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CROOKED CREEK  
COMMUNITY ASSOCIATION, INC.  
ARCHITECTURAL CONTROL  
STANDARDS AND  
SPECIFICATIONS

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## **SUBMITTAL AND APPROVAL PROCESS**

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Each homeowner has the responsibility to complete a Request for Architectural Approval form prior to making any changes, additions, or deletions to the exterior of their home or property. The process will be the same for all submittals, with the required details varying depending upon the type of change.

Items to be submitted:

1. Request for Architectural Approval form completed in its entirety and including the estimated amount of time that it will take to complete the project, once approved.
2. Plot plan outlining the position or placement of the change or addition.
3. Drawings / plans showing the construction of the change or addition.
4. Samples of paint, siding, or any other items that may be used in the project which will be helpful in making a decision.

Submit your completed Request for Architectural Approval form to the Crooked Creek Community Association management company for initial review. Incomplete submittals will be returned to the homeowner.

Completed submittals will be forwarded to the Crooked Creek Architectural Review Committee (ARC) for review and site visit, as applicable.

A homeowner who wishes to meet with the Architectural Review Committee should contact the management company to be placed on the agenda for the next scheduled meeting.

The management company will forward a standard response letter indicating the final decision of the ARC. Approval of any submittal or portion thereof does not ensure approval of similar submittals, as each submittal will be considered on its own merits. Any alterations/deviations may require resubmittal. Please contact the management company for more information.

**Note: Per Article IV, Section 3 of the Master Covenants:**

*“In the event that the Architectural Committee fails to approve or disapprove the design of any proposed improvements within forty-five (45) days after plans and specifications therefore have been submitted and received, approval will not be required, and the requirements of this Article will be deemed to have been fully satisfied; provided, that the plans and specifications required to be submitted shall not be deemed to have been received by the Architectural Committee if they contain erroneous data or fail to present adequate information upon which the Architectural Committee can arrive at a decision.”*

**Note: Per Article IV, Section 4 of the Master Covenants:**

*“The Architectural Committee or its designee shall have the right, at its election, to enter upon any of the Lots in Crooked Creek during preparation, construction, erection, or installation of any improvements to determine that such work is being performed in conformity with the approval plans and specifications.”*

Reminders:

1. Construction cannot begin without written approval.
2. Wake County building permits may need to be obtained and will be the responsibility of each homeowner.
3. Allow sufficient time for processing and approval in planning for construction.
4. If the homeowner determines that he will not complete the project within ten (10) days after the time period specified in his approval, the homeowner should apply to the Crooked Creek Board of Directors for an extension of time to complete the project, stating in writing the reasons for the delay. The Board of Directors will notify the ARC of approval or denial of the request for an extension of time.

**Note:** In addition to, and not in lieu of other legal remedies, failure to obtain prior approval for a project requiring such ARC approval, or failure to request and obtain an extension of time to complete a previously-approved project is a Class C violation.

**(For further explanation, see Sanctions For Violations.)**

## **APPEALS**

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The Homeowner may appeal a denied architectural submittal by submitting a written request for reconsideration to the Crooked Creek Board of Directors (CROOKED CREEK BOD). Specific, detailed information should be included that clarifies why the submittal should be reconsidered. The Homeowner may request an appearance at a forthcoming meeting of the Board of Directors to further discuss the submittal.

Please contact the management company to be placed on the agenda for the next available CROOKED CREEK BOD meeting.

## CLOTHESLINES, MAILBOXES, PARKING, & STORAGE

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### CLOTHESLINES

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Permanent exterior clotheslines are prohibited.

### MAILBOXES

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New mailboxes and replacements of deteriorating mailboxes shall conform to approved mailbox standards

- Mailbox size: 10 7/8" height, 8 1/2" width and 10 1/4" depth
- Aluminum Post - 2 3/8" x 6' black post
- Finial topper - black aluminum pineapple
- Y-bracket - black aluminum mailbox support
- Aluminum post base - 26" tall Corinthian style slip over post base
- Mailbox - 1.5 Solar steel mailbox, black
- Imperial #1 aluminum address plate, black - bolts directly to top of mailbox.
- 2" reflective silver vinyl decal address numerals apply directly to both sides of plate.

\*Existing mailboxes in good shape are not required to be replaced to the current standards at this time, but when replaced they need to meet the current approved guidelines.

The Crooked Creek COA has sourced a vendor that can furnish and install the approved mailboxes. Homeowners may source their own mailboxes, but the mailbox materials must meet the exact approved standards listed above. For more information, refer to the document "Crooked Creek Mailbox Information" in the ARC section of the Crooked Creek HOA website.

