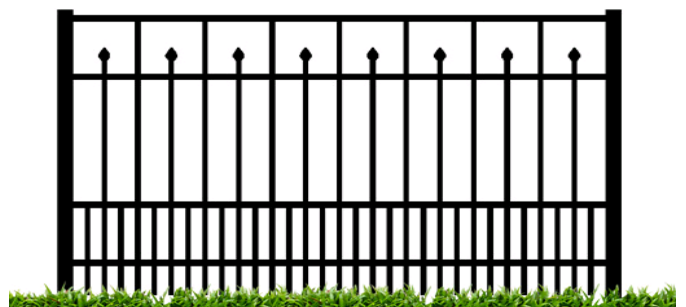
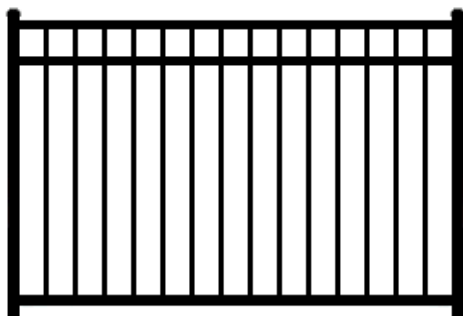
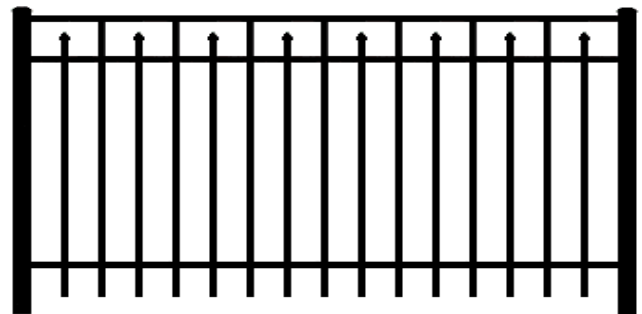
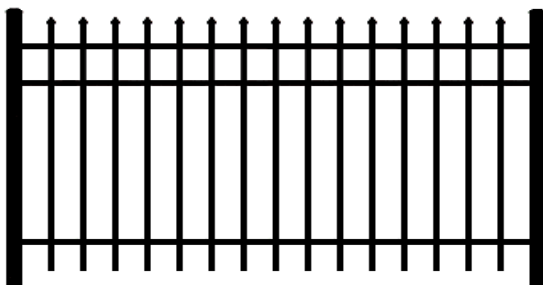
Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications, neither the Board of Directors, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Association the Board of Directors nor the officers, directors, members employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against the Association, committees, or the officers, directors, members employees, and agents of any of them to recover any damages

#### **EXHIBIT A**

### **FENCING**

Aluminum fencing is allowed at a maximum height of 60 inches (5 feet) and must be located wholly within the property lines of the Lot. A copy of the plat plan with the location of the fence denoted must be submitted with the application to the Architectural Control Committee. Fencing may not be placed in any type of buffer or easement located on a lot. Fencing must begin at the rear corners of the home. Fencing on corner lots must begin at least 20 feet back from the curb on the street facing side of the property. "Puppy Panels" shall only be allowed on the bottom third of a black aluminum fence. Samples of approved aluminum fencing styles are shown below.

#### **Samples of approved fencing styles:**



Example of 18 inch puppy panel

# **CARRAWAY GARDENS AT TRYON WEST TOWNHOMES FENCING REQUIREMENTS**

ALL TOWNHOME UNITS ARE REQUIRED TO UTILIZE THE SAME FENCING AS IS CURRENTLY INSTALLED IN THE COMMUNITY FOR PRIVACY PANELS AND COURTYARD FENCING.

Six foot white vinyl privacy fencing with square post cap is the only permitted fencing in the townhome community.



- **If rear yard is to be enclosed, a five (5) foot wide gate must be placed on both side fence lines in order to allow for landscape maintenance access.**
- A copy of the plat plan with the location of the fence denoted must be submitted with the application to the Architectural Control Committee.
- Fencing may not be placed in any type of buffer or easement located on a lot. Fencing must begin at the rear corners of the home.
- Fencing on corner lots must begin at least 20 feet back from the curb on the street facing side of the property.

