

Kildaire Farms II HOA

Architectural Standards And Guidelines

KF II Subdivisions

Beacon Cove	Lakepointe Village
Cheverly Forest	Lakeside at Chimney Rise
Chimney Rise	Landings at Pinecreek
Enclaves	Matchpoint
Fox Chase	New Kent Village
Hanover Place	Paxton
Hanover West	Riverwalk
Harbour Towne	Royal Ridge
Kingsmill	Sterling

Revised 2012

Approved By Kildaire Farms II BOD October 11, 2012

PURPOSE

The Architectural Review Committee (ARC) was established by the Board of Directors under the authority of the Kildaire Farms II Protective Covenants to help maintain the quality of life in Kildaire Farms by preserving property values and promoting the natural beauty of the community. We encourage each owner to maintain his/her property in a way that reflects pride in home and community. The Committee maintains the Guidelines to reflect changes in building materials, laws, and the maturing character of the neighborhood. However, the ARC must abide by the principles stated in the Covenants.

The Covenants require that homeowners submit written applications for all external property improvements, in advance, to the ARC for approval. Approval is mandatory before work can begin. The ARC decides whether to approve or disapprove a request based on whether or not the improvement conforms to community standards. The potential affect is of the proposed change is also considered. Homeowners who begin projects without approval are still required to submit an application. Such applications, even for completed projects, may be denied. If denied, the change must be removed at the homeowner's expense. Also, any changes that are not properly maintained will be subject to removal at the homeowner's expense.

To provide guidance to homeowners in the area of community standards, the ARC composed these Architectural Standards and Guidelines that have been approved by the Board of Directors. The guidelines describe what types of improvements require approval, what types of improvements are allowed in this community, and what attachments are required with the applications.

Homeowners should be aware that the Town of Cary also has guidelines governing some of the same subjects covered in this document. Any Town of Cary guidelines that are more stringent than Kildaire Farms guidelines take precedence over the Kildaire Farms guidelines. Approval from Kildaire Farms Architectural Review Committee does not replace the need for securing any necessary Town of Cary permits.

PROCEDURE

The ARC meets at 7:00 p.m. on the first Monday of each month in the second floor conference room at the YORK PROPERTIES office located at 875 Walnut Street in Cary to review homeowner's applications. The application must be submitted to YORK PROPERTIES office in Cameron Village by 5PM on the Thursday prior to the ARC meeting to be considered at that month's meeting. Late applications are reviewed at the following month's meeting.

Homeowners are cordially invited to attend the meetings to ask questions and observe the process. A requesting homeowner does not need to be present, but it is sometimes helpful to the ARC to have the homeowner's verbal explanation of the written request. If a neighboring homeowner wishes to dispute a request being made, they are invited to address their concerns to the ARC either in person or in writing. Anyone who wishes to address their concerns to the ARC concerning a particular request needs to be at the YORK PROPERTIES office in Cary at 7:30pm on the day of the meeting.

When planning a home improvement project, a homeowner should first refer to the applicable architectural guidelines. Every effort should be made not to disturb or adversely affect neighbors' property. The homeowner then fills out a "Request for Architectural Approval" form. A copy of this form is attached to this package. Copies are also available at the YORK PROPERTIES office. Multiple projects can be submitted on the same form. The form, with any required attachments, should first be submitted to the homeowner's subdivision association, if applicable, and then be **submitted to YORK PROPERTIES Cameron Village office by 5PM on the Thursday prior to the ARC meeting**. This allows the ARC committee sufficient time to gather data in order to make an informed decision.

The ARC will review all properly submitted requests at their next regularly scheduled meeting and take one of the following actions:

1. Approve the request as submitted
2. Approve the request subject to conditions (Conditions must be accepted in writing before the work can begin).
3. Disapprove the request because it's not complete, or has not been approved by the applicable sub association ARC.
4. Disapprove the request

Note: If the homeowner resides in a sub division with an active sub association, approval by the sub association's ARC must be completed prior to submission to the Kildaire Farms ARC.

Note: Sub Association requests will be handled using the same procedures as homeowner's requests.

Within a week of the meeting, YORK PROPERTIES will inform the requesting homeowner in writing of the action taken on their request. Request approval is valid for a period of 1 year. If work has not begun within that time, the request must be resubmitted and approved before any work can be started. The request and supporting documents then become property of the Kildaire Farms Homeowners Association II and are retained in the property files.

If any homeowner disagrees with the ARC's action concerning a particular request, they may appeal the decision to the Board of Directors. If a homeowner wishes to appeal an ARC decision, they should call YORK PROPERTIES and ask to be put on the agenda for the next Board of Director's meeting. An appeal can also be made in writing.

If you have any questions, please feel free to call the YORK PROPERTIES office at 919-821-1350 during the normal business hours: **Monday through Thursday 8:30am - 5:00pm, Friday 8:30 - 1:30pm**

Please remember that the ARC members are volunteers and are normally available only during the scheduled ARC meeting times.