2. Planting around the base of a mailbox is allowed, provided that the guidelines for landscaping are followed.



## PARKING

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1. No industrial or commercial type trucks, tractors, inoperable vehicles, or equipment may be regularly parked on the lot or on common property or within any right-of-way of any street in or adjacent to the Subdivision as written in the Declaration of Covenants.
2. No travel trailers, campers or other trailers or any other apparatus designed for movement over and upon streets or highways shall be regularly parked on the streets within or adjoining the Property. (Refer to Covenants.)
3. Neither a motorboat, houseboat, or other similar waterborne vehicle, nor any airplane, nor any travel trailers, other trailers, or "camper" vehicles (e.g., RV) may be maintained, stored or kept on any portion of the Property, except in an enclosed garage.

## STORAGE

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1. No trade materials or inventories may be stored on residential lots.
2. Temporary storage of materials for repair or remodeling projects must be discreetly placed and orderly maintained out of view in a garage or temporary storage container.

**Note: Violation of any of the provisions pertaining to CLOTHLINES, MAILBOXES, PARKING, & STORAGE is a CLASS "C" VIOLATION**

**(For further explanation, please see Sanctions For Violations).**

## **AWNINGS, TENTS, CANOPIES**

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All awnings require Architectural approval.

Seasonal outdoor canopies, tents, and coverings may be erected temporarily without Architectural approval, but must be removed within 14 days. Information required in submittal:

1. Plot plan showing location of awning.
2. Elevation showing location and style of awning.
3. Description and sample of material(s) to be used.

### **Guidelines:**

1. Fabric must blend with color of house.
2. Awning material must be fabric.
3. May be either retractable or stationary.
4. Any wood structure must be same color as house or deck.
5. Upon deterioration, the awning must be repaired or replaced within a reasonable time.
6. Must be attached to house, and not be free standing.

**Note: Violation of any of the provisions pertaining to AWNINGS, TENTS, & CANOPIES is a CLASS “B” VIOLATION (For further explanation, see Sanctions For Violations.)**

## TRASH CANS & RECYCLE BINS

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1. Trash cans and recycle bins shall be placed in the required location for collection no earlier than 7:00 p.m. on the day preceding the designated pickup day and shall be removed from the curbside location no later than 7:00 p.m. after the containers have been emptied.
2. Except during these prescribed hours, the trash and recycle containers, as well as all other refuse containers, shall be kept in a discreet location no closer to the street than the front line of the residential structure.
3. Materials in trash containers and recycle bins should be SECURED in a manner to prevent blowing by wind onto streets or yards or being disturbed by animals.
4. Location: storage locations for trash cans may be inside garage, inside fenced area, or in rear of house. Side location is only acceptable if no closer to front than front line of the residential structure and should be hidden from view by either shrubs (which provide coverage within three years) or some other a Crooked Creek acceptable shield from view (architectural request needed for approval).

**Note: Violation of any of the provisions pertaining to TRASH CANS & RECYCLE BINS is a CLASS "C" VIOLATION (For further explanation, see Sanctions For Violations.)**

## **SWING SETS, PLAYHOUSES, JUNGLE GYMS, TRAMPOLINES**

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All permanent outdoor play equipment must be approved by the ARC prior to placement. Information required in submittal:

1. Plot plan showing location of play equipment and distance from the property lines.
2. Drawings or pictures of the play equipment to be placed.

### **Guidelines**

1. Play equipment must be wood and left natural, painting is prohibited. No metal swing sets, or metal jungle gyms will be allowed. (Playhouses must adhere to detached structure guidelines and applicable covenants)
2. Permanent play equipment must be installed to be as inconspicuous as possible and should be placed out of view of any street. It cannot be placed any closer to the adjoining property lines than 10 feet. The preferred location is in the rear, directly behind the house, but each request will be reviewed on its own merit.
3. The HOA reserves the right to request that a homeowner remove play equipment if surrounding neighbors complain about disrepair or deemed to be unsightly. A site inspection will be conducted by the management company to verify if the complaints are valid and if action needs to be taken.
4. Screening may be required along the property lines in order to block the view and/or noise from neighboring lots.
5. Non-permanent play equipment must also be placed inconspicuously so that it does not detract from the neighborhood surroundings.

## BASKETBALL GOALS

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All permanently mounted basketball goals require ARC approval. Information required in Submittal:

1. Plot plan showing location of basketball goals.
2. Picture or description of item.
3. Description and placement of screening.

Items not requiring Architectural approval:

Portable basketball goals. Portable basketball goals may not remain on streets or cul-de-sacs overnight. The base of a portable basketball goals must be filled with either water or sand, but not brick or block. Town/County ordinances may prohibit playing in the street, including in cul-de-sacs.