**All fence installations must include the following conditions for approval:**

1. Owner is responsible for all maintenance related to fencing.
2. Pets may not be left unattended for extended periods of time in rear yard and never overnight. If noise complaints are received about a pet that is left in rear yard, owner will be prohibited from leaving pets unattended in yard at all thereafter.
3. Owners must continue to clean up immediately after pets in enclosed yard. Landscaper will not service yard if feces is left in yard.
4. Owner is responsible for ensuring that gates are unlocked for landscape personnel and that pets are not in yard when landscape personnel are onsite. Landscape personnel are not liable for any gates that may be left open after yard is serviced. Owner should always ensure gates are closed before releasing pets into yard.
5. The HOA, nor landscape contractor is responsible for any damage sustained to fencing or privacy panel during the normal course of landscape maintenance in yard or adjacent areas.

## Exhibit B

# Noise Ordinance

A revision to the Town of Wake Forest's Noise Ordinance was approved by the [Board of Commissioners](#) on October 18, 2005. It can be found in the Code of Ordinances, Chapter 14, under Environment, Article III, Section 14-66 thru 14-75.

Specifically, residential impacts relating to construction activities can be found in sec. 14-71, "it is unlawful in any residentially-zoned area of the town or within 300 feet of any occupied residential structure in all zoning districts of the town to cause undue noise."

The following is a chart describing the days, times, and decibel levels allowed for certain activities:

| USE                     | DAYS              | TIMES         | MAX DECIBELS dB(A)   |
|-------------------------|-------------------|---------------|----------------------|
| General                 | Monday - Sunday   | 9am – 9pm     | 60                   |
|                         |                   | 9pm – 9am     | 50                   |
| Public Entertainment    | Monday - Sunday   | 9am – 9pm     | 65                   |
|                         |                   | 9pm – 9am     | 50                   |
| Recreational Activities | Monday - Sunday   | 7am – 10:30pm | No established limit |
| Garbage                 | Monday - Friday   | 7am – 8pm     | No established limit |
|                         | Saturday - Sunday | 8am – 6pm     | No established limit |
| Construction            | Monday - Friday   | 7am - 8pm     | No established limit |
| Lawnmowers              | Monday - Sunday   | 7am – 9pm     | No established limit |

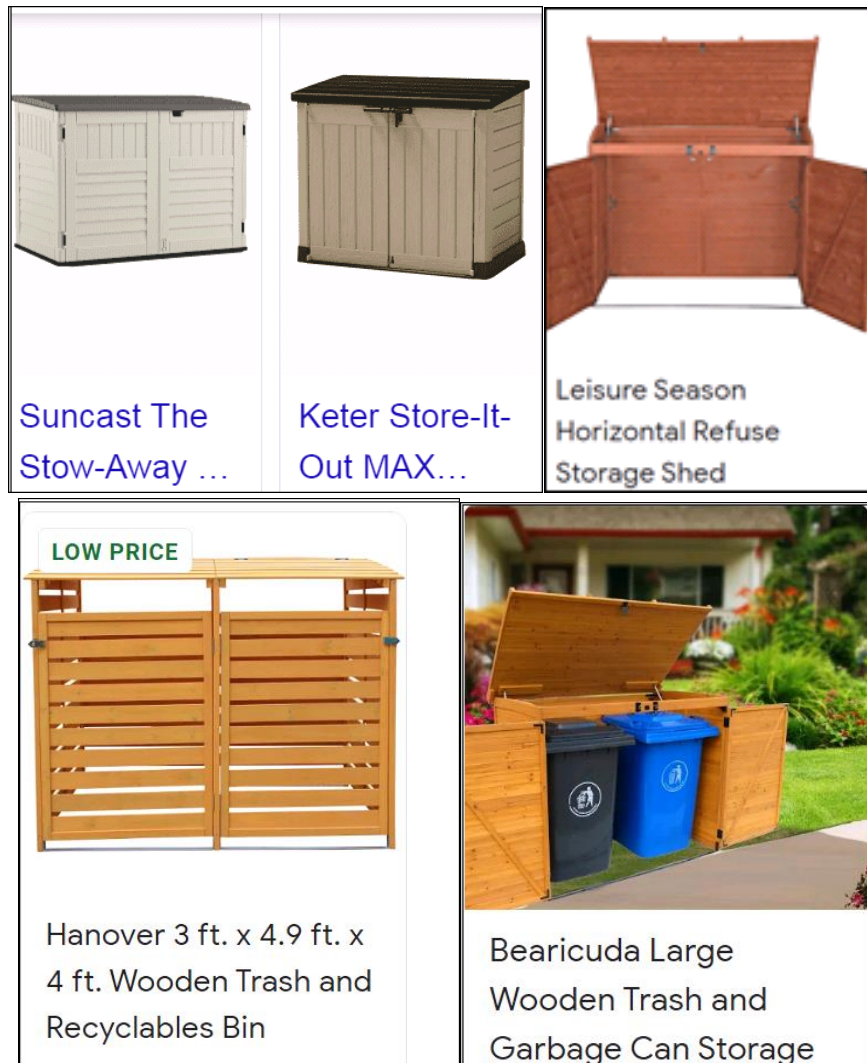
For more information, contact the [Wake Forest Police Department](#) at (919) 554-6150.