INSTRUCTIONS FOR COMPLETING THE APPLICATION

The Request for Architectural Approval Form should contain a complete written description of the proposed improvement and should also include as applicable:

1. A copy of the lot survey or plot plan prepared and sealed by an engineer or Registered Land Surveyor showing the location of the improvement and distance to the nearest property lines;
2. Pictures, drawings, or blueprints showing different views with dimensions;
3. Samples and/or descriptions of paint and/or materials to be used in construction;
4. A description of any screening to be provided.

It's very important to have all affected neighbors sign the form. This is not a request for their approval, but only an acknowledgement that they've been informed of the proposed improvement. Incomplete requests will be disapproved and returned to the homeowner.

Since each request will be evaluated against all the guidelines that pertain to the request, please ensure that you consider all the guideline that apply.

NOTE: Items covered in this guideline are for Kildaire Farms II residents in general. Some items may not be permissible in particular subdivisions, based on their covenants.

Note: On the items which do not require approval, the ARC reserves the right to request a homeowner to remove an item if surrounding homeowners complain and if, upon inspection, the ARC considers the item to be unsightly or a nuisance.

Definitions

Houses on corner lots: The side containing the main entrance to a house will be defined as the front on the house.

Projects which do NOT require ARC approval are as follows:

Clotheslines except where prohibited
Holiday decorations
Minor landscaping
Repainting the same color
Repairs to existing structures
Temporary yard signs (For Sale, Garage Sale, and Political Campaign Signs)
Tree removal if less than 6" diameter, or diseased
Skylights

Projects which require ARC approval include, but are not limited to, the items shown in the table below.

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CHANGES IN EXTERNAL COLOR OR MATERIAL

Items Requiring Architectural approval:

All changes to external color or material require ARC approval.

Examples of Changes and replacements covered in this Category are:

Paint
Siding
Roof
Gutters
Trim
Shutters
Doors

Information Required in Submittal:

Include sample(s) of the paint, stain, and/or materials showing colors to be used, thickness of material, brand and manufacturer's style or color number. Changes in material of siding, gutters, and roofing need to be compatible with those of the neighborhood.

PET FACILITIES (HOUSES, RUNS, PENS, ETC.)

Items Requiring Architectural Approval:

All structures to shelter, confine, or provide exercise space for household pets.

Information Required in Submittal:

1. Plot plan showing the location of the structure and distance to nearest property lines.
2. Elevation view(s) showing the planned appearance of the structure with dimensions.
3. Description of material(s) to be used in construction.
4. Description of the shielding to be provided.

Guidelines:

1. If the yard is not fenced in, then a free standing pet facility must be located at least 10 ft. from all property lines, and must be placed where it is least objectionable to neighbor's view.
2. Pet facilities for livestock and domesticated farm animals are prohibited.
3. Permanent pet facilities are to conform to the fence guidelines
4. Temporary pet facilities may be any commercially available type, but must comply with items 1-3 (above) and will be granted for a period of one year.

RETAINING WALLS & DRAINAGE CHANGES

Items Requiring Architectural Approval:

All retaining walls, storm drains, or significant drainage changes require ARC approval.

Information Required in Submittal:

1. Plot plan showing the location of the structure and distance to nearest property lines.
2. Elevation view(s) showing the planned appearance of the structure with dimensions.
3. Description of materials to be used in construction.
4. Contour changes to be made

Guidelines:

1. Approved materials include, but are not limited to, brick, stone, railroad ties, wood, and architectural block. Any wood materials used should be of the treated type.
2. Retaining walls may be stained, but not painted.
3. Contour changes cannot:
 - a) Significantly alter the natural drainage
 - b) Be in a Town of Cary storm drainage easement or a Kildaire Farms Common Area.
 - c) Divert water to adjacent property
 - d) Discharge directly into Kildaire Farms Lakes
 - e) Create an erosion problem.

ADDITIONS AND STRUCTURAL CHANGES TO HOMES, TOWNHOMES, AND CONDOMINIUMS

Items Requiring Architectural Approval:

All external additions or structural changes to homes, town homes, or condominiums must have ARC approval before construction begins. This includes new rooms, porches, garages, carports, or attached structures of any kind. Also any changes to chimneys, windows or doors, including the addition of storm windows or storm doors, require ARC approval.

Information Required for Submittal:

1. Plot plans showing the location of the structure and distance to nearest property lines.
2. Elevation view(s) showing the planned appearance of the structure with dimensions.
3. Description of materials to be used in construction including paint and shingle samples, if applicable. If paint and shingles are identical to the residence, no samples are required.
4. Architectural drawings, plans, etc, if available.

Guidelines:

1. No addition may infringe upon the setbacks for the lot as listed in the covenants.
2. Additions should match the residence in color, style, and materials as much as possible.
3. Additions must be attached to house, cannot be placed in setback areas, and must match the color and materials of the house.

Note: Structures which are not an integral part of the main structure are considered detached structures. See Detached Structures guidelines.

