

Mendenhall

HOMEOWNERS ASSOCIATION

ARCHITECTURAL GUIDELINES

Revised 04.03.2023

Replaces all previously published guidelines

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TOP TEN LIST

The following are some of the most important items to remember to maintain and enhance our property values in Mendenhall Community. Additionally, this list will help assist you in planning any exterior changes to your property. Just remember, all exterior changes/improvements must be approved by the ARC in writing prior to any changes can be made.

Fences

- Remember to get written approval prior to any installation or changes (see specifics on page 13).

Signage

- No signs are permitted in windows, with the exception of alarm and pet signs.
- Signs expressing support of or opposition to political candidates are only allowed per constraints outlined in Community Covenants (11.08).
- Homemade signs in yards are prohibited.

Dog Waste

- Maintenance of the yard to keep it free from offensive odors is required.
- Please note all homeowners are required to pick up after their pets. Please be courteous!
- Dog Waste stations are for dog waste ONLY. Please do not use for personal garbage.

Garbage Cans

- Trash storage must be screened from the road (see specifics on page 12).

Toys/Basketball Goals/Play Equipment

- No items (toys, bikes, inflatables, garden equipment, etc.) to be left in front or side yards overnight
- Moveable basketball goals need to be erect at all times unless windy weather is expected.

Parking

- Parking is only permitted on dedicated paved surfaces (driveway, roadway) of each lot. Vehicles cannot be parked or left on any unpaved surface, even if they are shielded from the street.
- Street parking is discouraged. If you have space in your driveway, please move your cars off the street. No overnight street parking is permitted.
- Recreational vehicles, watercrafts, boats, enclosed trailers, campers, etc. can only be parked in an enclosed garage, and none of the aforementioned may be parked on the street for more than two nights.
- Contact Wake HOA if temporary allowance (max. 5 days) is needed.

Satellite Dishes

- Satellite dishes must be no more than one meter (30") in diameter, with hidden cable.
- Preferred placement of the dish is on the rear roof. If placement is necessary on the side of the yard, screening with plant material and/or painting the dish to match the background is required.
- Dishes placed in the front yard are prohibited, unless written ARC approval is received.

Yard Maintenance

- Grass must be kept no more than 6" high.
- Edging and pruning has to be done on a regular basis.
- Driveway and sidewalk cracks must be kept clear of grass and weeds.
- The designated lawn area, including area along the roadway, must be fully covered with grass. Any brown or bare patches should be repaired during the spring or fall seeding season.
- Flower beds must be kept free of overgrowth and weeds.

Driveway Extensions

- Gravel driveways or parking areas are not permitted.

Birdhouses

- Birdhouses can only be placed on the side or back portion of the property.

INTRODUCTION

In a planned community such as Mendenhall, the question naturally arises as 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 community.

The Declaration of Covenants runs with the land and is binding with all homeowners and should be fully understood. Please retain these additional Guidelines as part of your permanent papers. You must make these Guidelines available to any renters of your home. In the event you need additional copies of this document or The Declaration of Covenants for the community, please contact the management company.

The fact that each homeowner is subject to these Covenants should assure all homeowners that the standards of design quality shall be maintained, enhancing the community's overall environment, and protecting property values.

The rules, responsibilities and procedures outlined in these Guidelines have been approved by the Board of Directors (BOD), in compliance with the community's Declaration of Covenants.

The intent of these guidelines are:

- To insure quiet enjoyment for the residents.
- To minimize legal liability and expenses for the HOA and its residents.
- And to provide for the architectural integrity of the neighborhood.

The cooperation of each owner will be mutually beneficial.

ARCHITECTURAL REVIEW COMMITTEE (ARC)

The Declarations establish an Architectural Review Committee, from now on referred to as the ARC, to be comprised of three (3) to five (5) representatives to rule on architectural submittals. The ARC is charged with conducting the review of all applications for exterior changes and with rendering a decision to the applicant within 30 days. The ARC will respond in writing with either an approval, approval with conditions, disapproval, or a request for more information on the project. More information may be required for the ARC to make an informed decision. It is the Homeowner's responsibility to provide that information in a timely manner. If the ARC fails to render a decision (after receiving all required and requested information) in the allotted 30 days, the approval will not be required, and the application will be considered to have been approved.