All basketball hoops or other sports equipment are not allowed within 12 feet from the common area streets when not in use.

Portable soccer or hockey goals. Portable Goals may not remain on streets, cul-de-sacs or front lawns overnight.

**Note: Violation of any of the provisions pertaining to BASKETBALL GOALS, SWING SETS, PLAYHOUSES, JUNGLE GYMS & TRAMPOLINES is a CLASS “C” VIOLATION (For further explanation, see Sanctions For Violations.)**

## VEGETABLE GARDEN PLOTS

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Vegetable garden plots in the single family residential areas will not require prior approval of the ARC if they are wholly located in the rear portion of the lot and a minimum of ten feet from the side and rear lot lines. Any tree removal required to provide space for the garden plot must adhere to the tree removal guidelines.

Architectural Committee approval is required for any vegetable garden deviating from the above guidelines.

### **Additional Requirements:**

Maintenance of the garden plot is required and is the responsibility of the homeowner. Excess debris shall be removed at the end of the gardening season and the plot returned to a natural state. This would include stakes and any other structural additions required for maintaining and harvesting the garden.

In addition, freestanding compost piles are not allowed on any portion of property located within the subdivision, except that the homeowner may purchase and utilize a commercially available compost bin or container for composting.

**Note: Violation of any of the provisions pertaining to VEGETABLE GARDEN PLOTS is a CLASS "C" VIOLATION (For further explanation, see Sanctions For Violations)**

## **PETS, PET HOUSES, AND PENS**

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No animals, exotic animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that:

Dogs, cats or other household pets may be kept, provided that they are not bred or maintained for commercial purposes. In no event shall more than three dogs and/or three cats be regularly kept on any lot. All laws and ordinances of the State of North Carolina, the County of Wake, the Town of Fuquay-Varina, and other governing agencies must be adhered to regarding pets.

### **Guidelines for Pets in the Community:**

1. Pets are not allowed in the playground area.
2. Pets must be leashed when outside of the homeowner's lot.
3. Pet noise levels must be kept to a minimum.
4. Cleaning up and disposing of pet waste is required in all areas.

### **Guidelines for the Housing of Animals:**

1. Pet pens are not permitted. Fencing will be allowed within the guidelines for fences. Architectural approval must be obtained before placement of any fencing.
2. Chain link and metal fencing are not allowed. Fencing type must be one of the approved styles.
3. A permit from the Town of Fuquay-Varina may be required for fences. The Homeowner is responsible for any required permit.

### **Information required in submittal:**

1. Plot plan showing the location of the proposed structure.
2. Description of the materials to be used in construction.

**Note: Violation of any of the provisions pertaining to PETS, PET HOUSES, AND PENS is a CLASS "C" VIOLATION (For further explanation, see Sanctions for Violations.)**

## **PAINING OF EXTERIOR OF HOUSE OR OTHER STRUCTURE**

Changes of existing colors of exterior of residential structure or other exterior structure requires Architectural approval (submit color samples to the ARC). This includes changing the color of siding/exterior, garage doors, house entry doors, trim, gutters, shutters or any other exterior area colors (example: roofing or railings).

Any color change from the existing color must be consistent with existing Crooked Creek Community house colors.

Items not requiring Architectural approval:

1. Periodic repainting and/or re-staining with the existing color for maintenance.

**Note: Violation of any of the provisions pertaining to PAINTING OF EXTERIOR OF HOUSE OR OTHER STRUCTURE is a CLASS "A" VIOLATION (For further explanation, see Sanctions For Violations).**

## SKYLIGHTS AND ATTIC FANS

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The addition of a skylight or attic fan that changes the exterior of the roof requires ARC approval.

Information required in submittal:

1. Plot plan showing the location of the addition.
2. Description of style, size and materials to be used.

### **Guidelines:**

A skylight or attic fan, that is not part of the original construction, must be located on the section of roof facing the back of the lot.

**Note: Violation of any of the provisions pertaining to SKYLIGHTS AND ATTIC FANS is a CLASS "A" VIOLATION (For further explanation, see Sanctions For Violations.)**

## **SWIMMING POOLS AND HOT TUBS**

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All permanent swimming pools require architectural approval. Hot tubs which are a permanent part of the deck and/or patio must also be approved.

### **Information required in submittal:**

1. Plans and specifications showing the nature, kind, shape, height, and materials.
2. Plot plan showing the location of pool or hot tub.
3. Plan for screening (fencing or live screening).