PLAY FACILITIES: (Swing Sets, Play Houses, Jungle Gyms, Trampolines, Etc.)

Items Requiring Architectural Approval:

All swing sets, play houses, jungle gyms, trampolines, etc. require ARC approval.

Information Required in Submittal:

1. Description of the type or style of play facility to be installed.
2. Plot plan showing the location of the structure and distance to nearest property lines.
3. Elevation view(s) showing the planned appearance of the structure with dimensions.
4. Description of material(s) to be used in construction, if applicable.

Guidelines:

1. Play facilities must be located at least 10 feet from all property lines, unless enclosed by a fence.
2. They should be located in the least conspicuous place possible, either in the rear or on the most obscure side of the residence.
3. All play facilities must be properly maintained in a safe and attractive condition at all times. Any repairs or replacement must be performed within 30 days

MAJOR LANDSCAPING CHANGES

Items Requiring Architectural Approval:

Landscaping that is structural, or changes the contour of the land, is adjacent to property lines, or obstructs a neighbor's view, requires ARC approval. Landscaping timbers, railroad ties, etc. used for curbing require ARC approval.

Items Not Requiring Architectural Approval:

Landscaping of a minor nature such as naturalizing an area of the yard and/or adding trees, shrubs and flowers need not be submitted for approval providing they do not impact neighboring properties.

Information Required for Submittal:

1. Description of the type, quantity and size of plants and trees.
2. Plot plan showing the location of the plants or trees and the distance to the nearest property lines.
3. Changes to the drainage/runoff on the property should be illustrated with submittal.

Guidelines:

1. Hedges and screen planting which form a barrier between properties are not permitted.
2. No plantings are permitted near the lakes which will significantly obstruct view of the lake or cause a sight hazard, or be located in a pedestrian easement.
3. Any wood materials used should be of the treated type.
4. Borders or Curbing made of treated landscape timbers (timbers with two flat and two round sides); treated milled timbers and treated railroad ties are permitted. Borders made of natural untreated woods are not permitted.
5. Rock borders will be approved only when done in good taste and when they do not adversely impact the neighborhood setting. Each case will decide in its own merits.
6. No plantings are permitted on common property.

AWNINGS

Items Requiring Architectural Approval:

All awnings require ARC approval.

Information Required in Submittal:

1. The awning may be fabric only.
2. The fabric should blend with the color of the residence.
3. Any wood support structure must be same color as the residence or deck.
4. Awning may be installed on the rear or sides of the residence only.
5. Awning must be attached to the residence, not free standing.

DRIVEWAYS AND PARKING PADS

Items Requiring Architectural Approval:

All parking pads or changes to driveways require ARC approval.

Information Required in Submittal:

1. Plot plan showing the location and dimensions of the driveway or parking pad and distance to nearest property lines.
2. Description of material(s) to be used in construction.
3. Location and width of curb cut.

Guidelines:

1. No new asphalt or gravel parking pads are permitted.
2. New driveways and / or parking pads must meet the minimum standard of two off street parking spaces on the property.

PATIOS

Items Requiring Architectural Approval:

All patios require ARC approval.

Information Required in Submittal:

1. Plot plans showing the location of the structure and the distance to the nearest property lines.
2. Elevation view(s) showing the planned appearance of the structure with dimensions, if above grade.
3. Description of material(s) to be used in construction.

DECKS

Items Requiring Architectural Approval:

All new decks require ARC approval. Any appearance change or addition requires ARC approval. All under-deck enclosures require ARC approval.

Information Required in Submittal:

1. Plot plan showing the location of the structure and distance to the nearest property lines.
2. Elevation view(s) showing the planned appearance of the structure with dimensions.
3. Description of the material(s) to be used in construction including stain or paint samples if applicable.

Guidelines:

All decks should be built of treated wood.

SOLAR COLLECTORS

Items Requiring ARC Approval:

All solar collectors require ARC approval

Information Required in Submittal:

1. Description of the type of solar collector to be installed.
2. Drawing showing the location of the unit on the roof with dimensions.
3. Plot plan showing the location of the solar collectors.

Guidelines:

1. Solar collectors should be attached only to the roof, not free standing or ground mounted.
2. Solar collectors should be installed so as to be as inconspicuous as possible.
3. Every effort must be taken to camouflage the plumbing and supports for the collectors. This camouflaging may require completely encasing the collectors. The ideal installation is one that is laid flat on the roof. All metal parts should be painted to match the roof coloring. There must be a minimum exposure of the piping runs down the side of the house.

DECORATIONS, LAWN ORNAMENTS, PONDS, SIGNS, FLAGS

Items Requiring Architectural Approval:

Lawn ornaments that significantly alter the appearance of the lawn, fish ponds, free standing flagpoles, or similar additions require ARC approval.

Items Not Requiring Architectural Approval:

Temporary decorations, including holiday decorations and lighting, For sale or rent, garage sale, yard sale and political campaign signs do not require ARC approval. Temporary signs and decorations should be removed in a timely manner. Signs must adhere to Town of Cary ordinances.