The ARC may from time to time publish and promulgate architectural standard bulletins, which shall be fair, reasonable, and uniformly applied. The ARC shall be responsive to technological advances or general changes in architectural designs and materials and related conditions in future years and use its best efforts to balance the equities between matters of taste and design (on the one hand) and use of private property (on the other hand). Such bulletins shall supplement the Declaration and are incorporated herein by reference.

THE ARCHITECTURAL REVIEW PROCESS

The Declaration of Covenants requires prior written approval for any improvements to an owner's lot. Therefore, do not commit labor or materials until you have received written approval.

1. Owner submits to the Architectural Review Committee, in care of the management firm, an Application for Architectural Improvement. **Please note the ARC has thirty (30) days to review the application.** Should nothing be received within 30 days, please call to follow up. Occasionally items get lost in the mail and the **review period does not start until Community Association's management company receives the completed application.** Complete applications will be considered on individual merit, using these documented standards as a basis for decision-making.
2. Signatures are needed from your neighbors, acknowledging knowledge of our planned improvement. This signature is NOT an approval of your planned improvement. If a neighbor has concerns or questions about your proposed project, they can contact the ARC.
Note: when attaching to a neighbor's fence and/or using a neighbor's fence to fully enclose your property, specific written approval must be obtained from the neighbor.
3. The application, noted with the date of receipt by the manager, is turned over to the Architectural Review Committee within two working days, provided all information necessary for review is received. (Management will make a cursory review of the application and request of owner any additional information needed. The committee may still require additional information, as detailed in 5d, below. The **30-day timetable** begins once the application is complete and ready for review.)
4. The committee will act on the application within 30 calendar days from receipt. In most cases the owner will receive a response within three weeks.
5. The committee's decision will be noted on the application and the owner will be notified by management of all decisions:
 - a. **APPROVAL:** The application is approved as submitted.
 - b. **APPROVAL WITH CONDITIONS:** The overall proposal is accepted, but with certain specified changes, limitations, or requirements that must be followed.
 - c. **DISAPPROVAL:** The application is denied. The owner can appeal to the Architectural Review Committee within 15 business days. Further escalation may require the involvement of the Board of Directors. *(see Appeal Process section for more details)*
 - d. **ADDITIONAL INFORMATION REQUIRED:** The Committee has determined that additional information is needed for appropriate review of the application. In this case, the entire process begins again once management receives the information. The owner should follow the same submission procedure. The Architectural Review Committee will act swiftly on all re-submissions.
6. **Architectural Review Committee inspection:** The Architectural Review Committee reserves the right to visit your lot and inspect the improvement. This will be done for two specific reasons:
 - a. to ensure that the application details were followed and to note problems encountered which might help other residents on similar projects; and
 - b. to learn any "pointers" that other residents may employ in more easily completing an improvement project.
7. Once work has begun on an improvement, it must be completed within 90 days. If an issue arises and more time is needed, contact Wake HOA. Applications are valid for 1 year from date of approval.

**** Please note:** Many design changes require a permit and the County may not issue a permit without the written approval of the ARC. Please plan in advance. **THE ARC HAS 30 DAYS TO REVIEW ALL REQUESTS, AFTER ALL THE APPROPRIATE INFORMATION IS SUBMITTED.** It is strongly suggested that the County and /or County be contacted to determine what permits or approvals are required from a County/County Ordinance. ARC approval does not substitute for approval by the County. It is the homeowner's responsibility to acquire appropriate approvals, permits, etc. from the County.

ARCHITECTURAL REVIEW CRITERIA

The Architectural Review Committee evaluates each application on the individual merits of the application and the standards listed below:

- **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 the natural landscape or the achieved man-made environment. Changes that affect your properties impervious area must also be considered so as not to exceed the maximum allotment per lot.