### **Guidelines:**

1. Any wood support structure must be the same color as the house or deck.
2. Pool or hot tub cannot be located within a buffer or easement.
3. All Health Department regulations must be met.
4. Pool or hot tub must be screened from view from any street.

**Note: Violation of any of the pertaining to SWIMMING POOLS AND HOT TUBS is a CLASS "A" VIOLATION (For further explanation, see Sanctions For Violations.)**

## **SOLAR COLLECTORS**

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All solar collectors require architectural approval. Information required in submittal:

1. Drawing showing the location of the unit on the roof.
2. Plot plan showing visibility from streets and neighboring lots.

### **Guidelines:**

1. Solar collectors must be installed to be as inconspicuous as possible.
2. Whenever possible, collectors should be placed on the rear of the home or on the side that has the least public exposure.
3. Collectors should be attached only to the roof, not free standing or ground mounted.
4. Every effort must be taken to camouflage the plumbing and supports for the collectors. This camouflaging may require completely encasing the collectors. All metal parts should be painted to match roof coloring. There should be a minimum exposure of piping with no piping running down the side of the dwelling.
5. Any tree removal required to permit increased solar exposure to the collectors must adhere to the tree removal guidelines.
6. No topping or removal of trees on association common areas and/or greenway shall be allowed.

**Note: Violation of any of the provisions pertaining to SOLAR COLLECTORS is a CLASS "A" VIOLATION (For further explanation, see Sanctions For Violations.)**

## **LAWN ORNAMENTS, DECORATIONS, OUTSIDE LIGHTING, SIGNS, FLAGS, & PONDS**

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Lawn ornaments, free standing flagpoles and lantern poles, flood lights and security lights, and fishponds and water garden ponds or waterfalls all require ARC approval.

### **Items not requiring Architectural approval:**

1. Decorations including seasonal or holiday decorations
2. Landscape or accent lighting
3. Wall-mounted flags
4. Lanterns or lighting fixtures attached to residential structure
5. For sale, for rent, garage sale, yard sale, and political campaign signs, provided that no sign be placed on common property and be removed within a reasonable amount of time

### **Information required in submittal:**

1. Plot plan showing location of item.
2. Picture or description of item.

### **Guidelines:**

Every effort should be made to not disturb or adversely affect neighbors particularly regarding flood and security lights. The ARC reserves the right to require a homeowner to remove an item if surrounding homeowners complain and if, upon inspection, the ARC considers, in its sole discretion, the item unsightly or a nuisance.

Permanent commercial advertising signs are prohibited.

**Note: Violation of any of the provisions pertaining to LAWN ORNAMENTS, DECORATIONS, OUTSIDE LIGHTING, SIGNS, FLAGS, & PONDS is a CLASS “C” VIOLATION (For further explanation, see Sanctions For Violations.)**

## **LANDSCAPING & TREES**

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After initial construction, removal of a tree with a trunk diameter exceeding six (6) inches at a height of four feet above ground level requires ARC approval. Other types of landscaping that are structural, or change the contour of the land, or are adjacent to a property line, or obstruct a neighbor's view require ARC approval.

### **Items also requiring Architectural approval:**

1. MAJOR landscaping, defined for purposes of these Architectural Control Standards as any cumulative landscaping that alters 33% or more of total yard area.

### **Items not requiring Architectural approval:**

1. Landscaping of a MINOR nature, such as naturalizing an area of the yard or adding low growing shrubs and bedding flowers provided, they do not encroach upon neighboring properties.
  - a) MINOR landscaping is defined for purposes of these Architectural Control Standards as any cumulative landscaping that alters less than 33% of total yard area.
  - b) Cumulative means adding the total area affected as the end result of landscaping whether it is a single project or multiple projects that occur over a period of time.
  - c) Yard area is any area that is not occupied by the house and/or storage buildings.
2. Removal of a tree that is dead or diseased or poses an imminent threat or danger to persons or property.

### **Information required in submittal:**

1. Plot plan showing quantity and location of plants.
2. Description of plants.
3. Details of any landscape plan that may change the flow of any drainage/runoff shall be submitted with details, including a plot plan, drawings showing the present drainage/runoff and the proposed drawings showing the change in the drainage flow as a result of this change.

**Guidelines:**

1. Hedges and Screen Plantings:
  - a) No hedge or screen planting shall be erected on any lot closer to the front lot line than the front of the house.
  - b) Hedge or screen plantings which form a barrier between properties should have agreement with neighboring property owner for maintenance access. Plants should be sufficiently set back from the common property to allow for plant growth without encroaching onto the neighboring lot.
2. No changes or modifications can be made to Common Property without prior Board of Director's written approval.

Retaining Walls: See guidelines for retaining walls.

