

ARCHITECTURAL GUIDELINES PROPERTY STANDARDS & RULES & REGULATIONS



SWEETWATER

March 2021

Parking Policy Modified 2/19
Rental Restrictions Added 4/20

This document regulates the display of the flag of the United States or State of North Carolina or the display of political signs.

IMPORTANT RENTAL RESTRICTIONS IN EXHIBIT C

ARCHITECTURAL GUIDELINES

MISSION STATEMENT

Except for ordinary and routine maintenance to an existing improvement, and excluding planting and maintenance of flower, bushes, grass and trees that do not result in any material change in the landscaping approved as part of the Approved plans (“material” being as determined from time to time by the Reviewer) or allowed by Architectural Guidelines without the necessity of obtaining Approved Plans, and except as otherwise provided herein (for example, portions of the Property exempt from architectural review): no improvement, and no alteration, addition to, or changes to any existing improvement on a Lot or other portion of the Property (including any conversion of a garage or carport into a living space) shall be commenced, nor shall any of the same be placed, altered or allowed to remain, until the Reviewer has approved in writing the Plans therefore, or the Architectural Guidelines allow the improvement without the necessity of obtaining Approved Plans.

No structure other than an approved fence or approved driveway shall be constructed, placed or installed upon any Lot in a location which encroaches beyond any front, side, or rear building setback line which is depicted on the Plats. No fence shall be constructed or erected upon any Lot in any location without the prior written approval of the Architectural Review Board (ARB). Officially approved fence styles and **no chain link or wire fences** shall be erected or maintained on any Lot or other portion of the property. Any and all improvements must be located within your property lines and must not negatively effect drainage or impede storm water flow of an adjacent lot or the common area. If such situations are affected by an exterior modification, the ARB will require Owner to make necessary drainage repairs to address issues.

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Appearance:

Decks and Patios shall remain in finish color as installed by the builder, with no painting or staining of the deck wood. Deck heights shall not exceed the finished floor of the adjacent structure. The size and styling of deck additions shall compliment the dwelling and be in proportion to the dwelling. Patio additions shall be of same design, color and texture of existing patio unless approved by the ARB.

Location:

All decks and patios shall be confined to the rear of the dwelling and must not protrude beyond the sides of any dwelling. Decks must be constructed within the minimum setback requirements as established by the Town of Apex. Final placement and approval will be determined by the ARB and may be more restrictive than the Town of Apex setback requirements.

Requirements:

A building permit shall be obtained from the Town of Apex and all required inspections must be obtained by the owner. All decks must meet all required building requirements for the Town of Apex. In addition, all decks must meet this guideline. Existing drainage patterns must be maintained unless new drainage patterns are established. The ACC must approve all new drainage patterns. All drainage must be directed away from foundations.

Window Screens:

Screens are permitted on all windows except the opaque/frosted privacy windows located on the sides/rear of many homes. These windows may not be screened, as the purpose of these windows is to permit light into the home, while providing the owner and adjacent neighbor the necessary privacy in their living areas and rear patio areas due to the close proximity of homes. Therefore, these windows were not intended to be screened or opened on a regular basis.

Appearance:

Building additions shall complement the existing dwelling. Color and materials shall be the same as the existing dwelling.

Materials:

Materials utilized during construction of any building addition or modification must meet or exceed the quality of the existing dwelling and be consistent with the materials used in the construction process of the original structure. Compliance with the current edition of the North Carolina and the Town of Apex Building Codes will be considered meeting the minimum standards of construction. The ARB reserves the right to require the homeowner to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ARB seeks to maintain the quality of materials and workmanship presenting the original structure. Requests to use different materials other than those utilized during construction of the original structure, such as brick shall be reviewed on a case-by-case basis by the ARB. In any case, vinyl siding will not be allowed.

Requirements:

All building additions and modifications must maintain proper drainage patterns on the site. If a building addition or a modification is planned, which may affect drainage, the homeowner is required to provide an engineered plan that details new drainage patterns and runoff as a result of the proposed addition and/or modification.

Building additions listed below **DO NOT** require approval of the ARB if the additions are in accordance with the standards provided.

1. Properly installed storm doors that are full height glass without cross members. Color must be white. Other colors or other style doors require ARB approval.
2. Properly installed storm windows that match the architectural intent of the original windows installed within the structure. Color must be white. Other colors or other style storm windows require ARB approval.

Solar Panels

Requirements:

All solar collectors require ARB approval. A drawing showing location of the unit on the roof showing visibility from streets and neighboring lots must be submitted to the ARB. Solar collectors shall be located as inconspicuously as possible. Whenever possible, collectors should be placed on the rear of the home or on the side that has the least public exposure. Collectors should be attached only to the roof, not free standing or ground mounted. Every effort must be taken to camouflage the plumbing and supports for the collectors. This camouflage may require completely encasing the collectors. All metal parts should be painted to match the roof color. There should be a minimum exposure of piping with no piping running down the side of the dwelling. The ideal installation is one that is laid flat on the roof. Any tree removal required to permit increased solar exposure to the collectors must adhere to the tree removal guidelines. No topping or removal of trees on association common areas shall be allowed.

Location:

See attached layouts for typical fencing installation locations. Where use easements exist, fences must not be installed any nearer than ten feet (10) behind the front corner of a home, or twenty-five feet (25), along a side property line from the front property line right of way line for Charleston,, Jamestown,, and Savannah Collection homes or thirty five feet (35) for the Beaufort Collection. Use easements specify which side of a home fences may extend onto an adjacent owners property yard. Corner lot fencing cannot be located within sight triangles per Apex Town Ordinance.

All proposed fencing shall be approved by the ARB prior to installation. All fence requests on West and East Hampton homesites shall be reviewed on an individual basis and subject to ARB approval prior to installation.