***** With some Architectural Requests, post-improvement buffer landscaping may be required to shield the view of the modification from neighbors and/or the street.*
- **Relationship of Structures and Adjoining Property** - All proposed change have to 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 should 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. The ARC should 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.
 - a. **Scale**: The three-dimensional size of the proposed change must relate satisfactorily to adjacent structures and their surroundings.
 - b. **Materials**: Continuity is established by use of the same or compatible materials as used in the existing home. Siding materials and shingles must match existing structure.
 - c. **Color**: Color may be used to soften or intensify visual impact.
- **Workmanship** - The quality of work must be equal to or exceed that of any existing structure. 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.

ARCHITECTURAL REQUEST APPEAL PROCEDURE

If the applicant disagrees with the decision of the Architectural Review Committee in its review or inspection, the process is noted for an appeal:

1. Within 15 business days after receipt of a notice of disapproval, the homeowner must file a written appeal with Wake HOA for the appeal to be entered into the system and forwarded to the ARC.
2. Upon receipt of the appeal, the ARC may contact the homeowner and schedule a review of any further information relating to the request and appeal.
3. Should the ARC determine that the disapproval remain, the homeowner may request (within 7 days) that the appeal be forwarded to the Board of Directors. It is the responsibility of the ARC to forward any correspondence and pertinent information to the BOD at this time.
4. The Board of Directors shall then establish the date and the time that the appeal will be heard. Normally, this will be made at the next scheduled Board meeting. To reverse an Architectural Review Committee decision, requires a majority vote of the BOD. The BOD decision is final.
5. No work may progress during this appeal process time period.

VIOLATIONS AND PENALTIES

An exterior change made without the required approval of the ARC constitutes a violation of the Declaration of Covenants and Community Guidelines. **A violation may require removal or modification of the work at the expense of the property owner.**

Guideline Violation Process

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

1. The ARC 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 homeowner shall be invited to a hearing with the BOD where the homeowner will have opportunity to be heard and present evidence. Failure to appear shall result in a fine beginning to accrue on the day after the scheduled hearing date. Of course, if the violation were brought back into compliance prior to the hearing, no hearing would be necessary.
3. After the hearing, the BOD shall respond to the homeowner with a decision in writing within five (5) days. Any penalties or costs relating to the violation (and the date from which the accrual shall begin) shall be noted in the letter from the BOD.

Fines

Fines will be levied on a daily basis of \$50 per day, per violation, until the violation is rectified. The North Carolina Community Act passed in January of 1999, allows planned residential communities the ability to uphold standards that will protect and ensure homeowners of maintained property values, with regard to holding all property owners accountable for abiding by the existing covenants.

Fees

A violation may also result in payment of damages incurred by the Association in having the work removed or modified, as well as a fine assessed by the Association. Attorneys' fees, court costs, site assessment will all be incorporated into the fine process.

NOTE: In the case of Renters, the Homeowner is responsible for all violations, fines, and fees.

EXPLANATION OF STANDARDS

The Standards that follow are the procedures and guidelines applied by the ARC to assist the Association and its members in the design review process. It is hoped that these Standards will serve as a positive tool to assist in the full and free use of each homeowner's property in a manner that is consistent with the aesthetic and harmonious development to the community.

There are three major categories of items for specific home improvement guidelines:

BLANKET APPROVALS

COMMON IMPROVEMENTS

APPEARANCE STANDARDS

These categories are important because they identify which improvements are permitted and how approvals can be secured.

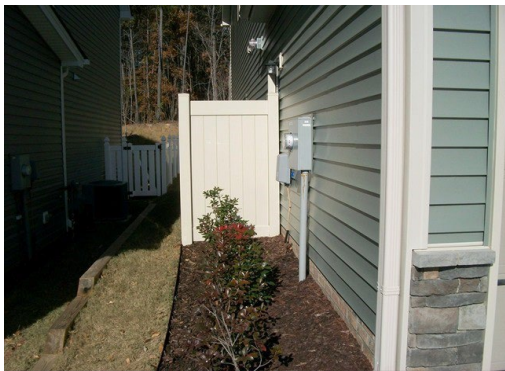
Items not specifically mentioned here always require approval.