Ornaments: See guidelines for ornaments.

Garden Plots: See guidelines for vegetable garden plots.

Fences: See guidelines for fences.

**Note: Violation of any of the provisions pertaining to LANDSCAPING & TREES is a CLASS "B" VIOLATION (For further explanation, see Sanctions For Violations.)**

## **RADIO/TV ANTENNAS AND SATELLITE DISHES**

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All exterior-mounted radio/TV antennas and satellite dishes require Architectural approval. Items not requiring Architectural approval:

Antennas located in the attic do not require approval.

Information required in submittal:

1. Plot plan showing location of antenna or dish.
2. Description of plantings used to camouflage the equipment, if applicable.

**Note: Violation of any of the provisions pertaining to RADIO/TV ANTENNAS AND SATELLITE DISHES is a CLASS “C” VIOLATION (For further explanation, see Sanctions For Violations.)**

## **ADDITIONS AND STRUCTURAL CHANGES TO HOMES**

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All external additions or structural changes to homes must have architectural approval before construction begins. This includes, but is not limited to, new rooms, porches, garages, carports or attached structures. Changes to windows, doors or chimneys/fireplaces also require approval.

Normal maintenance to preserve the structure in its original state does not require architectural approval.

### **Information required in submittal:**

1. Plot plan showing the location of the structure and distance from any lot lines, as well as the location of any existing trees that may need to be removed to complete the addition.
2. Elevations showing the planned appearance of the structure.
3. Description of materials to be used including siding, paint colors and shingle samples, if applicable.

### **Guidelines:**

1. No addition shall encroach upon the setbacks for the lot as listed in the covenants.
2. Additions should match the house color and style as much as possible.
3. Any building or other permits needed are the responsibility of the homeowner.

**Note: Violation of any of the provisions pertaining to ADDITIONS AND STRUCTURAL CHANGES TO HOMES is a CLASS "A" VIOLATION (For further explanation, see Sanctions For Violations.)**

## **DRIVEWAYS AND PARKING PADS**

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Any parking pads or changes to driveways require Architectural approval.

### **Location and Restrictions:**

1. No parking of motor vehicles, trailers, camping trailers and/or recreational vehicles on soft grass or soil surfaces.
2. Driveways and vehicle parking pads must be concrete. Aggregate base, thickness, reinforcement, etc. should comply with good construction practices.
3. Close attention must be paid to structure placement, setbacks and encroachment onto buffer areas, association owned common property and neighboring lots.
4. Parking pads should not be placed in such a location that vehicles parked on the pad would restrict sight and view of pedestrians or vehicles entering onto any street.

### **Information required in submittal:**

1. Plot plan showing location of driveway or parking pad.
2. Elevation drawing(s) showing the measurements of the parking pad such as length, height and width as well as any landscaping that will be added along the perimeter.

**Note: Violation of any of the provisions pertaining to DRIVEWAYS AND PARKING PADS is a CLASS "A" VIOLATION (For further explanation, see Sanctions For Violations.)**

## **DETACHED STRUCTURES**

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All detached structures require ARC approval prior to construction. Examples include storage sheds, greenhouses, garages, carports and playhouses.

### **Information required in submittal:**

1. Plat or survey showing lot boundaries, existing buildings, the proposed structure and measured distances between same.
2. Two elevations of the proposed construction showing the proximity to the residence.
3. Description of materials to be used including color samples.
4. Description and location of any trees to be removed.

### **Guidelines:**

1. Permanent structures must be installed to be as inconspicuous as possible, i.e., should be placed out of view of any street if possible. No structure can be placed closer than 10 feet from any adjoining property lines. The preferred location is in the rear, directly behind the house, but each request will be reviewed on its own merit.
2. Any location that does not conceal the structure from plain view and/or the road should be landscaped 3 ft. to 6 ft. from ground level up along any exposed side (excluding doors). This landscaping should be located on the outside perimeters so as to provide at least partial screening from the adjoining lot(s) and street.
3. Structures shall match the house in color and style, i.e., gable roof, horizontal siding, brick, etc.
4. No metal sheds are allowed.
5. The Town of Fuquay-Varina may require a building permit for a detached structure.
6. The completed building permit application must be submitted to, and the project approved by, the ARC prior to submission of the application to the Town.
7. All structures must be properly maintained (i.e., paint, vinyl siding cleaned, etc.)
8. The Board of Directors may restrict the placement of detached structures along parks, lakes, ponds, and greenways if such amenities exist within your association.

