

# Architectural Guidelines

---

*For Pirates' Cove Detached Houses*

Board approved August 8, 2016

**I. Table of Contents**

II. Approval Process ..... 3

    A. Application for Approval ..... 3

    B. Plans and Specifications ..... 3

    C. Date of Submission ..... 3

    D. Approval or Disapproval of Application ..... 3

    E. Right of Appeal ..... 3

    F. Failure to Obtain Approval ..... 4

    G. Failure to Comply with Approved Specifications..... 4

    H. Enforcement ..... 4

    I. Permits and Compliance ..... 4

III. Design Restrictions for Exterior Improvement ..... 4

In the event that a conflict occurs between these guidelines and the covenants, the covenants will control to the extent of the conflict.

This document assumes the Board has designated an Architectural Control Committee (ACC). If the Board has not designated an ACC, any reference to the ACC refers to the Board.

## **II. Approval Process**

### **A. Application for Approval**

Complete application for approval of exterior improvements to properties must be submitted in writing using the Architectural Request Form.

### **B. Plans and Specifications**

Information showing how the finished project will 'look' shall accompany the application request in order to obtain approval. The ACC may require additional information after reviewing the application. Approval of the application by the ACC does not alleviate the homeowner's responsibility to comply with other agencies' requirements (e.g. Town of Cary, Wake County, etc.).

### **C. Date of Submission**

Complete applications need to be sent to the PC HOA management (management company; board). Date of submission is based on method of submission:

- a) By email – date e-mail is sent
- b) By first class mail – date of receipt or 5 days after submission
- c) By certified mail – date of receipt

### **D. Approval or Disapproval of Application**

The applicant will be notified in writing of the ACC's decision at the earliest possible date. However, if the ACC fails to approve or disapprove within thirty (30) days of the date of submission, approval shall be considered granted.

- Approved architectural request is only valid for a period of 12 months. If work is not completed within that time period, owner must submit request that approval be renewed for another 12 months.
- Owner must notify ACC within 10 days of completion of work approved by architectural request. Work will be inspected within 10 days by a member of ACC and owner will be notified if work is not in compliance with request.

### **E. Right of Appeal**

Any applicant reserves the right to an optional appeal of an ACC disapproval to the Board of Directors.

## **F. Failure to Obtain Approval**

Should an owner construct or proceed to construct any exterior improvement without first obtaining proper approval, the ACC will request, in writing, that the owner submit the required application for approval. If the owner has, after thirty (30) days, failed to honor the request, the Board may resort to enforcement. If the owner does apply for approval and the application is disapproved the Board will request the owner in writing to remove or restore the improvement to the original condition. Should the owner not honor the request within thirty (30) days, the Board may resort to enforcement.

## **G. Failure to Comply with Approved Specifications**

Should the homeowner not comply with the approved application, the ACC may request in writing that the homeowner comply with the application. If, after thirty (30) days, the request has not been honored, the Board may resort to enforcement.

## **H. Enforcement**

Enforcement will be applied as prescribed in the Pirates' Cove Homeowners Association Declaration of Covenants. The relevant text is included here for convenience.

"The Association, or any owner, shall have the right to enforce, by any proceeding at law, or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereinafter imposed by the provisions of this declaration. Failure by the Association or by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter." (Article XII Section 1 of the Declaration of Covenants).

## **I. Permits and Compliance**

Approval of an application by the ACC does not constitute compliance with applicable government laws or ordinances. All permits must be applied for and posted as required and work should be completed by a licensed contractor.

## **III. Design Restrictions for Exterior Improvement**

To alleviate the necessity of requiring a written application for all exterior improvements, some design restrictions are set forth in this chapter. The following improvements do not require approval:

Play equipment is defined as the fixed implements used in play activity. It must be inconspicuous from the street. All play equipment must be well maintained.

Numbers for houses should be placed on mailbox posts, curbs, driveways, doors, above top of doors on frames or to the side of the door frames.

Animal enclosures.

Retaining/landscaping walls, less than 30 inches high

Mailboxes must be maintained in accordance with Postal regulations.

Plantings which do not obstruct traffic views

Lighting that does not shine into neighbors windows and follows these guidelines:

- 1) Temporary lighting (less than 60 days).
- 2) Permanent lighting (60 days or more) Safety floodlights located in the eaves of the house would light a large area and should be turned on only as necessary. These must be aimed to not shine directly in a neighbor's window. Low-to-ground or landscape lighting could enhance a garden and also light a walkway to prevent falls. This lighting would be least obtrusive to neighbors.

Fixtures (e.g. light fixtures, lamp posts, door knobs, etc.)

Window boxes

Antennas

Satellite dishes

"Like-for-Like" replacement (defined as replacements of existing exterior additions/improvements with structures/improvements with the same function and of similar color)

Rain barrels

Backyard clotheslines

Solar panels

Garden structures

Tree removal

All other improvements (not in the list above) require ACC approval.