

**WYNGATE HOMEOWNERS ASSOCIATION**  
**Wake HOA Management**  
**10224 Durant Road, Suite 209**  
**Raleigh, NC 27614**  
**919-790-5350 [www.wakehoa.com](http://www.wakehoa.com)**

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TO: Wyngate Homeowners and/or Tenants

FROM: Wyngate Homeowners' Association, Inc.

RE: Adopted Architectural Guidelines (08/31/2010)

Restrictive covenants and architectural standards were adopted during the early stages of development of the Wyngate Homeowners' Association Inc. The main purpose for the covenants and enclosed Architectural Guidelines are to maintain, enhance and provide a sense of continuity to the aesthetic appearance of Wyngate Subdivision. These Guidelines are designed for owners to follow when planning exterior changes to their property, and every property owner is required to adhere to the stipulations and guidelines contained herein.

Please retain these guidelines as part of your permanent papers. You must make these guidelines available to any renters of your home.

This document must be your first reference when you need information pertaining to any architectural change or improvement. When you decide to make an application, we request that you duplicate copies of the form attached at the back of these Guidelines. No request for change will be considered if not submitted with the application form and appropriate exhibits.

Please read and follow these Guidelines. You must obtain approval in writing from the Architectural Committee before the start of any exterior change. The Architectural Committee is allowed up to 30 days to act on an application. Therefore, do not commit to labor or materials until you have received written approval.

Your adherence to these Guidelines will ensure that you will receive a response to your application at the earliest possible date.

Please return completed applications to the management company, Wake HOA Management. They can be reached by phone at (919) 790-5350, or by mail at 10224 Durant Road, Raleigh, NC 27614. Their office hours are 9:00 a.m. to 5:00 p.m. Monday through Thursday, and 9:00 a.m. to 3:00 noon on Friday.

## ARCHITECTURAL GUIDELINES

The Wyngate Homeowners' Association presents the following guidelines designed to assist homeowners in complying with the Declaration of Covenants, Conditions and Restrictions ("Declaration") for obtaining prior approval for exterior changes on any property owned individually or in common in Wyngate. It is the intended effect that these guidelines must cause an equitable and consistent handling of all applications for the Association's approval.

### I. Introduction

In a planned community such as Wyngate, the question naturally arises as to how to maintain a harmonious, quality development as the community matures. The following Guidelines attempt to provide a meeting ground between private interests and the broader interest of the Wyngate community.

Control for maintaining the quality of design is through the Declaration of Covenants, Conditions and Restrictions of Wyngate Subdivision. The Covenants are for the proper improvement and development of the land. They are binding on all homeowners and renters and; therefore, must be fully understood. The fact that each homeowner is subject to these Covenants must assure all homeowners that the standards of design quality will be maintained; thereby, enhancing the community's overall environment and protecting property values.

Article XI, ARCHITECTURAL CONTROL AND INSPECTION, Section 3, Approval of Plans and Specifications require the Association's prior written approval of any exterior changes or improvements commenced, erected or maintained on any property. These improvements include any building, outside structure, parking areas, loading areas, fence, wall or any other structure that may be added, altered, repaired or rebuild after destruction by a hazard. It further requires that the plans, specifications and location showing the nature, kind, space, height and materials be approved in writing by the Architectural Committee. Each property owner must read the Declaration of Covenants, Conditions and Restrictions to obtain a full understanding of the architectural control requirements. These are included on page 3, for reference.

The Architectural Committee is charged with conducting the review of all applications for exterior changes or improvements and rendering a decision to the applicant in writing within 30 days of receipt of the application. If the Architectural Committee fails to approve or disapprove a request for a change after it has been submitted, then the improvement will be considered approved based on the plans and specifications submitted for approval.

The following guidelines are applied by the Architectural committee to assist the Association and its members in the design review process. It is hoped that these guidelines will serve as

a positive tool to assist each homeowner in the full and free use of their property in a manner consistent with the aesthetic and harmonious development of Wyngate community.