**Note: Violation of any of the provisions pertaining to DETACHED STRUCTURES is a CLASS "A" VIOLATION (For further explanation, see Sanctions For Violations.)**

## **DECKS, PATIOS, ARBORS AND SCREENS**

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There are no predetermined styles for decks or patios. All new or alterations and/or additions to existing decks, patios, arbors, screening, and under-deck enclosures, including associated landscaping, require Architectural approval.

### **1. Deck Materials:**

- a) Deck materials and the framing of under-deck screening or enclosures must be weather resistant pressure treated wood or wood-like maintenance free composite materials, i.e., Trek; under-deck screening or enclosures may be constructed of pressure treated wood lattice or wood-like maintenance free lattice, i.e., vinyl lattice.
- b) The color or stain shall be natural, natural wood color stains, or painted to blend with house.
- c) Posts may be made of brick, pressure treated wood or other suitable material.
- d) Railings and balusters may be of pressure treated wood, wood-like maintenance free composite materials, or decorative metals.
- e) Include any landscape plan / screening of the area underneath the deck.

### **2. Patio Materials:**

- a) Concrete slabs stamped and/or colored concrete.
- b) Bricks, with sand fill or mortar.
- c) Concrete pavers, with sand fill or mortar.
- d) Stone, with a sand fill or mortar.
- e) Include any landscape plan with your request for the area around the perimeter of the patio.

### **3. Height of deck, arbors and screens:**

- a) Decks should be of a reasonable height.
- b) Arbors should be no higher than eight feet above the deck surface.
- c) Free standing deck screens (e.g., lattice) shall not exceed five feet in height.
- d) Screens as part of an arbor may extend to the arbor.

### **4. Location and Restrictions:**

- a) Patios should be located behind the house and may not extend beyond the rear house corners; patios may not be freestanding in other areas of the backyard.
- b) Decks shall be located behind the house and may not extend beyond the rear house corners.

- c) Obstruction of views and flow of wind from/to adjoining properties will be given consideration in review of Architectural submission.
- d) The construction of decks or patios within a buffer area will not be allowed.
- e) Only exterior materials comparable to those on existing structures and compatible with the architectural character of the community will be approved.
- f) All permits and building codes must comply with the Fuquay-Varina regulations.

**Information required in submittal:**

1. Plot plan showing the location of the deck and patio in relationship to other structures and property lines.
2. Elevation drawing(s) showing style of deck and patio, including railing, steps, etc.
3. Description of materials used, including samples of stain or paint, if applicable.

**Note: Violation of any of the provisions pertaining to DECKS, PATIOS, ARBORS AND SCREENS is a CLASS "A" VIOLATION (For further explanation, see Sanctions For Violations.)**

## FENCES

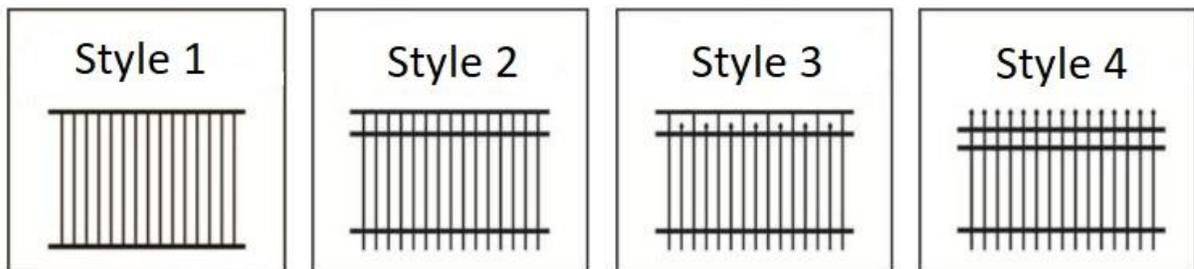
All fences require architectural approval prior to construction. Fences may be either wood stockade or metal.

### Stockade fences:

1. "Stockade" is defined for purposes of these Architectural Control Standards as vertical picket fence boards attached closely together, no more than one and one-half inches apart.
2. Stockade fences must be constructed in a Scalloped or Rainbow design, with decorative exposed posts; decorative posts are posts that have a beveled or designed top, i.e., French Gothic top, etc., or are cut-off or flat-topped posts to which are added decorative post caps and/or toppings, i.e., wooden cap and wooden ball, etc. The finished side of the fence must face the adjoining lots.
3. Color: Color must be natural or natural wood color stain. Painted fences are strictly prohibited.
4. Materials: Fence itself must be wood only. May be either cedar, redwood, or treated pine lumber. All hardware is to be galvanized. All posts must be set in concrete.

### Metal fences:

1. Styles: Examples of metal fences are shown below. Very similar styles may be approved upon submittal to the ARC.



2. Color: Black only.
3. Materials: Aluminum or other non-corrosive metal, including hardware. All posts must be set in concrete or attached to concrete base.