Materials:

All proposed black aluminum fencing must match the existing style in the Community and shall be installed in a professional and workman-like manner by a Fence Company unless approved otherwise by the ACC. Black aluminum and privacy fencing must conform to all fencing standards.

All privacy fencing shall be white, constructed of PVC and shall not exceed six (6') feet in height. Fencing shall be installed in a professional and workman-like manner by a Fence Company unless approved otherwise by the ARB. .

The required screening material is evergreens and they must be planted along the fence between the street and the fence. The required screening must be included in your Architectural Request. The minimum requirement is 3' evergreen material planted 6' on center. Screening with plants is not required for fencing placed along street facing property.

Requirements:

All aluminum fencing shall be five (5) feet in height and be black in color. The owner must install a minimum of one (1) gate having an opening of forty-eight inches (48") for access by public utility companies. All fencing shall be maintained in an aesthetic and safe condition. Where an above ground utility structure exists, the owner shall install one (1) gate adjacent to the existing structure for access by a representative of the public utility having ownership and/or jurisdiction over structure. Access gates required for access by public utility representatives must remain unlocked at all times. Fencing that is installed adjacent to above- ground Duke Power structures shall maintain a ten feet (10') clearance area from said structure on the door or service side of the structure. All other non access sides must maintain a three-foot (3') clearance area from the structure. All corner posts shall be four inches (4") square. All gates shall be installed on four-inch (4") posts. All fence posts must be installed in a minimum of twelve inches (12") of concrete.

All vinyl privacy fencing shall five (5') feet with a one foot decorative border for a total of six feet (6') in height and be white in color. The owner must install a minimum of one (1) gate having an opening of forty-eight inches (48") for access by public utility companies. All fencing shall be maintained in an aesthetic and safe condition. Where an above ground utility structure exists, the owner shall install one (1) gate adjacent to the existing structure for access by a representative of the public utility having ownership and/or jurisdiction over structure. Access gates required for access by public utility representatives must remain un-locked at all times. Fencing that is installed adjacent to above-ground Duke Power structures shall maintain a ten feet (10') clearance area from said structure on the door or service side of the structure. All other non-access sides must maintain a three-foot (3') clearance area from the structure. All corner posts shall be four inches (4") square. All gates shall be installed on four-inch (4") posts. All fence posts must be installed in a minimum of twelve (12)

inches of concrete.

Fencing with regards to the Use Easement:

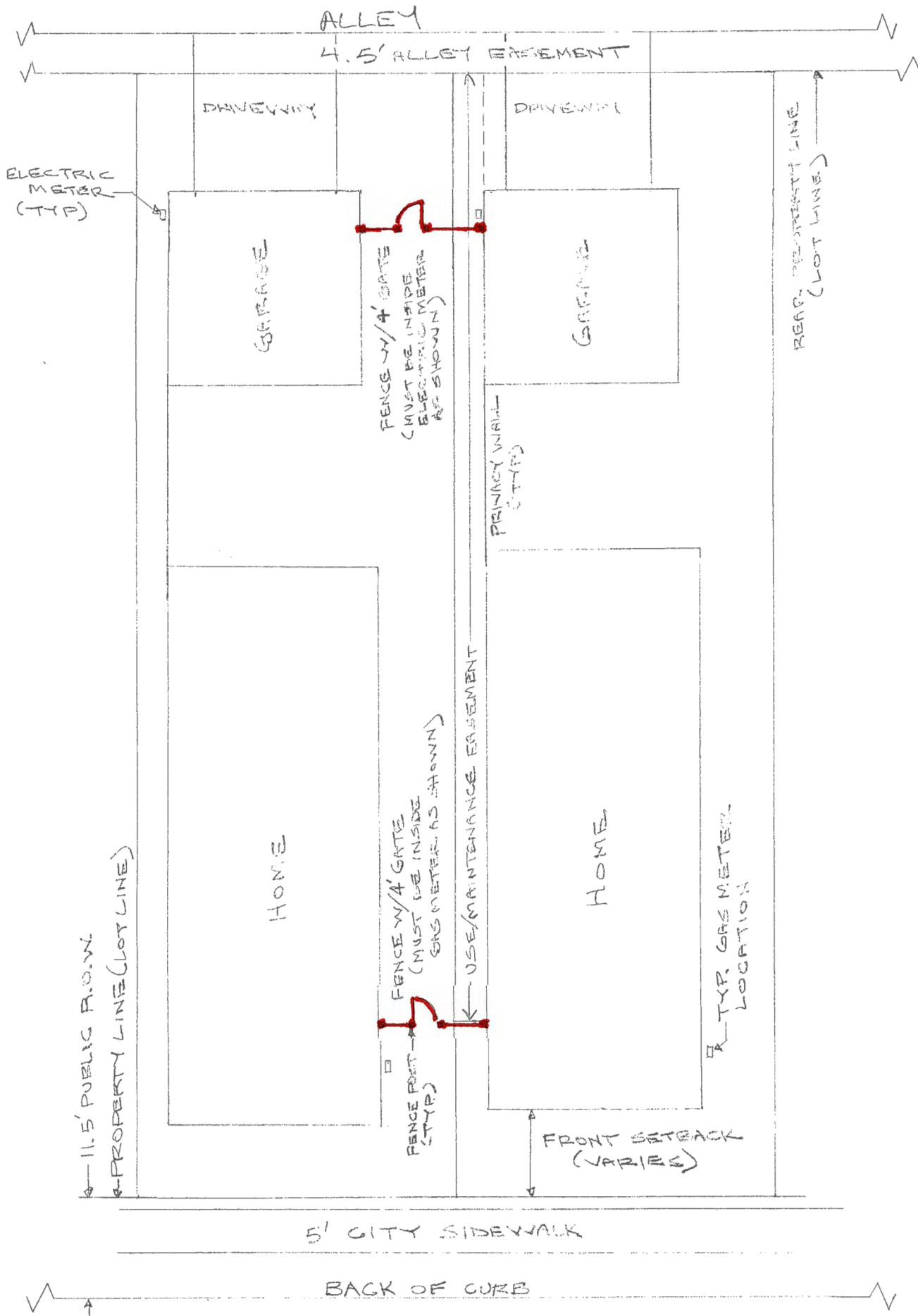
No fencing shall be installed nearer than twenty-five feet (25') to front property line/right-of-way lines for the Charleston, Jamestown, and Savannah Collections or thirty-five feet (35') for the Beaufort Collection.

