

Sutton Place Homeowners Association, Inc.
Rules and Architectural Guidelines

September 2009

Introduction

1.1 Applicability

This guide to Rules and Regulations ("Guide") is adopted pursuant to the *Articles of Incorporation*, and the *Declaration of Covenants, Conditions, and Restrictions* ("Declaration"). These documents provide for the establishment of reasonable rules and regulations concerning the use of individual lots/properties and common areas. The Architectural Review Committee ("ARC") serves as representatives of the Board of Directors ("Board") while enforcing the Guide. Compliance with this Guide is required, but is not the sole basis for review or approval, nor does it guarantee approval of any application. In reviewing each application, the ARC may consider any factors it deems relevant.* Decisions may be based purely on aesthetic considerations. Each owner acknowledges that determinations as to such matters are purely subjective in nature and that opinions may vary as to the desirability and attractiveness of a proposed addition or modification.

* Relevant factors to consider include but are not limited to consistency / harmony with the established design of the neighborhood and the size, shape and location of lot/property. The intent or spirit of these Guidelines is flexibility, and a recognition that lot/property characteristics vary. Therefore, allowances will be made in application of this Guide for the size, shape, and location/privacy of all lots/properties.

1.2 Purpose

This document is not intended to replace the Declaration, but to clarify the process by which homeowners may customize and modify the exterior presentation of their homes and/or properties. The intent is to provide consistent guidance to homeowners regarding requirements for additions and modifications to property in the community, and matters of particular concern to the ARC when considering applications for approval of such conditions and modifications. Additionally, the Guide sets forth various restrictions on other matters relating to community standards and the overall appearance of property in the community.

1.3 Application and Review Process

Unless otherwise specifically exempted by the Declaration or this Guide, **each and every proposed exterior modification/addition to residential units or lots require prior approval of the Architectural Review Committee.** Submit three copies of the Request for Architectural Approval form to PPM, Inc., 6739 Falls of Neuse Road, Raleigh, NC, 27615.

Each application must include a copy of the lot survey showing the size and location of the proposed modification/addition as well as a list and description of the materials to be used. Color samples may assist the ARC in rendering its decision and expedite the review process. The ARC may require submission of such additional information as may be reasonably necessary to consider any application. Review of the application and notification to the applicants shall be conducted as described in the Declaration (specifically page 10 for time frames).

Contact the Sutton Place Community Manager with Professional Properties Management of Raleigh, Inc. (PPM), Tammy Williams, at (919) 848-4911 or by email at twilliams@ppmral.com for status if there is no response within three weeks.

Where specifically permitted to proceed without prior approval, such permission shall only be effective so long as the homeowner complies with every requirement of this Guide.

The ARC is not responsible for ensuring structural integrity or compliance with state and local building codes. Homeowners must obtain all necessary building permits and other government approval that may be required for the proposed modification or addition.

Recommendation: You are strongly encouraged to share and discuss your ARC proposal with your neighbors on either side of your property and directly behind or adjacent to your property. The reasons for this recommendation are: (1) these are the homeowners who will be most directly affected by your modification/addition; and (2) it may prevent any questions or objections' surfacing after installation work has been performed. **Note:** your neighbors' signature on the Request for Architectural Approval form indicates only that they are **aware** of what you plan to do and have **viewed the planned activities;** signatures **do not** indicate that neighbors approve of your proposal. The Architectural Review Committee may seek input on any proposed plans from homeowners of adjacent lots or lots that may be affected per Article V, Section 5.2 of the Declaration of Covenants, Conditions and Restrictions for Sutton Place.

It is recommended that homeowners familiarize themselves with and understand the applicable ordinances of the Town of Apex that govern the

landscaping of their property. This information may be obtained through the Town of Apex website at www.ci.apex.nc.us or contact (919) 249-3426.

Important Note: ARC approval does not constitute engineering approval. ARC approval is aesthetic in nature. Improvements and consequences are the sole responsibility of the homeowner or person making the improvements. Any changes to the original grading and swales are not permitted (see section 2.27 for details).

2.0 General Architectural Standards

2.1 Antennas, Satellite Dishes (DBS, MMDS, DSS)

Pursuant to FCC Section 207 of the Telecommunications Act of 1996, the HOA will not require prior approval for antennas/dishes in the attic, crawl space, garage, or other interior space of the dwelling, or other approved structure so as not to be visible from the exterior of the residence. In addition, satellite dishes are pre-approved for mounting on the roof if they are less than 39-inches (1 meter) in diameter.