Information Required in Submittal for permanent decorative items:

1. Picture or description of the item, including material, color, and function.
2. Plot plan showing the location of the item and distance to nearest property lines.

Guidelines:

1. Every effort shall be made not to disturb or adversely affect neighbors especially with the installation of the lights and noisy devices.

DETACHED STRUCTURES

Items Requiring Architectural Approval:

Detached items allowed with Architectural Approval are Garages, Gazebos, Archways, Arbors, Greenhouses, and Pergolas.

Information Required in Submittal:

1. Plans should be clearly show the type of construction, including floor plans, elevations, and materials.
2. Plot plan showing the location of the structure and distance to nearest property lines and residence.
3. Description of materials should include paint and shingle samples if applicable. If paint and shingles are to be identical to the residence, no samples are required.

Guidelines:

1. Must not exceed 15' height.
2. Must aesthetically match, as much as possible, the existing house in materials, (including the roof), color, and trim.
3. No structure may infringe on the setbacks for the lot as listed in the covenants.
4. All detached structures must be properly maintained in a safe and attractive condition at all times. Any repairs or replacement must be performed within 30 days

Additional Guidelines for the installation of Gazebos and Arbors only:

“Gazebos are free standing roofed structures, usually open on the sides”.

“Arbors are shelters formed of or covered with vines or branches”.

1. The materials used must be treated wood.
2. May be stained or left natural (not painted).
3. No portion of the structure can be located closer to the street than the front lines of the dwelling, nor **can it encroach into any set back. Please refer to your neighborhood “Declaration of Covenants” for setback information.**

Additional Guidelines for Greenhouses:

Must be constructed using rigid panels only.

SWIMMING POOLS, HOT TUBS, WHIRLPOOLS, JACUZIS, ETC**Items Requiring Architectural Approval:**

All swimming pools require ARC approval. Hot tubs and associated privacy screens require ARC approval.

Information required in submittal:

1. Description of the type or style of the pool or hot tub to be installed.
2. Plot plan showing the location of the structure and distance to nearest property lines.
3. Elevation view(s) showing the planned appearance of the structure with dimensions.
4. Privacy screen material

Guidelines:

1. Above ground pools are not permitted.
2. Pools must be enclosed by an approved fence.

SATELLITE DISHES AND RADIO/TV ANTENNAS

All exterior radio/TV antennas require submittal to and approval by the ARC.
Satellite dishes require approval under certain conditions.

I. Information to be included (when submission is required):

1. Description of the type or style of antenna or dish to be installed.
2. Plot plan showing the location and distance to nearest property line.
3. Elevation view(s) showing the planned appearance of the structure with dimensions.
4. Description of the shielding to be provided.

II. Situations addressed in the Telecommunications Act of 1996:

1. A “dish” antenna that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
2. An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

SATELLITE DISHES AND RADIO/TV ANTENNAS Cont

3. An antenna that is designed to receive local television broadcast signals. Masts higher than 12 feet above the roofline may be subject to local permitting requirements, or may be subject to ARC control as permitted by The Act.

The Covenants for Kildaire Farms cannot impair a viewer's ability to install, maintain, or use a video antenna. The Covenants impair if (a) unreasonably delays or prevents the use of, (b) unreasonably increases the cost of, or (c) precludes a viewer from receiving an acceptable quality signal from, one of these antennas.

The Act does not prohibit legitimate safety restrictions, provided the restriction is no more burdensome than necessary to accomplish the safety purpose. In Kildaire Farms, the safety requirements are:

The antenna shall be mounted in such a manner and location such that if it becomes detached, the antenna and associated wiring cannot come in contact with a power line.

1. No antenna shall violate Fire Codes, including (but not limited to) prevent egress from a building or constituting a tripping hazard.
2. The antenna location shall be such that, if unintentional detachment occurs, no part of the antenna or associated wiring will extend beyond the "exclusive use area" of the homeowner. Antennas in Townhome or Condominium, "exclusive use area" does NOT include common areas owned by the association.
3. It is recommended that antennas that both receive and transmit signals be installed by professional personnel to maximize effectiveness and minimize the possibility that the antenna will be placed in a location that is likely to expose subscribers or other persons to the transmitted signal at close proximity and for an extended length of time. Kildaire Farms does not require professional installation for receive-only antennas, such as one-way DBS satellite dishes. However, Kildaire Farms **requires professional installation for transmitting antennas covered by The Act, based on the safety exception to the rules.**

III. If your satellite dish or antenna is covered by section III (Telecommunications Act of 1996) of this guideline, the following procedure should be followed:

1. Submit your request for installation of dish or antenna.
2. Wait for approval if you can, but if your dish or antenna is covered by the Telecommunication Act of 1996, you have the right to install your dish or antenna without "unreasonable delays" under many situations.
3. Install your dish or antenna using the guidelines below as our recommendation.