Fencing which may be installed within Use Easements shall not be attached to an adjacent structure.

Homeowners who opt to install fencing within the Use Easement shall provide gated access to the adjacent owner and must disclose location of proposed fencing and have affected owner acknowledge and agree to location on Architectural Request if location of proposed fencing blocks access to utility meters and Owner installing fence intends to keep pets in that area or otherwise prevent free access to space by neighbors or Utility personnel.

Location/Installation of privacy fencing shall follow the same guidelines as previously identified in this Section.

TYP. FENCE LOCATION FOR CHARLESTON,
JAMESTOWN, & SAVANNAH COLLECTION HOMES



US 64 Hwy W
Richardson Rd
Core Banks St

NOTES:

- 1) The basis of North and all easements, right-of-way's, buffers, setbacks and adjoiners, etc., referenced from Book of Maps 2017, Pages 543-545 unless otherwise noted.
- 2) No investigation into the existence of jurisdictional wetlands or riparian buffers performed by this firm.
- 3) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
- 4) Field survey performed on August 10, 2017.

B.M. 2017, Pages 543-545

0 10 20
SCALE: 1" = 20'

Vicinity Map
(No Scale)

RICHARDSON RD.
100' Public Right-of-Way

OPEN SPACE #18
RCA AREA
B.M. 2017, PG 545

EXISTING FENCE

LOCATION OF SPECIFIED FENCE AND GATE

LEGEND:

- Ex. 3/4" Iron PIP
- Set property corner
- Calculated point
- ⊕ Electric Meter
- ⊗ Gas Meter
- ⊞ HVAC Pad
- B.M. Book of Maps
- D.B. Deed Book
- Pg. Page
- S.F. Square Feet
- Ac. Acres

BUILDING SETBACKS:

Front: 20'
Corner: 10'
Side: 5'
Rear: 12'

BROWN VELVET LANE
50' Public Right-of-Way

AS-BUILT SURVEY
1256 Brown Velvet Lane
PIN: 0722-43-0672
Sweetwater Subdivision, Ph 5
B.M. 2017, Pages 543-545, Lot # 268
White Oak Township, Wake County, NC
November 16, 2017
Job #: 17523

NORTH CAROLINA
PROFESSIONAL
SEAL
L-3841
LAND SURVEYOR
JEREMY TAYLOR

JC TAYLOR
LAND CONSULTANTS PLLC
License No P-0829
1600 Olive Chapel Road, #140
Apex, NC 27502
(919) 801-1104

POWDER COAT OPTIONS

BLACK FINISH

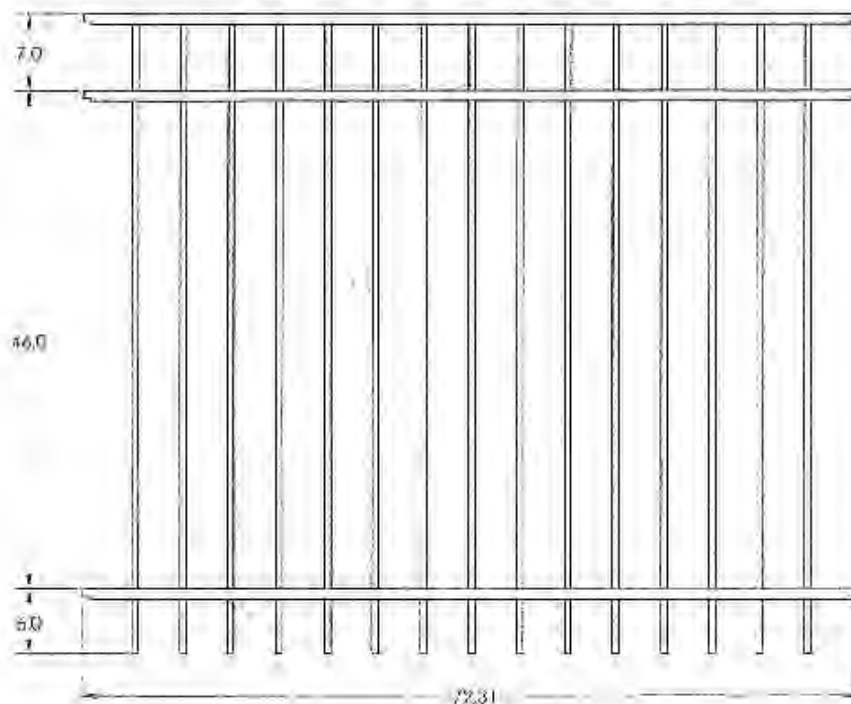
73017846 5X5 3-RL 5/8" QPP FLAT TOP PANEL

2" SQ. POST

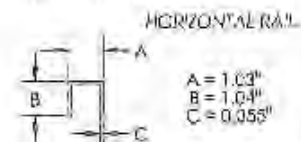
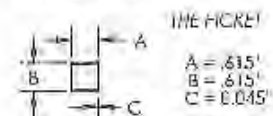
CONFIGURATIONS FOR INSTALLATION

LINE - 73009248 FND - 73009250
CORNER - 73009249 GATE - 73009251
BLANC - 73003646

Mountain Fence Master Haleo Series



CONSTRUCTION MATERIALS



TECHNICAL ATTRIBUTES

- * PANEL HAS NO VISIBLE FASTENERS.
- * POST CENTER FOR 2" SQ = 74 5/16"
- * 5/8" SQ. PICKETS ON CENTER = 4 1/2"
- * DIMENSION BETWEEN PICKETS = 3 7/8"