Homeowners may place a satellite dish on the exterior of their residence and freestanding antennas/dishes (mounted on a pole on the lot) are permitted. However, to the extent feasible, antennas are to be placed in locations that are not visible from the street, if this placement still permits reception of an acceptable quality signal. For safety reasons, electrical code requirements must be met to properly ground the antenna and installation requirements met for the proper method of securing the antenna.

A maximum of two satellite dishes measuring one meter or less in diameter may be erected on any lot.

2.2 Backyard Play Equipment, Basketball Goals

Metal swing sets are not permitted. Wood swing sets in the backyard are pre-approved provided they are at least 6 feet from any property line and are well maintained (natural wood or clear stained). No play structures may be erected on the side or front of any residence. Playhouses must have ARC approval.

Free standing basketball goals mounted in the ground are permitted as long as the backboard is mounted perpendicular to the street, the goal post is at least 15 feet from the curb, and the goal post is at least six feet inside the homeowner's property line. The goal post, backboard and net must be kept in good repair at all times.

Portable goals are permitted, but must be stored when not in use so they are not visible from the curb.

Untitled

Suggestion:

Free standing basketball goals with the ability for the rim to be at 10 regulation height are permitted as long as the backboard is mounted perpendicular to the street, the goal post is at least 15 feet from the curb, and the goal post is at least five feet inside the homeowners property line. These goals can either be mounted in the ground or have the large, heavy base to support the full size goal. Note that the base should be a manufactured base meant to hold the weight of the goal. Bricks, sand bags, milk cartons, etc. should not be used to support the goal. The goal post, backboard, and net must be in good repair at all times.

Portable goals are permitted, but must be stored when not in use so they are not visible from the curb. Portable goals are considered to be the easily movable goals - usually the child type that are about 6-8 foot max rim height.

2.3 Birdbaths, Birdfeeders, Birdhouses

Birdbaths are pre-approved provided that the basin is no larger than 20 inches in diameter and that basin and pedestal together are no more than 36 inches (3 feet) in height. The functional intent of birdbaths is to provide water for birds to drink and for their grooming (bathing). Birdbaths are not intended to be large enough for use by other wildlife or recreational use by children. Birdfeeders and birdhouses are pre-approved provided they are no larger than one foot in width, one foot in depth, and one foot in height. Any pole on which a birdhouse or birdfeeder is located may not exceed two inches in diameter and six feet in height (including the house or feeder).

Birdbaths, feeders and houses shall not be placed in the front yard, side yard, or in common areas or wetlands/marshes.

2.4 Clotheslines, Fuel Tanks, Outside Storage

Clotheslines, above ground fuel storage tanks, woodpiles, and similar items are not permitted. Storage of any materials (such as, but not limited to, lawnmowers, landscaping materials, and lumber) outside an enclosed structure is not permitted. Furniture intended for indoor use is not permitted on any outside area, including porches.

Underground storage tanks for natural gas, propane, petroleum products, or other mineral or toxic products are not permitted.

2.5 Decks, Patios, Screened Porches, Driveways

ARC approval is required prior to construction, modification or extension of decks, patios, screened porches, and driveways. Deck footings and patios must stay within the Minimum Building Line (MBL) of any lot. No deck or patio shall extend into the side yard beyond the side plane of the residence.

Deck waterproofing, sealing and staining is pre-approved provided that natural wood color is used or stains that match or coordinate with the exterior colors of the home (i.e., color of siding or trim).

2.6 Dog Pens, Runs, Dog Houses

Dog pens and runs are not permitted. Dog houses are permitted provided a *Request for Architectural Approval* form is submitted, and the following criteria are met: the doghouse must match the color scheme of the existing structure, must be in the backyard at least six feet from any property line, and not more than four feet high.

Pets must be on a leash or restrained in the backyard by use of invisible fencing or an approved fence.

Animal nuisance of any kind will not be tolerated, including noise and improper waste disposal. While outside the confines of the homeowner's property, animal waste will be immediately collected by the homeowner and properly disposed of in an approved waste receptacle. This Rule is intended for disease prevention and sanitary reasons. Homeowners are directed to call Wake County Animal Control at (919) 250-1475 to report violators.