## II. What Must Have Architectural Committee Approval

The Architectural Committee's prior approval is required for any change in the exterior of a property pursuant to Article XI, ARCHITECTURAL CONTROL AND INSPECTION in the Declaration of Covenants, Conditions and Restrictions of Wyngate Subdivision. The aforementioned is shown below:

### ARTICLE XI ARCHITECTURAL CONTROL AND INSPECTION

Section 1. Members. The Architectural Committee will consist of one (1) or more persons designated by Declarant, otherwise known as Macaroni Development Company, LLC: Centex Crosland (Centex). On August 1, 2006 or at such time as Centex no longer owns any real property within the Properties (or earlier if Centex will surrender this right in a written instrument in recordable form executed by Centex), whichever is earlier, Centex to the Association the rights, powers, duties and obligations of the Architectural Committee. Upon this assignment, the Board of Directors will appoint three (3) or more persons as the members of the Architectural Committee.

Section 2. Powers. The Architectural committee the right to refuse approval of any plans and specifications for Improvements proposed to be constructed on a Lot of Multiple-Family Lot (the "Plans & Specifications") which is not unreasonably withheld. In approving or disapproving Plans & Specifications, the Architectural Committee will consider the suitability of the proposed improvements and materials to be used in those improvements, the site upon which they are proposed to be erected, and the effect of improvements on adjacent or neighboring property. There is specifically reserved unto the Architectural Committee the right of entry and inspection upon any Lot or Multiple-Family Lot for the purpose of determining whether there exists any construction of any improvements that violate the terms of any approval by the Architectural Committee or the terms of this Declaration or of any other applicable covenants, enforce the provisions of this Declaration by any legal or equitable remedy. In the event it becomes necessary to resort to litigation to determine the propriety of any constructed Improvements, or to remove any unapproved Improvements, the prevailing party will be entitled to recovery of all court costs and expenses (including reasonable attorneys' fees).

Section 3. Approval of Plans & Specifications. No improvement shall be commenced, erected, or maintained upon the Properties, including any improvements repaired or rebuilt after destruction by any hazard, until completed Plans & Specifications, showing the nature, kind, space, height, materials, and location of the improvement, shall have been submitted to and approved in writing by the Architectural Committee. A failure to approve or disapprove completed Plans & Specifications within thirty (30) days after they have been submitted shall be deemed to be an approval of those Plans & Specifications. Neither the Association, the Association's Board of Directors, Centex, the Architectural Committee or any officer, employee, director nor members thereof are liable for damages to any persons

by reason of mistake in judgment, negligence arising out of or in connection with the approval, disapproval or failure to approve any Plans & Specifications. Every person who submits Plans & Specifications for approval agrees, by submission of such Plans & Specifications, that it will not bring any action or suit to recover any such damages. Additionally, the submitter agrees not to hold the Association liable for damages resulting from poor design or workmanship.

This requirement applies to every homeowner's private property and any common area.

### III. Review Criteria

The Architectural Committee evaluates each application on the individual merits of the application, and its decisions are based on the standards in the following sections.

Validity of Concept. The basic idea of the exterior change must be sound and appropriate to its surroundings.

Landscape and Environment. The exterior change must not unnecessarily destroy or damage the natural landscape or the achieved man-made environment.

Relationship of Structures and Adjoining Property. The proposed change must relate harmoniously among its surroundings and to existing buildings and terrain that have a visual relationship to the change.

Protection of Neighbors. The interest of neighboring owners and renters must be protected by making provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design which may have substantial effects on neighboring property. For example, fences may obstruct views, breezes or access to neighboring property; dog pens may cause undesirable noises and odors or infringe drastically on the view of neighboring property. The Association must consider the various and appropriate criteria and exercise discretion in determining which of these criteria will be governing in each specific application.

Design Compatibility. The proposed change must be compatible with the design characteristics of the applicant's home and the general neighborhood setting. Compatibility is defined as harmony in style, scale, materials, color and construction details.

Scale: The three dimensional size of the proposed change must relate satisfactory to adjacent structures and their surroundings. For example, a detached storage shed of a disproportionate size to the area in which it is intended to be placed would not be satisfactory.

Materials: Continuity is established by use of the same or compatible materials as are used in the existing home. For example, and added storage shed must be made of the same or similar materials as the home; likewise the shingles must also be the same or similar material.