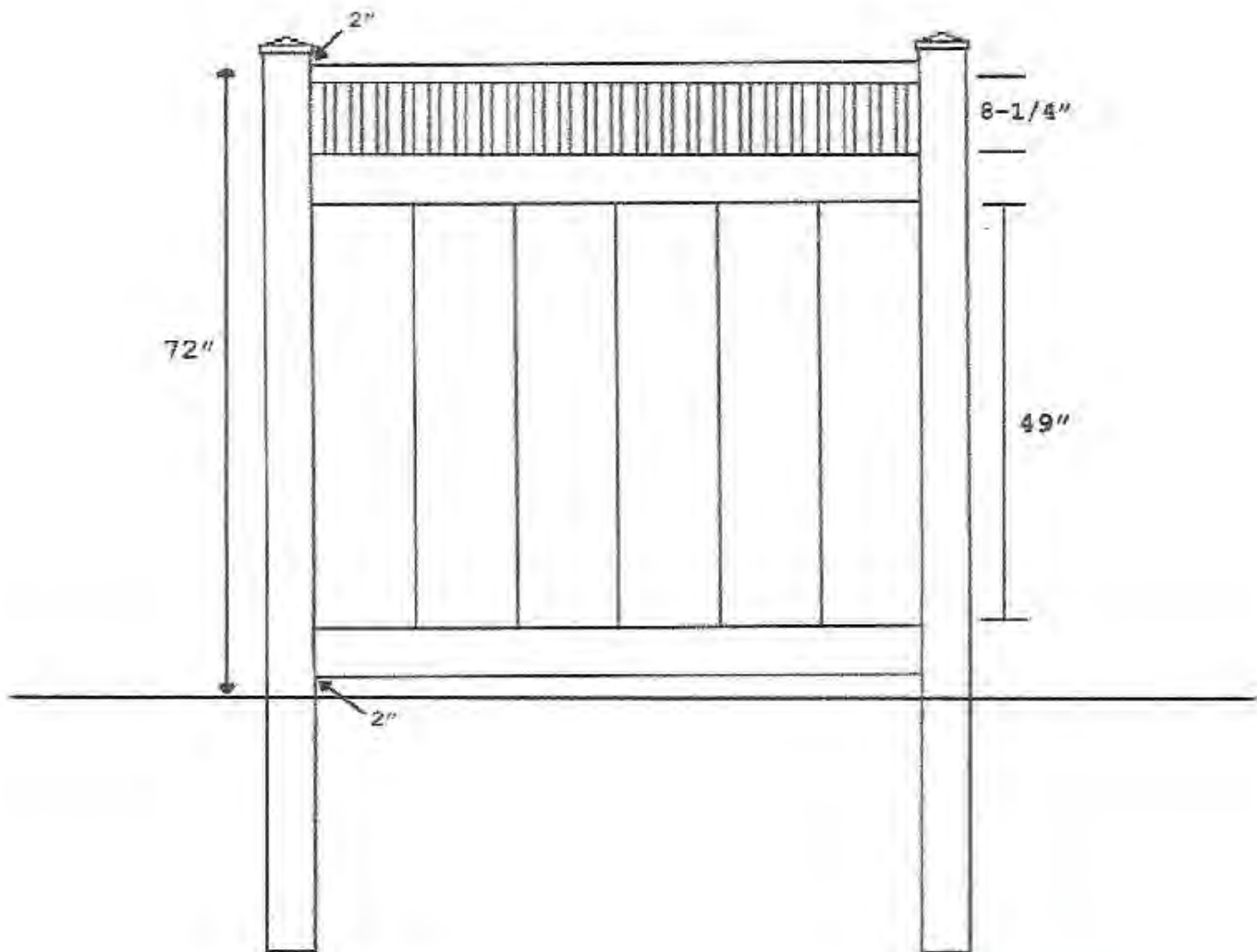
* ALUMINUM ALLOYS
POSTS & STRINGERS = 6005
PICKETS = 6063

Approx. Weight = 11.45 lbs

THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF BARRETTE OUTDOOR LIVING. IT IS TO BE USED FOR INFORMATION ONLY AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM BARRETTE OUTDOOR LIVING.

DESIGNED BY Barrette Outdoor Living		70 John B Brooks Rd Pendergrass, Ga 30967 706-893-4082 706-893-4064 fax	
MODEL # 73017846	Buy Cntr 12/13/2012	PRICE NTC	TITLE 5X5 3-RL 5/8" QPP FLAT TOP PANEL
QUANTITY 110	DATE 11/10	DRAWN BY 5X6FT	CHECKED BY 5X6FT

6" T&G w/ Sanibel #1 Accent -
5' + 1' x 96" Wide Panel



2" x 3-1/2" top rail
8-1/4" high Sanibel #1 Accent Reveal

8' Wide Panels

marketing@polyvinylc.com

**Poly
Vinyl
Creations**

Definitions:

Playground or Play Equipment: Swing sets, sliding boards, sandboxes, and any and all other items similar in nature shall be classified as playground or play equipment for the purpose of this Section and installation must be approved by the ARB. This Section shall not cover temporary, moveable items such as bicycles, wagons, skateboards and other similar items.

Recreational Equipment:

Basketball goals, trampolines, horse shoe pits, permanent volleyball courts and similar items shall be classified as recreational equipment for the purposes of this Section and installation must be approved by the ARB. This Section does not cover temporary, recreational equipment such as temporary volleyball net, badminton net or other similar items. Temporary recreational equipment as noted above must be removed within seventy-two (72) hours after the initial installation of same.

Basketball goals may not be affixed to the exterior of a home. All basketball goals, whether permanent or portable, must be placed in the rear third of the driveway closest to the garage. The backboard must be clear and the goal should remain erect at all times. Basketball may not be played in the streets of the community.