2.7 Exterior Colors, Shutters, Doors, Other Exterior Modifications

Exterior color change is permitted provided a *Request for Architectural Approval* form is submitted and approved **prior** to the change. Exterior colors (when changed) must conform to the original scheme designed by the builder. Shutters and doors will compliment the exterior color scheme, and maintain the original colors intended by the builder.

When submitting a request for a color change, color chips or siding samples must be attached to the *Request for Architectural Approval* form.

Regarding paint color selections please visit one of the following websites and "color your house" for a full overview of the selections for siding, trim, and shutters. After you create your example, each of the websites below will allow you to email the finished rendering. Email it to yourself and then forward it along with your Request for Architectural Approval application to PPM for distribution to the Architectural Review Committee.

<http://www.sherwin.com/visualizer/> -- Sherwin Williams Brand
www.behr.com -- Behr Brand from Home Depot
www.valspar.com -- Valspar Brand from Lowes

All other exterior decorative modifications not addressed elsewhere in the Rules and Architectural Guidelines require ARC approval **prior** to the change.

2.8 Exterior Lighting, Seasonal Decorations

Ground landscaping lights are pre-approved provided they are conservative in design, use white lights, are limited to 2,000 lumens and are directed towards the house or ground.

Seasonal holiday decorative lights are pre-approved from Thanksgiving through the 15th of January. Seasonal decorations are approved two weeks prior to the event until two weeks after the event.

2.9 Fences / Trellises

Fencing or fencing type of any kind requires ARC approval **prior** to being installed. That being said, after ARC approval, such fencing is the complete responsibility of

the homeowner to maintain. The HOA accepts no responsibility for fencing in any manner. Homeowners shall contact all utilities prior to installation to ensure that any easements are not impeded. If such fencing must be removed or modified due to being installed in an easement or for any other reason, the total expense shall fall upon the homeowner and not the HOA.

Please see below for additional requirements relating to fencing:

- Maximum fence height is six (6) feet.
- Chain-link, lattice, or similar fences are not permitted.
- Lattice will be considered for ARC approval for deck privacy screens only. When approved, these screens must be stained the same color as the deck to which it's attached.
- A single fence is permitted between adjacent lots sharing a common property line.
- Fences are not permitted in the front yard. Fencing shall tie into the home at the furthest back corners of the dwelling, not to extend beyond the back foundation line. Under no circumstances may a homeowner erect a fence outside of the lot property line. In the event of an obstacle, the homeowner must shift the fence inside the boundary line of the lot.
- Fences on corner lots must be installed parallel to the street. The distance from the fence to the street should match the distance from the street to the rear corner of the dwelling nearest the street (but in no case be less than 15 feet from the back curb) to allow for line-of-sight at the intersection.
- Trellises should be natural wood, clear stained, or white (to match house trim) and be installed according to the design the homeowner has submitted and had approved by the ARC.

2.10 Flagpoles, Flags

Freestanding flagpoles are not permitted.

2.11 Garage Sales, Garage Sale Signs, Items for sale

It is recommended that garage sales be limited to a maximum of four times per year, per residence. Each garage sale may last a maximum of 48 hours. Sale items must be kept in the immediate vicinity of the garage area.

Advertising signs may be placed at the residence 36 hours in advance of the sale and must be removed immediately after the conclusion of the sale. Signs placed other than at the residence must follow the guidelines in paragraph 2.21.

Other than garage sales, items for sale such as cars, boats, lawnmowers, etc. may not be displayed at the residence or on any common areas.

2.12 Garbage Containers, Recycle Containers, Garbage

Garbage containers and the new 65-gallon recycling carts must be stored in one of the following pre-approved outdoor locations:

- In the rear of the lot, screened so as to be concealed from view of neighboring streets and property.
- Beside house behind shrubs/trees that screen the container from both the street and adjacent homes.

Homeowners may also choose to locate their containers:

- Beside the house behind fencing that screens the container from both the street and adjacent homes. Such fencing must have ARC approval **prior** to installation and must be finished according to Guideline 2.5 described for decks.
- Inside the garage.

Container locations that are **unacceptable** include anywhere where containers are in full view of the street or a neighbor's home.

Note: homeowners continuing to use the 18-gallon recycling bins must store these inside the garage.

2.13 Gardens, Landscaping, Decorative Landscape Edging

Flower gardens are permitted and pre-approved provided that flowers are planted and that the garden stays within the planting bed as originally designed by the builder. Other changes, including additional landscaping and/or landscape edging, require a *Request for Architectural Approval* form be submitted and approved **prior** to the addition.