Color: Color may be used to soften or intensify visual impact. For example, the color of a fence must blend in with the surrounding natural environment or be painted to match the existing home trim color. A storm door must be painted to match the entrance door or the house trim color. A shed must be painted to match the existing home color.

Workmanship. The quality of work must be equal to or better than that of any existing structures. Poor practices may cause the owner problems and may be visually objectionable to others. For example, a wooden fence not properly treated and maintained may in a short period start to decay and become unsightly to the owner and neighboring property owners.

Timing. An improvement or property change may be installed or constructed either by owners or by a contractor. However, projects that remain uncompleted for a long period of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must contain a proposed maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, the Architectural Committee may not approve the application. As a general rule of thumb, minor additions should be able to be completed within 7 days, whereas more labor intensive additions may take up to 30 days.

Do not apply for a building permit, purchase materials or commit to any contractor in anticipation of instant approval by the Architectural Committee. Applicants must wait until they have received written application approval prior to purchasing or committing to such work. Homeowners must plan well in advance to allow time for application processing, which may take up to 30 days.

#### IV. Design Application Review Procedures

The Association's procedures for application, review, inspection, appeal and enforcement of design review are outlined in this section.

##### Objectives

The Architectural Committee in examining each application for design approval, considers whether or not the exterior change is in conformance with the Declaration of Covenants and Restrictions of Wyngate subdivision and the Guidelines outlined herein:

- A. To create a community which is aesthetically pleasing and functionally Convenient, and
- B. To maintain a harmonious relationship among structures, vegetation, topography and the overall design of the community.

##### Application Procedure

Complete the application form (Application for Approval of Exterior Design Change attached) and complete all required exhibits. Full details of the proposed change must be included. If the change is structural, fencing or grading, submit a sketch or plan and outline

specifications. Talk to your neighbors about your change, as they may be able to offer valuable input. Be sure to include such information as type of materials, size, height, color, location, etc. Using a copy of your Plot Plan, provide a sketch of the location of a building, pen or fence as it relates to your house or lot. Mail or deliver the application form to the Architectural Committee, in care of Wake HOA Management, or its successors (for a return receipt Certified Mail is suggested). Incomplete applications will be returned causing delay in obtaining approval.

The Architectural Committee will review the application within 30 days and will respond to you in writing. Should you not hear from the Committee within 30 days, please call to follow up. Occasionally items do get lost in the mail and the 30-day review period does not start until the Architectural Committee receives the complete application.

The Architectural Committee based on its individual merit, using these Guidelines as a basis for making a decision will consider an application with all the required information. The Architectural Committee review process is outlined below.

### Review Procedures

During the Architectural Committee's consideration of an application, Committee member(s) and/or a consulting architect will view the site and may talk to the applicant or neighbors.

The Architectural Committee will consider the application and any data or comments received from immediate neighbors, other members and/or the consulting architect. After the application is submitted, the Architectural Committee will approve conditionally, disapprove or approve the application as submitted. The Committee must note in writing one each application the reason or reasons for conditional approvals or disapproval.

The Architectural Committee will give each applicant written notice by use of a duplicate copy of the application or by writing a letter stating the decision, and will record its action and the notification the applicant by placing copies of the executed application and/or letters in the Association's records.

Conditional approval means that work may proceed as contained in the application. The Architectural Committee may inspect work in progress and request in writing that the applicant corrects any non-compliance with the approved design.

### Final Approval and Walkthrough

In cases of conditional approvals, final approval will be given once the Architectural Committee has reviewed the completed project. The Architectural Committee has the authority to inspect conditional approvals and approvals after the project are finally completed. For example, a homeowner cannot have a fence approved at the proper specifications and then build a taller fence. The homeowner must build according to the specifications that are approved.

## Appeal Procedure

If an applicant disagrees with the decision of the Architectural Committee, the following appeal process is to be followed:

1. The applicant must file a written appeal with the Homeowner's Association (HOA) within fifteen (15) calendar days after receipt of the decision; and
2. The HOA will establish the date and time the appeal will be heard, normally at the next scheduled Association meeting.

Upon completion of the appeal, the applicant will be notified of the HOA's decision in writing.