Appearance:

Playground and Recreational Equipment must blend in with the natural surroundings as much as possible. Landscaping and fencing must screen the Playground and Recreational Equipment in a manner that prevents said equipment from being or becoming visually offensive and in a manner designed to maintain a safe environment for children. "Visually offensive" shall be as determined by the ACC applying a standard of objective reasonableness rather than subjective views of the neighbors.

Location:

No Playground or Recreational Equipment shall be installed in a side yard that is adjacent to a public or private street. Dependent upon the configuration of each lot, Playground and Recreational Equipment should be installed within the rear yard area. The location of the Playground or Recreational Equipment must take into consideration the impact on adjacent properties, noise concerns, safety concerns and the minimization of any offensive visual impact on the adjacent public or private areas. Basketball goals must not be installed in a manner resulting in play or use of the said basketball goals occurring within a public or private street right-of-way.

Hours of Play:

In deference to the close proximity of adjacent homes in community, basketball and recreational equipment play must end by 8:00 p.m. Sunday thru Thursday, and 9:00 p.m. on Friday and Saturday nights and the nights before major holidays.

Definitions:

Natural Area/Landscaping Bed:	Any area with ground other than grass
Bushes and Shrubs:	Any bush or shrub that will exceed 1'-6" in height or width at maturity.
Flower Bed:	Any grouping of flowers not contained in a Natural Area or Landscape bed.
Tree/Tree Removal:	Any tree added to or removed from property.
RCA:	Resource Conservation Area (defined by Town of Apex)

Appearance:

Natural Areas and Landscaping Beds may be made in proportion to the home and property. All Natural Areas and Landscape Beds shall be maintained to prevent overgrowth by weeds. Natural Areas and Landscape Beds shall be mulched no less than annually to improve appearance and aid in the maintenance of the community. If used, edging material shall be consistent with the existing style and aesthetics of the community. The ARB must approve the use of edging material.

Vegetable and herb gardens shall be maintained regularly to prevent excessive weed growth. All plants located within the garden must not exceed five feet (5') in height. Screening of gardens should be considered through the use of shrubs or fencing to eliminate views from the street or common areas. Vegetable and herb gardens must not be visually offensive to the neighbors. See Section 12. Exterior Gardens.

Trees and shrubs on individual lots shall be maintained and pruned to remove debris and damaged limbs due to but not limited to: wind, decay, and disease or ice damage.

Edging materials may consist of brick, stone, pre-cast concrete, black plastic edging or other commonly used materials. Railroad ties are prohibited. Selections should consider scale, color and how to architecturally fit in with the existing structures and surrounding sites. Edging shall consist of one level in height, usually not exceeding six inches (6") in height. Multiple levels will be considered a retaining wall. See Section 8. Retaining Walls.

Owners may not disturb Resource Conservation Areas (RCA) or any areas identified as "Buffer Areas" on the Master plan. They must be left in their undisturbed, natural state.

If an owner identifies a dead or diseased tree in the RCA or buffer area, take a photograph of the dead tree and send it along with address and approximate location to Charleston Management. Charleston Management must obtain authorization from the Town of Apex to drop the tree into the RCA or buffer areas.

Requirements:

All front yards shall have a minimum grassed area of 50%.

All landscaping shall be maintained properly to allow for proper site maintenance. Homeowners must provide plans that detail plant material, drainage patterns and runoff prior to installing landscaping. Plans which may cause excessive runoff to neighboring properties or common areas will not be approved without modifications as may be deemed necessary to eliminate any drainage conflicts or issues.

Except in the case of emergencies, ARB approval is required prior to the removal of any tree. Photos of the trees to be removed and the reason for the removal must accompany the Architectural Review Application. Emergency tree removal can be made where tree(s) present a clear and present danger to the general public or an existing structure. In all other situations, prior approval is required for the removal of any live tree measuring three inches (3") or more in diameter at a point two feet (2') above ground level.

Homeowners, at the expense of the homeowner, shall replace trees removed without the consent/approval of the ARB. Replacement trees must be of the same caliper size or greater than the tree that has been removed.

ARB approvals are NOT required for the following items:

1. Flowers or annual flowers planted within an existing bed.
2. Shrubs less than 1'-6" in height or diameter at maturity and located within an existing bed.
3. Shrubs less than 1'-6" in height or diameter at maturity and used as a ground cover for the foundation, fence, deck, patio, or HVAC equipment.
4. Ground cover located in an existing Natural Area.
5. Ground cover located in existing Landscaping Beds.
6. Mulching with pine straw, hardwood, or bark mulch. No red or black mulch allowed.
7. Replacement in the same location of existing shrubs, plants or trees that die or are diseased with the same variety and size shrub, plants or tree.

Antennas/Satellite Dishes

ARB approval is NOT required for installing a Satellite Dish as long as the following Location Requirements are met:

Location:

1. Antennas shall be installed solely on individual homeowner property as designated on a recorded plat or recorded deed or other document defining the portions of common or individually owned property.
2. Antennas shall not be installed on the ground.
3. If an acceptable quality signal can be achieved by placing the antenna inside a dwelling, then outdoor installation may be prohibited.
4. Antennas/dishes shall be installed on the rear of individual dwellings. NO front mounting will be allowed. Rooftop installation may be permitted as long as the antenna/ dish is mounted on the rear one-half (1/2) of the roofline of the dwelling and not visible from the front of the dwelling.
5. Any installations not in compliance with items 1-3 must receive prior approval by the ARB.

Number of Antennas:

A homeowner may not install more than one (1) antenna or satellite dish for each dwelling.

Appearance:

Exterior lighting fixtures must be compatible with the architectural character of the existing home and the community as a whole. Generally, low voltage accent lighting confined to planting beds, along sidewalks, driveways, patios and decks may be acceptable. Other lighting devices, i.e., flood lights, spotlights and lamp post must be reviewed on an individual basis.