BLANKET APPROVALS

Items in this category do **not** require prior ARC approval, *provided the guidelines mentioned below are followed*. Any other improvement not mentioned here will need to follow the AR approval process.

- Plants, shrubs and flowers planted within three feet of the front of your house, not to grow higher than the lowest portion of the windows.
- Bedding borders, if constructed of common landscaping borders not to exceed 8 inches in height.
- Plantings of flowers and shrubs around trees and front bed.
- Low voltage lighting.
- Hose caddies affixed to the home or enclosed in appropriate container.
- Outside seasonal decorations, displayed up to five (5) weeks prior to and three (3) weeks after the holiday season.
- Vegetable gardening in rear yards, provided they are not noticeable from the street, do not exceed allowed fence heights or grow through to the neighbor's yard.
- Removal of trees that are less than six inches (6") in diameter and less than four feet (4') above the ground. All other trees must have the approval of the ARC and possible signatures from neighbors. Any dead tree can be removed without approval.
- Lawn furniture, barbecue equipment, toys, bikes, trampolines, etc., if kept in good repair. These must be stored within the rear area when not in use.
- Attic turbines, if they are mounted on the rear of the house roof, extend no higher than the roof peak, and are no more than 12" above the roof surface.
- Satellite Dishes
 - No more than one meter (30") in diameter, with hidden cable.
 - Preferred placement of the dish is on the rear roof. If placement is necessary on the side of the yard, screening with plant material and/or painting the dish to match the background is required.
 - Dishes placed on poles in the front yard are prohibited, unless written architectural approval is received.
- Front Storm Doors
 - White or the same color as your existing trim.
 - Of the "full view" design.
 - Of anodized aluminum (including baked-on enamel).
 - Unadorned.
- Back Storm Doors
 - White or the same color as existing trim.
 - Of anodized aluminum (including baked-on enamel).

- Exterior Painting / Maintenance
 - Provided that material and color remains the same, no approval is required for standard maintenance of the house exterior.
 - Any change in the exterior color requires approval.
- Hot Tubs
 - Hot tubs cannot be visible from the street.
 - Must meet all County and State requirements (enclosed fencing, plumbing, electricity, etc.).
- Play Equipment / Treehouses
 - All play equipment should be located in the rear of the house, not the side, front yard or porches.
 - Play equipment must be located at least 10 feet from side property lines and 15 feet from the rear property line (Covenants, 11.03).
 - Treehouses are prohibited.
- Basketball Goals
 - One goal per house.
 - Basketball goals are to be placed on the rear third (toward the house) of the driveway or parking pad.
 - Goals should be mounted on a single pole with a backboard that is predominately white, clear or gray.
 - Basketball goals are prohibited from being mounted directly on the house.
 - Basketball goals can be cemented into the ground with ARC approval.
 - It is required that players be courteous and not hinder a neighbor's property during play.
 - Goals are not to be placed so basketball is played in the street.
 - Moveable basketball goals are to be located on the driveway, away from the street end when not in use.
 - Moveable basketball goals need to be erect at all times, unless there are public wind warnings.
- Trash Containers
 - Unless it is the night before trash pick-up day or trash pick-up day trash containers need to be stored so they are not seen from the street; otherwise, they are in violation of the community guidelines.
 - Trash containers may be stored inside the garage, behind the home, behind an existing fence, or on the side of the home. If the cans will be on the side of the home, they still need to be screened from the street.
 - Below is an example of an owner very tastefully screening their trash cans with vinyl fence that matches their home. This could also be done with a wood fence and/or plant material.



COMMON IMPROVEMENTS

Although these are common improvements, items in this category require prior approval before any work can begin. An application must be submitted and meet these guidelines, and any necessary county permits must be received, before starting any improvement.

NOTE: Approval is not necessarily limited to constraints listed here, but is much more likely to be granted if the following guidelines are met:

Grading

- Major changes to the topography of a lot are required to be approved by the ARC prior to being started.
- Drainage and water flow patterns must be taken into consideration prior to the start of any grading.