## Correction Procedures

Remedies. An exterior change made without the required approval of the Architectural Committee, or the HOA if an appeal, constitutes a violation of the Declaration. A violation will require removal or modification of the work at the expense of the property owner or renter, or payment of damages incurred by the Association in having the work removed or modified, plus fines can be assessed and added to the homeowner's association dues.

Reports. The Architectural Committee will inspect authorized construction in progress as well as the community in general to identify apparent and flagrant violations. Additionally, all homeowners have the right to notify the HOA or Management Firm of apparent violations of any provisions of these Guidelines.

The Architectural Committee will investigate each reported violation and attempt to influence the owner or renter to bring the violation into compliance. Association members will meet with the property owner that is in violation to discuss problems and agree on resolutions. Should the owner fail to follow up on agreed corrections, the Architectural Committee will submit the matter to the HOA for final disposition. This could lead to the Association filing legal action against the owner or assessing fines. The owner is also responsible for any violations committed by their tenants.

## V. Design Guidelines

This section of the Guidelines provides specific guidance regarding particular design situations frequently encountered in Wyngate. Generally, acceptable methods for achieving the required objectives and standards are indicated below. They are suggested methods rather than mandatory methods. Additionally, design methods that are generally not acceptable are also included.

Repairs. Owners are responsible for repairs to existing structures, additions, etc. Any improvements needing to be repaired or rebuilt beyond original specifications after destruction by any hazard must have prior written approval from the Architectural Committee.

Maintenance. Each owner will keep his property free of grass taller than five (5) inches, undergrowth, overgrowth of weeds, dead trees, trash and rubbish and will properly maintain his property and any improvements located thereon so as to present a pleasing appearance. In the event an Owner does not, in the reasonable opinion of Architectural Committee, properly maintain his property, the HOA may have the required work done and the costs incurred will be assessed against the Owner or fines can be assessed and added to their association dues.

Antennas/Satellite Dishes. Architectural approval is required for exterior television or radio antennas, satellite dishes, solar panels or any other utility devices. No radio or TV towers, antennas or dishes are permitted except for customary antenna, which do not extend more than ten (10) feet above the top roof ridge of the house.

Screening. All clotheslines, equipment, garbage cans, service yards, woodpiles, or storage piles will be kept screened by adequate improvements to screen them from view of the street and adjoining property. All garbage, trash, or rubbish must be regularly removed from the lot and must not be allowed to unreasonably accumulate.

Business/Obnoxious Activity. No business activity which results in daily customer flow into the community will be conducted on the properties or improvements located thereon, nor will anything be done which may be or may become a nuisance to the neighborhood. Nor will the properties be used in any way or for any purpose which may endanger the health of or unreasonably disturb an owner or his tenants or invitees.

Animals. No animal, livestock or poultry of any kind will be raised, bred, or kept on the property, except that a reasonable number of domesticated, household pets may be kept, provided they are not maintained for commercial purposes.

Dog Pens and Dog Houses. Doghouses must be painted or stained to match the exterior of the applicant's house. Roof material must also match that of the house. Dog pens are to be constructed so that the animal can see out. Chain link fencing may not be used. Colored, plastic coated 2' x 4' mesh may be used with split-rail fencing to contain authorized animals within the yard or pen. The height of a pen may not exceed 6'. The maximum square footage of a pen is 60 square feet (i.e. 6' x 10'). The doghouse and/or pen must be located on the property in an area that is not highly visible from the street and must be located at least 10 feet from the neighbors' property line. It is suggested that the pen or doghouse be located behind the house and not in side yard areas that are visible from the street. They must be properly maintained, kept in good repair, and free of material that may create unpleasant odors.

Fences/Walls. All fences or walls constructed require prior written consent of the Architectural Committee, and are not permitted to extend on any lot closer to any street than the back building line of the house (back property boundary). Fences or walls must meet the requirements of the zoning ordinance of the City of Raleigh. All fencing material will be wood. Any plastic, chain-link, or other similar metal fencing is prohibited. Homeowner fencing can be "open fence", "split rail", or "closed fence". The fence will be a minimum of four (4) feet high and maximum of six (6) feet high at the top of the fence posts (see illustration attached). A downward scalloped design will for either fence height. Maximum



height at the base of downward scallop will be five (5) feet when utilizing a six (6) foot fence at top of posts. Landscaping is required for fences of a closed design where it is visible from the street directly in front of the owner's house (and side street in the case of a corner lot). These plantings are to be added no later than six (6) months after the completion of the fence.