"Temporary" holiday lighting and decorations do not require approval from the ARB and may be installed up to thirty (30) days prior to a holiday; however, such holiday décor, "temporary" lighting, and any associated wiring must be removed within fourteen (14) days after the holiday.

"Temporary" holiday lighting which may be installed in the front yard during a holiday season is acceptable, however, excessive front yard lighting as determined by the ARB, shall be deemed in violation of the nuisance ordinance.

Location:

Generally, low voltage accent lighting is confined to planting beds, along sidewalks, driveways, patios and decks may be acceptable. Floodlights and spotlights will generally be limited to the rear and side yards. Lampposts will be limited to front yards. Specific approval shall be required for flood lights, spotlights and lampposts. All exterior lighting must have locations approved by the ARB prior to installation. This guideline is not meant to discourage against the installation of security lighting systems, but to control the source and spread of light beam(s) that may be intrusive to adjacent property owners or cause safety problems for vehicular traffic. Applications for exterior lighting must include a diagram identifying the location of the proposed new lights and the area to be lighted.

Materials:

Applications for exterior lighting shall include a materials list and photographs of the proposed fixtures to be installed. No exterior lighting or lighting cable shall be installed within the public right-of-way.

Requirements:

Beam spread and lighted areas from all light fixtures installed shall be confined to the homeowner's lot. On corner lots and locations where the lighting may affect drivers, care must be taken to ensure that vehicular safety is a priority. Homeowners shall insure that floodlights and spotlights do not cause dangerous safety hazards that could cause blinding spots for oncoming traffic.

All electrical installation must be in accordance with all applicable local jurisdictional codes and regulations. Should permits be required, the homeowner shall be responsible for all costs incurred in connection therewith.

Appearance:

Only one (1) type of block retaining wall shall be constructed within the Sweetwater Community (see description of block under Materials). Applications to install retaining walls shall be reviewed and considered on an individual basis. The ARB shall review location, scale of size and height of the proposed retaining wall to determine compatibility with the architectural intent of the existing structure, the community and the relationship of the surrounding properties.

Location:

Locations for all proposed retaining walls shall be clearly identified on the plot plan submitted with the application. Applications for the installation of retaining walls shall be reviewed on an individual basis. No retaining wall shall encroach into any public right-of-way or an adjacent property.

Materials:

Retaining wall material shall be Block Stone in the color of Coronado Buff. This is the only approved retaining wall material that may be installed within Sweetwater Community.

Requirements:

The ARB shall give consideration to changes that may occur to natural topography and existing drainage patterns. Homeowner shall maintain proper drainage patterns on-site. Before a retaining wall may be installed, the homeowner must provide a set of plans that drainage patterns and ways to contain excessive run off as a result of the proposed new retaining wall.

All retaining walls shall be properly secured to prevent collapse and must meet all "current" Town of Apex and North Carolina building codes. Compliance with the "current" edition of the Town of Apex and the State of North Carolina building codes shall be considered meeting the minimum standards of construction and the Sweetwater Community. Requirements may exceed those standards.

Compatibility with the architectural intent of existing structure, the community and the relationship to surrounding properties will be considered during the review process. Any application for installation of a retaining wall that exceeds four feet (4') in vertical rise, must include detailed manufacturer's recommendations and specifications for securing/ anchoring of the retaining wall or detailed drawings sealed by a licensed engineering professional.

Fees, charges, expenses and costs for engineering documents, permits and/ or inspection requirements shall be the owner's responsibility.

All requests for installation of hot tubs and spas shall be reviewed on an individual basis. The ARB recognizes that hot tubs and spa styles are limited and, therefore emphasis shall be placed on screening devices to reduce the visual impact of said hot tub or spa from public rights-of-way or adjoining structures.

Location:

All hot tubs and spas shall be confined to the rear yard only. On lots where a rear yard adjoins or is visible from a public right-of-way, appropriate screening shall be installed to minimize the visual impact.

Materials:

All hot tubs and spas shall meet or exceed all applicable building codes, regulations, ordinances, permit and inspection requirements of the Town of Apex and the State of North Carolina. The Town of Apex standards are the minimum standards and the Sweetwater Community requirements may exceed those standards.

The homeowner shall be responsible for any fees, charges, expenses and costs associated with permits or inspections that may be required for the installation of a hot tub or spa.

All hot tubs and spas must maintain proper drainage patterns on and off the site of installation. If a hot tub or spa is planned, the homeowner is required to provide an engineered site plan that must show in detail any and all affected drainage patterns and ways to contain excessive run-off. Water from the hot tub or spa may be drained onto the existing storm sewer system at the end of the hot tub/ spa season. Drainage water must not spill over or onto adjacent properties.

Hot tubs and spas installed on the ground shall be surrounded by a fence (see Section 3) with locking gates. Hot tubs and spas may require additional screening based on the location of the hot tub or spa on the lot to reduce visual impact from the public right-of-way and adjacent property owners.

Screening devices may consist of fencing and/ or planting material. The location of the fencing and the planting material and location shall require approval from the ARB.

See Section 7 for exterior lighting requirements.

Individually owned above ground pools are not allowed. Inground pools require ARB approval prior to installation.

Appearance:

It is the responsibility of each homeowner, with some exceptions of townhome owners, to maintain his/her property in such a way that it adds to the overall beauty and harmony of the community. Each homeowner should take this responsibility seriously, as failure to do so can negatively impact property values. There are many areas in and around homes which should be inspected regularly to ensure the property is maintained in good repair. These include but are not limited to:

- Lawn care, including regular mowing, fertilization and herbicide applications and weeding
- Trimming of trees and shrubbery
- Landscaping, including annual mulch or pine straw applications
- Decks, Patios, Fences
- Driveways and Sidewalks
- Playground equipment
- Paint
- Roofing
- Debris and trash removal
- Trash/Recycle Bin Storage (must be stored out of view of street)
- No mold or mildew on exterior
- Window Treatments- no foil, reflective material, newspapers, towels, bed sheets or other materials not intended as window covering.
- All furniture and plant containers must be specifically designed for outdoor use and in good condition.
- All toys, recreational equipment and lawn maintenance equipment must be stored from view when not in use.