SATELLITE DISHES AND RADIO/TV ANTENNAS Cont

4. If the dish or antenna is not installed in accordance with the guidelines below, and the guidelines could have been adhered to without an unreasonable increase in cost or a preclusion from receiving an acceptable quality signal, or if a safety or infringement provision is violated, the Association has the right to require removal or reinstallation at homeowner's expense.

Guidelines:

1. No dish with a diameter greater than 1 meter (39 inches) is permitted.
2. Antennas or dishes shall be installed so as to be as inconspicuous as possible either in the rear of the home or on the side that has the least public exposure. Antennas and dishes shall not be mounted within 10 feet of the side or rear property lines or within any buffer or defined setback, whichever is greater.
3. Any antenna or dish shall be located at least 30 feet from a street right-of-way.
4. Any antenna or dish that is to be installed at ground level must be screened so that it is not visible from any street. Ground-mounted installations shall be located either in the rear of the home, or on the side—extending no more than 10 feet forward from the rear corner of the building. (See drawing "A").
5. An antenna or dish may be located on the roof of a home provided it is not on the portion of the roof facing the street, and the highest point of the structure is no higher than the peak of the room on which it is mounted. Under no circumstances shall the structure be visible from any street, unless allowed by Section 207 of the Telecommunications Act of 1996 (hereafter referred to as The Act. A dish should match the color of the shingles on which it is located.
6. An antenna or dish may be mounted on the back or side of a home, but cannot be mounted on the front, unless this would impair reception of signals protected under The Act. If mounted on the side of a building, it cannot be located more than 10 feet forward from the rear corner of the building. The structure must be mounted at least 10 feet off the ground and shall not protrude from the wall more than 3 feet. The dish color must be matched to the primary color of the building.
7. No antenna or dish installation shall constitute a hazard to any homeowner or other person, by exposure to RF Energy exceeding FCC guidelines, obstructing passage across property, restricting emergency egress from a building, or by extending beyond the homeowner's exclusive area of use in case of unintentional detachment of the antenna or dish from its mounting structure.
8. All wiring from antenna or dish installations should be buried underground or concealed in some way.

*If tree removal is required, see guidelines for tree removal.

SPORTS FACILITIES (BASKETBALL GOALS, TENNIS, AND VOLLEYBALL COURTS, ETC.)

Items Requiring Architectural Approval:

Basketball goals mounted on poles or on the house require ARC approval. Tennis courts and volleyball courts require ARC approval.

Information Required in Submittal:

1. Plot plan showing the location and dimensions of the structure and distance to nearest property lines.
2. Description of the material(s) to be used in construction, if applicable.

Guidelines:

Basketball goals should not be located on a street or right of way.

VEGETABLE GARDEN PLOTS

Items Requiring Architectural Approval:

All vegetable gardens require ARC approval.

Items Required in Submittal:

Plot plan showing the location and dimensions of the garden and distance to nearest property lines.

Guidelines:

1. Vegetable garden plots must be located a minimum of 10 feet from nearest property lines, unless enclosed by a fence.
2. They should be located in least conspicuous place possible, either in the rear or on the most obscure side of the residence, and may not extend beyond the front corners of the dwelling
3. Maintenance of the garden plot is required. Excess debris must be removed at the end of the gardening season and the plot returned to a natural state. This includes dead vegetation as well as stakes and other minor structural additions required for growing season. Inactive garden plots must also be returned to a natural state.
4. Garden plots cannot cause erosion or sediment flow into a drainage area.
5. Pesticides, if used, must be “eco-friendly” and not cause toxic runoff or leaching into nearby lakes, streams, drainage channels, or neighboring properties.

FUEL OR STORAGE TANKS

Items Requiring Architectural Approval:

All above ground **fuel** and storage tanks require ARC approval.

Information Required in Submittal:

1. Description to the type or style of the tank to be installed.
2. Plot plan showing the location of the structure and distance to the nearest property lines.
3. Elevation view(s) showing the planned appearance of the structure with dimensions.
4. Description of the shielding to be provided.

Guidelines:

1. Tanks must be located at least 10 feet from all property lines, unless enclosed by an approved fence.
2. They should be located in the least conspicuous place possible, either in the rear or most obscure side of the residence, but not beyond the front corners of the dwelling.
3. They must be screened from neighbors' view and/or camouflaged. Any plants used for screening should be of the evergreen variety.

STORAGE SHEDS

Items Requiring Architectural Approval:

Storage Sheds require ARC approval.

Information Required in Submittal:

1. Materials to be used.
2. Plot plans showing the location of the Shed or outbuilding and the distance to the property lines.
3. A description and Architectural Plans of the Building.

Guidelines:

1. Must not exceed 12 feet in height.
2. Should esthetically match, the existing house in materials, (including the roof), color, and trim. Non-matching colors and material proposed need to be compatible with those of the neighborhood.
3. No structure may infringe on the setbacks for the lot as listed in the covenants, nor can be located closer to the street than the front lines of the dwelling, nor can it be closer than 10 feet from any property line, unless enclosed by an approved fence.
4. All sheds must be properly maintained in a safe and attractive condition at all times. Any repairs or replacement must be performed within 30 days.
5. The Shed must be placed so that it cannot be seen from streets or greenways, or it will require appropriate screening.
6. The Shed should not obstruct neighbor's views of greenways or lakes.
7. Detached structures must be permitted in the homeowner's subdivision.