****** The Association, its Board of Directors, nor the ARC accepts any liability for any damage caused by such grading, whether or not the request is approved by the committee.

Lamps & Landscape Lighting

- One walkway/entrance light on post is allowed, not to exceed 7 feet in height from the base.
- The post shall be of metal, painted black.
- The lamp design should be similar to existing house exterior lights.
- Entrance lighting on ARC-approved walls on the sides of driveway entrances will be considered providing they match existing light fixtures. (*Note that low voltage lighting does not need ARC approval.)

Windows

- Window unit air conditioners are prohibited.
- Fans in windows are discouraged.
- Appropriate window dressings are required (sheets, newspapers, blankets, etc. are prohibited).

Exterior Color and Maintenance (Changes)

- You must specify the new material and/or color you wish to use; including a color sample from the store.

Driveway and Parking Area Additions

- Proposed changes in driveways or parking pad additions must be approved by the ARC
- It is the responsibility of the homeowner to ensure any necessary permits are obtained and the total allowable impervious surface limits per lot is not exceeded.
- Gravel driveways or parking areas will not be permitted.

Pools

- No above-ground swimming pools shall be permitted in the Subdivision.
- Requests for in-ground swimming pools shall be considered.
- If the pool will be visible from the street, landscape buffering may be required.

Fences/Walls

- Fence material shall either be pressure treated wood, black aluminum, wrought iron or vinyl. Wooden fences must be treated with a natural wood stain. For maintenance purposes, it is preferred that fences are not painted.
- Fences must enclose all or part of the backyard and must start at the back corners of the house. Fencing can start no closer than 1/4 the distance from the rear house corner toward the front house corner.
- For properties that back into woods, with no Mendenhall neighbors behind them, it is acceptable to use that tree line as your natural fence. Should it become an issue with any of the neighbors you will be required to enclose your property with a fence.
- Fences cannot be attached to or share a side with a neighbor unless that neighbor gives specific written approval. Unless there is approval to share a side, fences must be at least 18" from the property line to allow for fence/lawn maintenance.
 - Dog-eared, picket or stockade fences will not be approved (*as of April 2023*).
 - No wire, plastic, or chain-link fences (including dog enclosures) shall be considered.
 - Construction will consist of vertical members (pickets) supported on horizontal members (rails) with the pickets on the outward side of the fence. The top edge of wooden or vinyl fences may be scalloped as seen in pictures, below. Fence must follow the natural grade of land.
 - Required fence height is a minimum of 4ft and maximum of 6ft.
 - Fences must be maintained and kept in good repair. Fences in disrepair will need to be fixed or replaced. (For replacements, a new AR will be required.)
 - Fences shall be a minimum 2" from the ground level in order to allow for proper drainage and run off from home site to home site. Posts may not be placed in swales.
 - Gap under fence should be such that pets cannot get out of enclosed yard.

Acceptable Fence Styles:



Accessory Buildings

- **Storage Sheds**

- No larger in size than 10x12.
- Only 1 storage shed will be allowed per lot.
- Constructed of wood; no aluminum or plastic sheds are allowed.
- A suitably constructed floor system or foundation is required.
- Placed on the property behind your home so the shed cannot be seen from the road when standing directly in front of house; and not on septic or reserve field.
- Shed placement must be within the properties building envelope, 10 feet from sides and 30 feet from the rear.
- Siding must match the material of the home.
- Siding and roof must be similar in color and composition to the home.

- **Workshop/Garage/Other**

- Only one larger accessory building per lot.
- Must have the same appearance as the home.
- Must be on a proper foundation.
- Siding and roof must be the same materials and color as that of the home.

Depending on placement and building type, the ARC could consider an exception in placement – by allowing the Accessory Building to be outside the envelope of the house – if appropriately shielded from view by a fence or buffer landscaping.