Deterioration or Unsightly Conditions:

If at any time, the Board of Directors determines that a property that has deteriorated to the extent that it is affecting the aesthetics of the community, the ARB, a representative of the management company, or a combination of the two will be requested to make a site inspection. The ARB will then make a recommendation for action to the Board of Directors. Appropriate action will be taken in accordance with the enforcement policies of the Sweetwater Property Owners Association.

See Section 13 for Violation and Fines.

Exterior Herb and Vegetable Gardens

Appearance:

Generally, exterior herb and vegetable gardens are acceptable providing that said gardens do not create an intrusion to public right-of-way or adjacent property owners. Intrusive gardens shall require screening devices to reduce the visual impact for a public rights-of-way or adjacent property owner.

Location:

Exterior herb and vegetable gardens shall be confined to the rear yard only.

Screening that may be required to lessen the visual impact shall not be installed within any public right-of-way and shall be reviewed on an individual basis and shall require ARB approval.

Materials:

Applications for the installation of herb and vegetable gardens must include a materials list and photographs of the proposed equipment.

Water Gardens

Appearance:

Water gardens require approval by the ACC prior to installation. Water gardens shall be compatible with the existing surroundings. Generally, water gardens are to be located in the rear yard and shall be reviewed on an individual basis.

No water gardens shall be installed within public rights-of-way.

Water gardens shall not become an intrusion to the public rights-of-way or adjacent property owners. Water gardens must not cause or create safety problems for vehicular traffic. Screening devices may be required to lessen the impact from a public rights-of-way or adjacent property owners.

Location:

Exterior water gardens shall be confined to the rear yard only.

Water Gardens (cont'd)

Materials:

Applications for the installation of water gardens must include a materials list and photographs of proposed equipment.

Requirements:

Installation of water gardens shall meet or exceed all applicable building codes, regulations, ordinances, permits and inspection requirements of the Town of Apex. Town of Apex and State of North Carolina standards are the minimum standards and the Sweetwater Community requirements may exceed those standards.

The homeowner shall be responsible for any costs, fees, charges or expenses for permits and inspections required for installation of water gardens.

Applications for the installation of water gardens must include an engineered plot plan identifying the location of the water garden. Water garden location shall require approval from the ARB.

Homeowners shall be required to obtain approval from the ARB prior to introducing aquatic life in the water gardens.

Appearance:

Generally, flagpoles for decorative purposes, mounted on the exterior of an existing home are acceptable. Homeowners will be asked to remove any decorative flag which, in the determination of the ARB, may be offensive in nature. The flag may not exceed 4 feet x 6 feet in size.

Decorative flags that have been installed which may cause safety problems for vehicular traffic shall be removed immediately.

Location:

Generally, decorative flags and flagpoles shall be mounted on the exterior of the home.

Requirements:

Homeowners shall not install any decorative flagpole which, in the determination of the ARB may be offensive in nature.

No permanent flagpoles shall be erected.

Signage

No sign whatsoever shall, without the ARB's prior written approval of plans and specifications therefore, be installed, altered, or maintained on any Lot or Unit or on any portion of a structure visible from the exterior thereof. A Plot Plan/Survey map with exact placement of the sign, dimensions, and sign content should be submitted to the ARB for approval.

One security company sign may be placed in the front yard only, preferably near the front door of the property, without approval from the ARB.

No vendor or subcontractor sign may be posted at any time.

No more than two (2) political signs may be displayed on any Lot at any one time. Political signs may not be displayed any earlier than 45 days before the day of the election for which the political sign is being displayed or later than 7 days after an election day for which the political sign is being displayed. No political sign may exceed the dimensions of 24 inches by 24 inches. For purposes of this Section, "political sign" means a sign that attempts to influence the outcome of an election including supporting or opposing a candidate or an issue on the election ballot.

Permits as may be required by legal proceedings and permits as may be required by governmental entity may be placed on any Lot or Unit without approval from the ARB.

Owners are permitted to post one "No Soliciting" and or home alarm alert sign near or on the front door of their residence, provided that the sign does not exceed twenty-five (25) square inches.

No sign may be displayed in the window of any residence or detached structure located on any Lot or Unit, unless specifically allowed in this Section.

One professionally lettered and designed For Sale sign, which has a maximum face area of four square feet, is permitted per Lot that advertises property For Sale. For Rent signage is prohibited in the community.

Special occasion signage will be permitted for a designated period with prior Board approval. Examples of special occasion include graduations, birthdays, new babies, etc.

Architectural Review Procedures:

When Approved Plans are required for commencement of any improvement, one set of Plans for the proposed improvement shall be submitted along with the Architectural Request Form to Charleston Management by the Person requesting the approval or such Person's authorized representative. The Architectural Guidelines and the Reviewer may require the submission of such additional information as may be reasonably necessary to consider a n y application. All of the foregoing shall constitute a "complete application", and no time period within which any Reviewer under this Declaration is required to complete the review shall commence until the Reviewer has received a complete application.

In reviewing each submission, the Reviewer may consider any factor(s) deemed relevant by said Reviewer, including, without limitation, harmony of external design with surrounding structures and environment. Decisions may be based on purely aesthetic considerations. Each Owner acknowledges that determinations as to such matters are purely subjective and opinions may vary as to the desirability and/ or attractiveness of particular improvements. The Reviewer shall have the sole discretion to make final, conclusive, and binding determination on matters of aesthetic judgment and such determination shall not be subject to review (except with respect to appeals to the Declarant or Board of Directors as may be authorized by the Declarant or Board of Directors) so long as said determination is made in good faith and in accordance with the procedures set forth herein.