TREE REMOVAL

Items Requiring Architectural Approval:

Removal of all live trees 6 inches or greater in diameter and over as measured 4 feet from the ground shall require ARC approval. Diseased, dead, or trees that pose an immediate threat to the house, driveway, sidewalks, or walls do not require ARC approval.

Information Required in Submittal:

1. Reason(s) for tree removal.
2. Plot plans showing the location of the tree(s) to be removed and distance to nearest property lines.
3. A description of the remaining trees, and their location on the plot plan.

Guidelines:

1. All trees to be removed should be marked with ribbon so that the ARC can easily locate them on site.
2. When removed, the tree should be cut as close to the ground as possible. Removal of stump is at the discretion of the property owner.
3. No topping or removal of trees on homeowner association common areas is permitted.

EXTERNAL LIGHTING

Any lights installed on the exterior of any property require ARC approval. This includes but is not limited to: wall mounted lights, eave mounted flood lights, free standing pole lights, ornamental sidewalk and driveway lights, landscaping accent lights, ground mounted “up lights” and security lighting.

Seasonal lighting does not require approval.

Items Required for Submittal

1. Plot plan showing the approximate location of lights.
2. Elevation plan showing the mounting height of lights.
3. Cut sheet or Specification sheets on the fixtures.
4. Cut sheet or Specification sheets on the lamp for the fixture showing type and wattage.
5. On the Plot plan, show the approximate area to be illuminated by the fixture. If it is a directional type fixture, show the direction the fixture is pointed.

General Guidelines

1. All exterior lighting must meet the Town of Cary’s Lighting Standards.
2. Exterior lighting cannot produce a “glare” on any public street or right-of-way.
3. Exterior lighting cannot produce lighting levels that exceed one (1) foot-candle of illumination at their property line.
4. No lighting can be installed in any street right-of-way.
5. No lighting can be installed on any natural or common area property.
6. No lighting can be installed within ten (10) feet of any property line.
7. No lighting can be installed in any setback.
8. No lighting can be installed in any utility easement.
9. Lighting may not be installed in a manner that might be considered a safety hazard. (i.e. adequate head clearance, no sharp tops or projections)
10. Exterior lighting should not be installed in a manner that could be considered as a “Nuisance” to any adjacent property owners.

FENCES

Town of Cary Fence Standards

All fences must meet the Town of Cary fence and landscaping standards including any sub-association guidelines.

Items Requiring Architectural Approval:

All fences require the approval of the Kildaire Farms II Homeowners Association

Architectural Review Committee (ARC). **(I) Yard Fences:**

Items Required in Submittal:

1. Purpose and description of fence style, height, and dimensions of gate.
2. Plot Plan prepared and sealed by an engineer or registered land surveyor showing the location of fence and gate(s) and distance to nearest property lines.
3. Description of materials to be used in construction, including stain sample, if applicable.

Set-Backs:

All fences must meet the setback requirements of the Town of Cary, Kildaire Farms Homeowners Association and any sub-association setback requirements.

Utility Easements/Right-of-Ways:

Property owners are cautioned that building a fence that infringes on easement or right-of-ways may result in destruction or removal of the fence. Such installations are done entirely at the risk of the property owner.

Prohibited Items:

1. No metal, wire, chain, pipe, RR ties, stone, brick or concrete fences are allowed.
2. Painting of yard fences is strictly prohibited
3. Fences are not allowed to obstruct any common area greenways, pedestrian walkways or natural drainage areas.
4. Fences are not allowed to unduly obstruct any adjacent property owner's view of any lakes or common area features.
5. With the exception of split rail or decorative fences, no fence should extend beyond the front corners of the dwelling. Split rail fences are limited to 1/3 of the front lot. Fences Cont

Maintenance Requirements:

1. All fences must be properly maintained in a safe and attractive condition at all times. Any repairs or replacement of any sections of any damaged fences or improperly maintained aesthetic features of a fence must be performed within 30 days.
2. Gates should be provided to allow access to all sections of the property for maintenance purposes.

Color

1. Wooden yard fences can be either natural or stained.
2. If the fence is to be stained, the manufacturer's information and actual stain samples must be submitted.

Materials

1. All fences must be treated wood, composite wood, or plastic only.
2. If WOOD, cedar, redwood, or treated pine lumber must be used.
3. If PLASTIC, the following additional guidelines apply:
 - a) Material must have "through body" color pigment.
 - b) All materials should meet the equivalent structural strength of a comparable wood material.
 - c) Materials should be virtually "maintenance free".
 - d) Sizes of material should generally be the same as "wood fence standards".
 - e) Installation methods should be equivalent to "wood fence" installation standards.
4. Lattice style fences must have lattice thickness of 1/4" or greater.
5. Lattice style may be pre-manufactured plastic or composite. Color must be prefinished – NOT painted.