Association and homeowner fencing installed along Westgate Road must be "upward scalloped" board, closed, privacy fence with the highest post being not more than eight (8) feet with French gothic posts (see illustration attached). Boards will be waterproofed and kept in good condition. Fences installed along Ebenezer Church Road must be "downward scalloped" board, closed, privacy fence with the highest post being not more than six (6) feet with French gothic posts. This fence can not be placed within the twenty five (25) foot landscape easement (Refer to Homeowner plot plan). The fenced must be placed on the homeowner side of the landscape easement. Exclusion to this requirement is lots 130 and 131. Any future modifications to these two lots will require conformity to the new requirements.

Property owners are cautioned that building a fence that encroaches on neighboring property, easements, or access of right-of-ways may require removal or modification of the improvement at the expense of the property owner or renter, or payment of damages incurred by the Association in having the work removed.

Perimeter fencing and privacy fencing around patios, decks or pools may not exceed six (6) feet in height and must meet standards in "Fences/Walls" section.

Attached Structures. Improvements, or modifications to items, which are physically attached to the house (examples include fabric awnings, deck expansions, covered patios) must have approval from the Architectural Committee.

Pools. All swimming pools require Architectural Committee approval.

Pool Fences. Any pool constructed on a lot, whether above-ground or in-ground must be surrounded by a non-climbable perimeter fence at least six (6) feet in height and equipped with a self-closing mechanism on all gates. The design for the swimming pool and fence construction must be submitted to the Architectural Committee for prior written approval. Approval will not be given unless the plans and specifications include a perimeter fence in compliance with the rules contained herein.

Grading. Major changes to the topography of a lot could result in flooding due to improper treatments that are biodegradable. However, if any planting is hedge or row form being considered for the front or side/front yards will act as a "fence", then an application for such addition must be submitted to the Association. Caution must be exercised while digging holes so as not to cut into any utility lines. Before digging, homeowners must contact an underground utility location service requesting the company to locate any underground lines. Vegetable gardens must be located in the back portion of the lot at least ten (10) feet from side and rear lot lines unless surrounded by a fence.

Play Equipment. Any play equipment for children must be located at least ten (10) feet from the neighboring property lines. Such equipment includes swing sets or other more stationary items. Association approval is not needed for most play equipment, but is required for non-traditional play equipment. They must be located on the owner's property in such a manner that the playing area is not in the street.

Shed/Storage Buildings. Detached, freestanding storage sheds are discouraged. However, if an owner feels there is no structural way to add storage shed to the house, then an application can be submitted for permission to erect such a structure. Sheds must meet the following minimum criteria:

1. Siding material, or wood, must be similar in color and composition to the home.
2. Roof must have a similar pitch, similar materials and similar color as that of the home. For example, "barn" type sheds are not permitted.
3. Sheds must have a suitably constructed floor system.
4. Maximum size of any storage shed is one hundred twenty (120) square feet and neither the width nor the length can exceed twelve (12) feet. Maximum height of the structure is limited to eight (8) feet.
5. Placement of a detached shed in relationship to the house must be behind the house and not in side yard areas. They must also be located at least ten (10) feet from the neighboring property lines if a fence is not used to enclose the back yard. If a fence is used to enclose the shed, it must have two (2) feet of clearance from the fence to the walls of the shed.
6. No sheds may be located in a drainage easement or anywhere else where it could adversely affect drainage on an adjacent property.
7. Sheds must be screened from adjacent properties and street view through the use of landscaping or fencing.

Where possible, storage sheds should be attached to the house. In most cases this is less expensive than a freestanding structure and would be more aesthetically pleasing as well as more convenient. Whether attached or free standing, all sheds must receive approval from the Architectural Committee.

Signs. "for sale" or "for rent" signs of not more than four (4) square feet in size and signs of six (6) square feet expressing support of or opposition to political candidates or referendum issues are permitted on an individual lot or at the subdivision entrance (the corner of Wyngate and Ebenezer Church Rd). No sign of any kind will be displayed in the Wyngate common area.