In all cases, it is the homeowner's responsibility to ensure your accessory building is within Wake County guidelines and obtain all necessary approvals and permits. (<https://www.wakegov.com/departments-government/planning-development-inspections/inspections-permits/build-accessory-building>)

Patios/Decks/Screened Enclosures/Outdoor Living Areas

- A deck/patio cannot extend past the side of the house. (An exception to adjust the location will be considered if a septic field interferes with placement, provided privacy fencing or a landscape buffer is incorporated.)
- All decks/patios should be at the rear of the house. No side or front decks/patios are permitted.
- Decks may not be painted.
- Any deck or patio cannot pose a drainage problem for you or your neighbors.
- The materials to be used are designed specifically for patio and/or deck designs.
- All decks, patios, gazebos and screened porches must blend in with the natural terrain.

Fire Pits, External Kitchens/Fireplaces, etc.

- All permanent hardscaping must be approved.
- Any external hardscaping must blend with the aesthetics of the house.

APPEARANCE STANDARDS/MAINTENANCE

- Paint and stain must be maintained in uniform and good repair (with no peeling, chipping, cracking, or discoloration) on the trim or siding.
- Lawns must be well kept with uniform ground coverage. Grass must be kept no more than 6" high. Edging and pruning should be done on a regular basis. Driveway and sidewalk cracks should be kept clear of grass and weeds. The designated lawn area should be fully covered with grass. Any brown or bare patches should be repaired during the spring or fall seeding season. Dead trees and shrubs must be removed and replaced with plantings of similar size and shape.
- No items (toys, bikes, garden equipment, trash containers, chairs, wood, recycling bins, etc.) may be left in front or side yards or on porches when not in use. Basketball goals need to be erect at all times.
- No parking vehicles on lawns or common areas.
- Parking in the street overnight is limited to 48 hours unless approval is granted. Please do not park within 10 feet of stop signs, street signs and fire hydrants. For events such as Garage Sales or parties, it is the responsibility of the homeowner hosting the event to inform neighbors and make provisions to prevent damage to the neighbors' yards.

*** For safety and aesthetic purposes, your driveway should be full of cars if you or your guests are parking on the street.*

- No commercial truck or commercial bus can be parked on the street overnight.
- Mobile house trailers (whether on or off wheels), commercial and recreational vehicles, watercrafts, boats, utility trailers, etc. must be stored in an enclosed garage.

Exceptions:

- A small, open utility trailer may be kept on the property if it is inconspicuously stored and not clearly visible from the street. This DOES NOT apply to the following trailer types: enclosed, cargo, dump, or equipment.
- Vehicles less than 10,000 GVW used for the HO's business, and also their main mode of transportation, may be parked in their driveway. Contact Wake HOA for approval.
- No portion of the property may be used for the repair of automobiles requiring over 72 hours to repair unless it's done in the garage.
- No portion of the properties can be used to tie up dogs or for breeding. No doghouses should be visible from the street. Excessive dog noise will be treated as a noise ordinance violation. Maintenance of the yard to keep it free from offensive odors is required. Please note all homeowners are required to pick up after their pets. There is a County Ordinance that enforces this guideline. Please be courteous!

- Properties should be free of any debris.
- No clotheslines can be erected or maintained on any lot.
- Vegetable gardens are allowed in backyards only.
- Trash container storage must to be screened from the road.
- Signs may be placed in the homeowner's yard for the express purpose of selling and/or renting the property. Political signs may be placed on the homeowner's property expressing support or opposition to a candidate or referendum issue, but not until 45 days before the election and must be removed within 7 days following the event. Security, burglar alarm, or electric dog fence signs shall be located discreetly in the front yard of the house. Yard/Garage Sale signs are permitted the day prior to and of the event and the event day and then need to be removed, promptly. Temporary signage during the period of home improvements is permitted. Signs must be removed as soon as the job is completed. No signs are permitted in windows, with the exception of alarm and pet signs. Homemade signs in yards are prohibited.
- No signage may be located in the common area, with the exception of an open house or community event.

**** These standards are in addition to any listed in the Declaration of Covenants. For any questions or clarifications regarding property improvements or changes, please contact Wake HOA: info@wakehoa or 919-790-5350.**