### General Fence Guidelines:

1. Height: The maximum height allowed is five (5) feet measured from the ground to the top of any portion of the fence, including decorative posts.
2. Location:
  - a. Fence shall not extend closer to the front line than the midway point (from front to rear) of the dwelling.
  - b. Except where prohibited by applicable setback or live screening requirements, fences must be constructed no closer than 6" from the property line; provided,

however, that, with the written consent of the adjoining property owner (a copy of which shall be provided to the Committee) a fence may cross a property line and tie to an existing fence on an adjoining lot.

- c. Fences that face a street must have live screening planted along the exterior of the fence. Planted screening must obscure the fence within a 3-year time span. Planted screening must be maintained by the homeowner.
  - d. Property owners are cautioned that building a fence that infringes on easements or rights-of-way may result in destruction or removal of the fence. Such building is done entirely at the risk and expense of the property owners.
  - e. Existing topography and landscaping within a buffer shall not be disturbed except with the approval of the Architectural Committee. Construction of a fence within a buffer area may also require approval from the Town of Fuquay-Varina.
  - f. Submit survey showing the exact location of the fence in relation to the house and property lines.
    - i. Dimensions must be included.
    - ii. Elevations (side view) must be included.
    - iii. Gate location must be included.
3. Setback may be required to provide screening landscaping.
  4. Landscaping must be included with the request.
  5. All fences on Lots shall always be maintained in a structurally sound and attractive manner and in a good state of repair. Maintenance of the fence is the responsibility of the property owner.
  6. Process:
    - a. Each installation will be examined on its own merit. No previously approved installation shall constitute establishing a precedent for approval.
    - b. No construction shall begin without written approval from the Architectural Committee or the Board of Directors.
    - c. The Town may require a permit for construction of a fence. The homeowner is responsible for such permit and should allow enough time for processing and approval in planning for construction.

**Note: Violation of any of the provisions pertaining to FENCES is a CLASS "A" VIOLATION (For further explanation, see Sanctions For Violations.)**

## MAINTENANCE

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It is the primary responsibility of each homeowner to maintain his property in a way that does not detract from the overall beauty of the community. It is hoped that each homeowner will take this responsibility seriously, as this can severely affect the value of all properties.

Following is a list of areas that should be reviewed on a regular basis to ensure that your home and property are in good repair and properly maintained.

1. Shrubbery, Trees, and Lawns
5. Flower Beds, Landscaped/Natural Areas
6. Exterior Decorative Lighting
7. Driveways and Sidewalks, including edging of grass
8. Porches, Decks and Patios
9. Fences
10. Play Equipment
11. Roofing
12. Wood, siding, fascia, and/or vinyl siding, and/or brick
13. Paint and Stain
14. Garbage Can Storage
15. Mailbox and Post

### **Deterioration:**

If at any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the Community, the management company will make a site inspection.

Based on the severity of the deterioration, the homeowner will be given a specified length of time to make the necessary repairs. If after that time, the repairs have still not been made, the Board of Directors may be forced to take more strenuous action as provided in the Covenants and these Architectural Control Standards.

### **Note: Per Article IV, Section 5 of the Master Covenants:**

*“The exterior maintenance of Lots and all improvements constructed thereon shall be the duty of the Owners of such Lots (except where specifically provided otherwise) and shall not normally be interfered with by the Association or any person. If, however, in*

*the opinion of the Association any Owner shall fail to maintain any Lot or any improvements thereon in a manner which is reasonably neat and orderly, or shall fail to keep improvements constructed thereon in a state or repair so as not be unsightly, the Association at its discretion, and following ten (10) days advance written notice to the Owner, may enter upon and make or cause to be made repairs to such improvement and perform such maintenance on the Lot such as, but not limited to the removal of trash, cutting grass, pruning of shrubbery, and seeding for erosion control. The Association, or its agents, shall have an easement for the purpose of accomplishing the foregoing. All costs actually incurred by the Association in rendering such services plus a service charge of twenty percent (20%) of such costs, shall be added to and become a part of such other assessments to which the Lot is subject.”*

**Note: Violation of any of the provisions pertaining to MAINTENANCE is a CLASS “B” VIOLATION (For further explanation, see Sanctions For Violations.)**

## **SANCTIONS FOR VIOLATIONS**

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The Crooked Creek Community Association Board of Directors has the responsibility to enforce the Declaration of Covenants for the protection of the Homeowners Association. To emphasize the importance of these Covenants and to assist in their enforcement, the Board has established sanctions for violations of the Architectural Control Standards and Specifications.