Any political signs will not be placed on a lot earlier than sixty (60) days before the election and will be removed within two (20) days after the election is held.

Vehicles. No mobile home trailers, campers, commercial vehicles of any kind, or boat or boat trailer will be parked on the street or nearer to the street than the foundation of the house. Proper screening as described in ARCHITECTURAL CONTROL AND USE RESTRICTION, Section 6 of the Restrictive Covenants is required. No tractor trailer trucks or cabs will be parked on any street or lot within Wyngate. Vehicles are only to be parked or stored on the part of the lot improved for that purpose, i.e. garage, driveway or

parking pad. Owners are not permitted to park or store an inoperative or abandoned vehicle or automobile on any lot or on the streets in the subdivision. Private automobiles must not block public sidewalks.

Above Ground Tanks. No exposed above ground tanks (except for approved recreational swimming pools) will be permitted for the storage of fuel or water or any other substance. The tanks approved for swimming pools must have a screened enclosure which extends at least one (1) foot in height about any such tank and is subject to Architectural committee's prior approval. Proper screening is required.

Lawn Ornaments. Decorative lawn ornaments will be approved in writing by the Architectural Committee prior to installation or replacement on any lot.

Window Treatments. No aluminum foil, reflective film or similar treatment will be placed on windows or glass doors.

Holiday Decorations. Decorations to include lawn ornaments and Christmas lighting will not be put up prior to November 15<sup>th</sup>, and must be removed by January 15<sup>th</sup>.

Lawn Ornaments – Lawn Ornaments will only be placed in the front yard. These Ornaments will be limited to three (3) items. For example, a nativity scene is considered one item. Excessive decorations do not create an aesthetic appearance.

Holiday Lighting – Christmas lighting may be temporarily attached to the exterior of the home or on shrubbery.

## VI. Other Design Data

Any additions to your property may require the approval of the City of Raleigh and certain building permits may be required, and are the responsibility of the homeowner. It is strongly suggested that the City of Raleigh be contacted in order to determine whether such permits or approvals are required.

## VII. Penalties/Fines/Liens

The Homeowners Association has the authority to impose fines and liens on homeowners and their property for violations of the Architectural Guidelines. Homeowners will be sent a letter citing violations and given an action date to correct. If the homeowner has taken no action after the action date has expired; fines can be assessed and added to the homeowner's association dues. Liens are the ultimate penalties of the problems continue to exist.

When a violation is determined, the following steps will be taken:

### Step One

A letter will be issued to the owner noting the violation with a request that it be brought into compliance within fifteen (15) days. A written response to Management's office from an owner expressing a good faith effort to resolve will result in a reasonable

extension. It is noted that the owner has the right, prior to being assessed a penalty, to a hearing with the Board of Directors to be heard and to present evidence. Requests for the hearing must be submitted in writing to the office of the HOA within the fifteen (15) day time period or will be considered waiver of such right. The address that correspondence must be sent to is:

Wake HOA Management  
10224 Durant Road, Suite 209  
Raleigh, NC 27614

### Step Two

If the fifteen (15) days has expired and the violation remains, a penalty will be assessed and a statement that the compliance must occur in fifteen (15) days to avoid further action will be sent.

### Step Three

If the expiration of the second fifteen (15) day period occurs and the violation remains, the penalty will be re-assessed followed by notification of such by a certified letter that the penalty will continue until the violation is removed. Statement is made that the Association will continue action via applying penalty and, where appropriate, through court action or direct action through HOA to correct violation.

The following are examples of penalties that could be assessed (but are not limited to):

Lawns and Weeds: A fine of \$10.00 per day will be assessed the homeowner for not cutting grass or maintaining the lawn properly.

Fences: A fine of \$50.00 per month will be assessed the homeowner for not correcting fencing violations.

Sheds and Storage: A fine of \$10.00 per day will be assessed the homeowner for not correcting shed/storage violations.

Vehicles: A fine of \$10.00 per day will be assessed the homeowner for not correcting vehicle violations.

Holiday Decorations: A fine of \$10.00 per day will be assessed for any violations in the area of lawn ornaments/Christmas lighting.