## EXHIBIT C

### Trash Enclosure Options

The following wood or resin storage containers are permitted, provided that they are placed flush against the side of the home and properly leveled. Similar designs may be submitted. Note: the brand names listed below are to assist owners for sourcing purposes only.

***If owners are purchasing and installing a specific brand/design listed herein, they may email the Managing Agent with a copy of the product order showing a photo of the specific product with product name listed in lieu of submitting an Architectural Request. (change as of 3/17/22)***



If wooden enclosures are selected, they must be sealed with clear or stained in a natural cedar tone semi-transparent stain to keep them from degrading.

### Exhibit C, Trash Enclosures, Continued

Two of the specific 4 foot high X 4 foot wide white vinyl fence panels with stabilization stakes may be installed at a right angle against the home, no further forward than the front corner. as approved by the ARC: The brand for this specific enclosure is Enclo and is available through several sources online.



Wooden hinged panels may be utilized (vinyl hinged panels that do not have stabilizing stakes are not permitted) provided that TWO panels are used to screen both bins and are 1) kept upright at all times and 2) kept in good condition, ie. not faded or broken hinges, etc.)



## Exhibit C, Trash Enclosures, Continued

Wooden privacy fence panels in stockade design with dog-eared pickets or shadow box configuration with dog-eared pickets that are 6 feet in height and 8 feet wide can be utilized to create an enclosure:

- A skilled craftsman can cut the panel into two 4 foot wide sections
- Three 3 inch X 3 inch wooden posts will be required- 1 to be placed against structure, 1 to be placed at right angle and one at back side of the second panel. Posts should be placed BEHIND the fence panels so that they are not visible from street.
- All three posts should be secured in concrete.
- Panels and posts must be stained in semi-transparent natural cedar tone stain.
- One panel must be installed facing the street and one panel must be placed perpendicular to the street facing panel to screen the bins from view of the adjacent lot.
- A sample of dog eared fence panels with hidden posts is shown below, along with sample of dog eared stockade fence panel.



Sample of natural cedar tone semi-transparent stain



# Parking Pads and Driveway Extensions

**Appearance:**

The layout or design should preserve and compliment the original driveway and walkway. The surface shall be at the same level, same color and finish as the existing concrete drive and of a minimum thickness of 4 inches. Depending upon property configuration, screening with landscaping may be required to visually block the area from adjoining property owners. The quality and appearance of the concrete finish and edges of the parking pad/extension must match the existing driveway. All landscaping and turf disturbed during construction must be repaired/replaced immediately upon completion of construction. This includes backfilling so the dirt/grass is level with the driveway apron.

The extension should be flared or angled to connect to the existing driveway whenever topography and space allow to create a smooth and aesthetic transition. “Bubble” or rounded extensions are not permitted.

**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/extension may not be placed in front of the front porch of the home.

**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. Concrete paint is not allowed

A survey map and a drawing of the proposed parking pad (including dimensions, placement, etc.) must be submitted with all Applications. A copy of the written permit or approval from the Town of Wake Forest (TOWF) will be required for ARC approval.

|                        |                                                                                                                                                                                                                  |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Dimensional</b>     | Maximum width of 9'-0". Each property will be reviewed individually.                                                                                                                                             |
| <b>Set Back</b>        | Minimum set back from side property line must comply with municipality requierments.                                                                                                                             |
| <b>Requirements:</b>   |                                                                                                                                                                                                                  |
| <b>Drainage/Slope:</b> | 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. |

Samples of recommended driveway pads/extension layouts and designs are shown below.