All landscaping must be kept weeded and well maintained.

Marshes and wetlands are protected areas, and residents are not allowed to interfere in any way with these areas.

Vegetable gardens are permitted provided the *Request for Architectural Approval* form is submitted and approved **prior** to the change and provided the garden meets the following criteria:

1. Gardens may not be visible from the Public Right of Way (i.e., streets).
2. When fallow the vegetable garden shall be covered with mulch or pine straw.
3. Maximum size shall be 50 square feet for unfenced yards and 100 square feet for solid wood fenced yards.
4. Vegetable gardens may be elevated a maximum of 12" above the surrounding grade. Acceptable materials for raising the grade include segmental retaining wall blocks, stone, brick, and landscaping timbers.

5. Structures used to elevate plants or grow vines shall be a maximum height of 48 inches. If the yard is solid wood fenced, a structure may extend to the height of the fence.

Homeowners are reminded not to touch any vegetation in **Restricted Conservation Areas (RCAs)**, also documented as “perimeter buffers.” The Town of Apex regularly inspects these areas. If they discover damage, such as evidence of trees being cut, the homeowner will be fined. If you are uncertain about whether land behind your home is an RCA, please consult the paperwork you received when you bought your home. The diagram of your lot will show whether or not there is an RCA behind your property. If you are still uncertain, consult the Sutton Place Community Manager with Professional Properties Management of Raleigh, Inc. (PPM), Tammy Williams, at (919) 848-4911, twilliams@ppmral.com or a member of your HOA Board of Directors.

2.14 Home-Based Businesses

Home-based businesses are permitted provided the following criteria are met:

- It is not evident that home-based business is being conducted.
- No unusual traffic, other than normal residential traffic, is permitted. The Board may have sole discretion as to the whether amount of traffic generated is unusual.
- Only removable signs are permitted on vehicles and said vehicles must be parked in the garage or the signs may be required to be removed while in the community.
- No items or equipment related to the business may be stored or otherwise kept on owner’s lot outside of the dwelling or garage.
- Business activities should comply with all applicable federal, state, and local laws.

2.15 Hot Tubs, Spas, Saunas, Pools

Hot tubs, spas, and in ground pools are permitted using the *Request for Architectural Approval* form for approval **prior** to installation. These items must be located in the rear of the residence and screened from view of the street and neighboring properties. Homeowners are required to install safety features such as locks or covers and comply with all applicable state and local codes and ordinances, including the requirement of a fence around any body of water.

Saunas and above ground pools are not permitted.

2.16 Mailboxes

Only the original mailbox and base are permitted. If replacement or repair is required the mailbox must be restored to the original design specification. The residence address must be clearly visible on the mailbox.

2.17 Outdoor Furniture

No furniture shall be used, stored or kept on the exterior of any residence except on porches, patios, and decks. Furniture not enclosed in a room shall be limited to such types as is designed for outdoor use.

2.18 Parking, Recreational Vehicles, Camper, Boats, Trailers

All vehicles owned, leased or operated by a homeowner, family member or occupant/tenant should be parked only in the garage or driveway of the property. A maximum of two (2) vehicles may be parked outside the garage on the driveway.

No vehicle, including recreational, camper, boat, trailer, car, motorcycle or truck, shall be parked on the grass or sidewalk of any property. It is strongly encouraged that all homeowner's vehicles be parked in the driveway or the garage at all times.

All commercial use vehicles, recreational vehicles, trailers, campers, and watercraft must be kept in the garage out of view except temporarily in preparation for use if such period does not exceed 24 hours.

Inoperable or stored vehicles must be stored within a garage within 72 hours of becoming inoperable. Vehicles may be towed from property after this time.

2.19 Pets

It is required that homeowners maintain control of pets at all times. Pets must be on a leash, or restrained in the rear yard by use of invisible fencing or approved fence.

Animal nuisance of any kind will not be tolerated, including noise and improper waste disposal. While outside the confines of the homeowner's property, animal waste will be immediately collected by the homeowner and properly disposed of in an approved waste receptacle. This Rule is intended for disease prevention and sanitary reasons. Homeowners are directed to call Wake County Animal Control at (919) 250-1475 to report violators.

Other than normal household pets, no other animals, livestock or poultry of any kind shall be raised, bred or kept on the properties. Dogs, cats or other normal household pets may be kept in homes provided that such pets are not kept, bred or maintained for any commercial purpose. It is suggested that homeowners familiarize themselves with any applicable municipal ordinances relating to pets.