Height

1. Fences may be from 3-6 feet high measured from the ground to the top of the posts, excluding finials.
2. The maximum height allowed is to be determined based on the environment and application. A uniform height is to be maintained parallel to the ground line.

Fences Cont**Construction**

1. All hardware is to be galvanized with the exception of the hinges and latches.
2. All posts must be set in concrete.
3. The finished side of all fence styles must face adjoining lots.
4. Finials less than 6" high will be allowed on all fences.
5. If a proposed fence will abut an adjacent existing fence, or if the majority of existing fences in a sub-association are of a particular style, the new fence should match the existing style as much as possible.

(II) Privacy Screens:

Privacy screens are generally defined as any above grade structure built specifically for screening purposes such as a patio and does not totally enclose a specific area.

All privacy screens require ARC approval.

Items Required for Submittal

- 1 Brief narrative as to the purpose of the screen.
- 2 Plot plan showing the approximate location of the screen.
- 3 Elevation view showing the type and size of the screen.
- 4 Sample of material.
- 5 Finish information for the screen. (i.e. color sample, natural, stained, painted, etc).

General Guidelines

1. Should generally conform to all applicable fence guidelines.
2. Should generally not exceed twenty (20) feet in length.
3. Should not be located within ten (10) feet of any property line except condos, townhouses, apartments, etc., which may have privacy screens as part of their architectural design.
4. Should not be located on or block access to any easement.
5. Should not adversely screen any adjacent property owner's view, any water features or common area greenways.
6. If located in close proximity to an existing privacy screen or fence, the screen should match as closely as possible, the style, material and theme of the adjacent fencing.
7. Should not adversely affect or alter proper drainage.

Screen Materials

Screen materials must conform to the applicable "Material Standards" listed in the "yard Fence" guidelines, unless provided for in this section.

Fences Cont

(III) Garden Plot Fences:

Some gardens, such as vegetable gardens, may require a low profile fence-like enclosure totally surrounding the plot to keep out destructive pests such as rabbits, geese, etc.

Such garden fences must comply with the above guidelines and any Sub-Association rules or covenants. Additionally, these fences:

- 1) Should totally enclose a plot.
- 2) Can butt up against another structure such as an adjoining fence or wall.
- 3) Should not exceed an installed height of 24" from the ground.
- 4) Should not violate any setback guidelines or public right-of-ways.
- 5) Should not affect adjacent property owner's views.
- 6) Should be both functional (keep out rabbits, etc.) as well as esthetically pleasing.

Materials:

- 1) Garden fences should be virtually maintenance free.
- 2) Fences must be lattice or "slat" style construction usually of treated wood, "through-body" colored plastic, or decorative 16-gauge or greater vinyl coated wire (green, white, black or dark brown). Mesh size must be 2"X 2" or greater.
- 3) Construction is not permitted using galvanized or welded wire, "poultry" fencing, chain type fencing, wire or plastic sheet or netting, RR ties, pipes, brick, concrete, stone or similar materials.

(IV) Ornamental/Decorative Fences:

Permanent Ornamental and Decorative fences require ARC approval.

Information Required in Submittal of Permanent Ornamental and Decorative fences:

1. Picture or description of the item, including material, color, and purpose or function.
2. Plot plan showing the location of the item(s) and distance to nearest property lines.

Guidelines:

Every effort shall be made not to disturb or adversely affect neighbors, especially with the installation of the lights or noisy devices.

Permanent ornamental or decorative fences are permitted with the following restrictions:

- a) Should be included in an overall landscaping plan, if applicable.

Fences Cont

- b) Should not function as a fence (enclose an area).
 - c) Should not exceed thirty-six inches (36") in height from the ground.
 - d) Can be made from brick, fieldstone, wrought iron, or any approved fence material.
 - e) Should not function as a retaining or structural wall.
 - f) Should not be built in any setback or public right-of-way.
 - g) Should not adversely affect adjacent property owner's views.
 - h) Must be virtually "maintenance free".
-

Alterations to the Lakeshore

Installation of rip rap (rocks), erosion control logs, bulwarks, and docks on the lakeshore may be done under the following conditions:

- Homeowners are responsible for compliance with local, state, and federal guidelines and ordinances governing the construction and maintenance of erosion control, bulwarks, and docks.
- Should not adversely obstruct or screen any adjacent property owner's view, any water features or common area greenways.
- Colors and material proposed need to be compatible with those of the neighborhood
- Homeowners are responsible for removing docks when necessary for lake maintenance.