If, after affording the homeowner the opportunity to be heard as described below, the Board decides that a fine should be imposed, the following fines shall be imposed for the designated violation without further hearing. In the event that the Board or its delegate determines that the homeowner has committed more than one violation for which a fine should be imposed, the homeowner shall be fined under the classification that represents the most severe violation charged to the homeowner.

**CLASS "A" VIOLATION:** A fine of one hundred dollars (\$100.00) for each day more than five days after the decision that the violation occurs.

**CLASS "B" VIOLATION:** A fine of fifty dollars (\$50.00) for each day more than five days after the decision that the violation occurs.

**CLASS "C" VIOLATION:** A fine of twenty-five dollars (\$25.00) for each day more than five days after the decision that the violation occurs.

The foregoing fines will become a lien against the homeowner's property and may be foreclosed under Chapter 47F of the North Carolina General Statutes.

In lieu of fines, the Board or its delegate may, after providing the notice and opportunity to be heard described below, suspend the homeowner's Association privileges and services, i.e., voting, common areas, etc.

The following describes the procedure that will be followed by the Board, or its designee, in the event of a violation of the Architectural Control Standards and Specifications and/or Declaration of Covenants. Failure of a homeowner to apply for and obtain Committee approval of same prior to beginning the project shall also be considered a violation and shall subject the homeowner to the applicable fine for the Class type for which the homeowner failed to seek approval.

## **PROCEDURE FOR FINES AND SUSPENSION OF COMMUNITY PRIVILEGES OR SERVICES**

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1. **Right to Hearing.** Before imposition of any sanction, a hearing shall be held before the Board, or an adjudicatory panel appointed by the Board to determine if the homeowner should be fined or if Association privileges and services should be suspended.

a. **Notice of Hearing.** The Board or its delegate shall give the homeowner ten (10) days written notice of the hearing on the violation, describing:

- i. the nature of the alleged violation
- ii. the proposed sanction to be imposed; and
- iii. the homeowner's right to be heard and present evidence.

Such notice may be hand-delivered by any person or sent by first class mail to the address of the homeowner shown in the records of the Association. Any notice hand-delivered shall be deemed received when received by the homeowner or by any person more than 18-years old who is present at the address of the homeowner as shown on the records of the Association. Notice sent by mail shall be deemed received on the third business day after same is deposited in the United States Mail with proper postage thereon. The Board shall include in its minutes evidence of the giving of such notice, including a copy of the notice and a statement of the date and manner of delivery signed by the officer, director or agent who delivered such notice.

b. **Hearing Procedure.** The hearing shall be held by the Board in executive session or by an adjudicatory panel ("panel") of not less than three (3) members of the Association appointed by the Board. Any panel appointed by the Board for this purpose shall be composed of members of the Association who are not officers of the Association or members of the Board. At the hearing, the homeowner shall be afforded a reasonable opportunity to be heard. A written statement of the results of the hearing and the sanctions, if any, imposed, shall be placed in the minutes of the Board and a copy of such statement shall be provided to the homeowner in the same manner as the notice required by subsection (2) of this Section.

2. **Appeal from Panel's Decision.** If the hearing was held before a panel appointed by the Board, the homeowner shall have the right to appeal the decision to the Board by giving a written notice of appeal to the Board, in care of its President or Secretary, within fifteen (15) days after receiving a copy of the written statement of the results of the hearing. If such notice of appeal is given, the Board shall schedule and notify the homeowner of the date of the appeal hearing, which shall be not less than five (5) nor more than fifteen (15) days after notice of appeal is given, and which must be attended by not less than 75% of the members of the Board. The homeowner shall be afforded a reasonable opportunity to be heard.

The Board may, by majority vote of the Directors present at such appeal hearing, affirm, vacate, or modify the decision of the panel. A written statement of the results of the appeal hearing and the sanctions, if any, imposed, shall be placed in the minutes of the Board and a copy of same shall be provided to the homeowner in the same manner as the notice required by subsection (2) of this Section.

3. **Additional Enforcement Rights.** Notwithstanding anything to the contrary in this Article, the Board may elect to enforce any provision of the Rules, without the necessity of compliance with the notice and hearing procedures set forth herein, by self-help remedy methods (specifically including, but not limited to, the removal of a non-conforming or unapproved improvement on the Lot and towing of homeowner and tenant vehicles parked in violation of parking rules) or by action at law or in equity to enjoin any violation or to recover monetary damages or both. In any such action, to the maximum extent permissible, the Association shall be entitled to recover all costs for such action, including reasonable attorney's fees incurred. Any entry onto any Lot for purposes of exercising this power of self-help shall not be deemed as trespass.