2.20 Roof Accessories

Modification to a rooftop requires an approved *Request for Architectural Approval* form **prior** to modification. Approved rooftop accessories or equipment must

match the existing roof colors, compliment the residence, and be as inconspicuous as possible.

The following restrictions must also be met:

- Exposed flashing, gutters and down spouts must match the existing color scheme of the residence.
- Skylights shall not exceed 3 feet by 5 feet in size and shall be mounted on the backside of the roof so as not to be seen from the street.

Solar energy equipment does not require ARC approval. However, it is recommended that such equipment have the appearance of a skylight, and have finished trim, and not be visible from the street (unless the equipment won't be effective in that location).

2.21 Signs

The placement of any signs on any portion of the Sutton Place property requires submission and approval of a *Request for Architectural Approval* form **prior** to posting the sign.

The following signs are pre-approved:

- A single standard "For Sale" or "For Rent" sign. Corner lots may display two signs, one facing each street bordering the property.
- A single garage sale sign as described in paragraph 2.11.
- Signs notifying the community of events approved/sponsored by the Board.

Homeowners are responsible for acquiring such permits as are required by legal/governmental agencies. All signs must comply with all applicable federal, state, and local laws and ordinances.

2.22 Storage Sheds, Outbuildings, and Deck Boxes

A *Request for Architectural Approval* form must be submitted and approved **prior** to adding a shed, outbuilding and/or stationary deck box to any lot in an effort to maximize a uniform look throughout the community. Sheds must be architecturally compatible to and constructed using the same colors and materials used on the home. Sheds must be placed behind the home and must not break the side plane of the home. Maximum shed size is 10'x 10'. Metal or PVC plastic sheds are not permitted.

2.23 Storm Doors

Storm doors are pre-approved provided they meet the following specifications:

- They must be full-view glass/screen doors and must match the existing façade color scheme.
- Door hardware must also match the existing hardware (brass handle for brass light, etc.).

If the homeowner wishes to install a different style of storm door, a *Request for Architectural Approval* form must be submitted and approved **prior** to installation.

2.24 Window Air Conditioners, Fans

Window air conditioning units and window fans are not permitted.

2.26 Window Boxes, Planters, Decorative Statues

Window boxes and planters are pre-approved provided:

- They are of a color and material complimentary to the residence exterior and shall be maintained in a neat attractive manner.
- Dead and diseased plants and all weeds shall be promptly removed.

Statues and figurine planters are not permitted in the front yard.
Artificial vegetation is not permitted.

2.26 Yard Maintenance

Residents are required to mow and weed their yard as necessary to present a neat and uniform look to the neighborhood. This includes during periods of low rainfall when dry patches appear and weeds tend to overcome the lawn. Grass will not be permitted to grow over curbs, sidewalks, or driveways. Regular watering to present a lush, green lawn is recommended, but not required. Do not leave hose extended through the yard after watering; store hoses appropriately when not in use.

ARC approval is required prior to the removal of any tree more than three (3) inches in diameter and two (2) feet above the ground in height. No flowering trees, regardless of their diameter, may be removed without prior ARC approval.

Removal of damaged, diseased, or dead trees is pre-approved, as are trees that are reasonably perceived to be a threat of harm to persons or property.

2.27 Grading, Drainage, and Dirt

The grading and drainage swales in place at the time of closing are in place to support warranties existing at the time of closing and to prevent any water run-off or drainage issues from your property on to any neighboring properties. Any

homeowner or resident who changes the existing grading or drainages shall be liable for all costs and expenses of repairing such changes, and any costs, liabilities, damages or causes of action arising out of such changes. ARC approval does not constitute approval for a homeowner to change any existing grading or drainages.

All dirt, excavated or brought in, should have a specific plan for storage in the rear area of each property. At no time shall dirt be stored on any Common Area or Restricted Conservation Area.

Prior to any digging or excavation in any property, it is recommended that "No Cuts" be contacted at 1-800-632-4949.

Important Note: Architectural Review Committee (ARC) approval does not constitute engineering approval. ARC approval is aesthetic in nature. Improvements and consequences are the sole responsibility of the homeowner or person making the improvements.

**THIS DOCUMENT MAY BE AMENDED FROM TIME TO TIME BY A MAJORITY
VOTE OF THE SUTTON PLACE BOARD OF DIRECTORS**

THIS VERSION ADOPTED AS OF 8-27-09