The links for the governing agencies are:

Town of Cary Inspections and Permits:

http://www.townofcary.org/Departments/Inspections__Permits.htm

Town of Cary Engineering:

<http://www.townofcary.org/Departments/Engineering.htm>

DENR – Division of Water Resources:

http://www.ncwater.org/About_DWR/contact or

Division of Water Quality:

<http://portal.ncdenr.org/web/wq;>

Forms for DWQ:

<http://portal.ncdenr.org/web/lr/forms>

Homeowners should check the DENR site for Environmental Assistance:

<http://portal.ncdenr.org/web/deao/start/local-program-delegation> as well as the Town of Cary, Engineering, Storm Water Management:

http://www.townofcary.org/Departments/Engineering/Stormwater_Management.htm

REQUEST FOR ARCHITECTURAL APPROVAL (pg1)

KILDAIRE FARMS HOMEOWNERS ASSOCIATION II

C/O YORK PROPERTIES, Inc. 1900 Cameron St

Raleigh, NC 27605 (919) 821-1350

Email – VirginiaDavis@yorkcompanies.com

Fax (919) 828-9240

PROPERTY OWNER'S NAME

PHONE

REQUEST DATE

PROPERTY ADDRESS

LOT # / SUBDIVISION NAME

PROPERTY OWNER'S SIGNATURE

ESTIMATION COMPLETION DATE

PROJECT DESCRIPTION : _ (Use Separate Page if Necessary) _____

I (we) hereby agree to replace and/or repair, at my (our) sole expense, any damages to Association common areas as well as other homeowners residences, (i.e. grass, walking areas, trees, buildings, roads, etc.) as a result of making approved modifications _____ (initial)

Prior to the transfer of ownership of subject property, I agree to inform the new owner of any maintenance requirements. _____ (initial)

My (our) signature below, acknowledges that I (we) understand that this request will not be considered complete until all conditions described in the Kildaire Farms II ARC Guidelines have been met. I will display the KF2 ARC approval sign in front of my house while the project is in process, and return the sign to the ARC within 10 days of completion of the project.

Property Owner's Signature

Date

A permit by the town of Cary may be required. It is your responsibility to understand the requirements and to acquire any applicable permits, approvals, and/or inspections. Approval of this application by the HOA does not constitute approval as to compliance with applicable North Carolina, Wake County, or Town of Cary laws or ordinances.

REQUEST FOR ARCHITECTURAL APPROVAL (pg2)

When this request is reviewed, your neighbors have the right to comment and present views about your requested improvements. Please obtain signatures from all property owners having common lot lines with your property, and all property owners who would reasonably view the improvement from their property.

NEIGHBORS ACKNOWLEDGEMENT:

I acknowledge that the requesting property owner has shown (me/us) the details of the proposed improvement described on this form and that (my/our) signature represents only (my/our) awareness of the request. I understand that (I/we) may make verbal or written comments directly to the Kildaire Farms Homeowners Association II Architectural Review Committee.

NAME	SIGNATURE	ADDRESS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SUBASSOCIATION APPROVAL (If Required)

The Board of Directors of _____ recommends the following action on this request:

Date: _____ Signed: _____

Title: _____

“For Official ARC Use Only”

Approve _____ Approve with Conditions _____ Disapprove _____

Comments:

Sub Assoc Approval: _____ Setback /Easements Requirements Met: _____

Samples Included: _____ Conditions met / Request Closed on _____

Submit these two pages, attach any supplemental data or required items.

REQUEST FOR APPROVAL INSTRUCTIONS

1. The Kildaire Farms II Architectural Committee meetings are held on the first Monday of the month, at 7:00pm at the YORK PROPERTIES office located at 875 Walnut St., in Cary. **This request must be received in the YORK PROPERTIES office located at 1900 Cameron St., in Cameron Village, no later than 5pm on the Thursday prior to the meeting date, for consideration at the meeting.**
2. The project description should be a narrative of the proposed change or addition to your property. Site materials and color(s) to be used, similarity to existing structures, and potential effect on neighbors, as appropriate. Use a separate sheet of paper if necessary.
3. Please attach drawings, paint and materials samples, landscaping plans, as appropriate for the project – as defined in the ARC Guidelines.
4. Include a plot plan- “top down view” drawn on a certified copy of your lot survey, and elevation(s) and/or “side view(s)” as necessary to fully describe your project.
5. Your neighbors have a right to comment and present their views about your requested improvements. Signatures from all property owners who would reasonably view the improvement from their property should be obtained. This signature does not signify their approval, only their acknowledgement that they are aware of the proposed change.
6. Any request made from a subdivision which has a sub-association, must get the approval of that sub-association before the request can be acted upon by the Kildaire Farms II ARC.
7. Any improvements approved by the ARC must also comply with the Town of Cary standards, and may need a permit and inspection from the town of Cary.
8. All approved requests must be completed within 12 months of the approval or the approval becomes null and void.
9. Should the Architectural Committee deny your request, you may appeal their decision by appearing in person at the Kildaire Farms Homeowners Association II Board of Directors meeting held on the second Thursday of each month at the First Reformed Church of Cary, located at 555 SW Maynard Road, Cary, NC
10. Requests must be submitted by the homeowner of record

(This page does not need to be submitted)