The Reviewer shall make a determination on each application within forty-five (45) days after receipt by the Reviewer of a complete application. The Reviewer may (i) approve the application, with or without conditions; (ii) approve a portion of the application and disapprove other portions; or (iii) disapprove the application. The Reviewer shall notify the applicant in writing of the final determination on any application within five (5) days after making the determination. In the case of disapproval, the Reviewer may, but shall not be obligated to, specify the reasons for any objections and/or offer suggestions for curing any objections.

In the event that the Reviewer fails to respond in a timely manner to a complete application, approval shall be deemed to have been given to said application as submitted. However, no approval, whether expressly granted or granted by default, shall be inconsistent with the Architectural Guidelines unless a written variance has been granted. Notice shall be deemed to have been given at the time the envelope containing the response is deposited with the U.S. Postal Service and addressed to the applicant at the mailing or residence address indicated on the application for review. However, personal or email delivery of such written notice shall be sufficient and shall be deemed to have been given at the time of delivery to the applicant.

If construction is not completed on a project within twelve (12) months after the date of approval, such approval shall be deemed withdrawn and it shall be necessary for the Owner to reapply for approval before commencing any activities. Once construction is commenced, it shall be diligently pursued to completion. All work shall be completed within one (1) year of commencement unless otherwise specified in the notice of approval or unless the Reviewer grants an extension in writing, which it shall not be obligated to do. If approved work is not completed within the required time, it shall be considered nonconforming and shall be subject to enforcement action by the Association, Declarant or any aggrieved Owner.

The Reviewer may exempt certain activities from the application and approval requirements of this Article, provided such activities are undertaken in strict compliance with the requirements of such resolution.

Final Approval and Walk-through:

In cases of conditional approvals, final approval may be withheld until inspected by the ARB to ensure compliance.

Correction Procedure:**Remedies:**

Any exterior change on a lot within Sweetwater, made without the required approval of the ARB, shall constitute a violation of the Declaration. A violation shall require removal or modification of the work at the expense of the property owner or tenant, or payment of damages incurred by the Association in having same removed or modified. Violation is also subject to fines referred herein.

Pet Maintenance**Section 14**

Common Areas located within the Sweetwater Community are for the enjoyment of residents and their guests only. It is the responsibility of each pet owner to remove and properly dispose of pet waste in the common area or on Owner's Lot.

Pets must be on a leash under the control of a competent individual whenever outside of the home, unless in a fenced yard. Pets must not remain in yard if they are creating a noise nuisance and may never be left overnight.

For health reasons, pets are prohibited from the Playground, Pool, and Cabana areas. Same rules apply should future parks be constructed. Pet owners who violate the Playground, Mini-parks, Pool and Cabana Restrictions may be subject to fines up to One Hundred Dollars (\$100.00) per occurrence.

Each household is limited to a total of three (3) dogs or cats, or a combination thereof, unless prior approval is received from the HOA. No livestock, including but not limited to goats, cows, pigs, and sheep, nor any poultry are permitted to be kept on any Lot in the community.

Pets are not permitted in Friendship Park or any park with playground equipment in the community.

Parking & Vehicles**Section 15 & Exhibit A**

Each Owner shall provide space for the parking of automobiles off public streets. Non Resident Owners must register all tenant vehicles and may not rent their unit to individuals or families with more vehicles than parking spots to house all vehicles.

Owners and members of their household shall not park their vehicles on the streets of the community. Street parking is reserved for short-term guest parking of four hours or less. Under no circumstances may a vehicle impede the ingress or egress of traffic and may never block the access to a driveway.

Commercial vehicles with tools, ladders and other equipment attached to the exterior, are NOT permitted in the community, except when parked wholly within a garage with door closed. Prohibition does not include vendor parking in the course of work for Owner.

Vehicles may not be parked on the driveway apron in a manner which will block use of the sidewalk by pedestrians. All vehicles parked in the community must be operable, properly licensed and insured.

Home Occupancy & Rental Restrictions

Section 16

Each home in the community is designated as a single-family residence. The minimum lease period for a home that is rented is one (1) year. Refer to **Exhibit C** for full list of rental restrictions which must be followed by all non-resident owners and their tenants.

Home-based businesses:

Lots are to be used for residential purposes. No Lot Owner shall use or cause or permit it to be used for any business, commercial, manufacturing or mercantile use or purpose, or for any other nonresidential use or purpose. The foregoing notwithstanding, it shall be expressly permissible for Owners to conduct certain business or commercial activities within their residence which do not conflict with local zoning ordinance restrictions and regulations. No such activity shall be conducted which shall unduly burden traffic flow within the Property or cause the parking of non-resident vehicles upon the street for unreasonable or excessive periods of time. The home-based business should not be discernable in any way from the exterior of the home. It shall be within the discretion of the Board to determine on a case-by-case basis which commercial and business-related activities will be compatible with the residential nature of the subdivision.

Yard Sales

Section 17

Owners may not hold individual yard sales. The Association shall establish at least one (1) date per calendar year for a community yard sale. Any owner may participate during the scheduled HOA yard sale.

Artificial Turf

18.00

One brand of artificial turf is permitted in the community, with prior approval of the Association. This artificial turf is Super Natural 60 Performance Series Engineered Blades/Diamond Blade/Double S Blade/Double W Blade from the manufacturer Global Syn-Turf with the following specifications. **This is the only brand currently being permitted due to its high quality, permeability for water and realistic appearance.**

Product specifications:

Color: Emerald Green | Lime Green | Field Green | Light Brown

Thatching: Brown | Green

Traffic: Medium-Heavy

Pile Height 1 3/4"

Turf Gauge 3/8"

Face Weight 60 oz.yd²

Backing Weight 36 oz.yd²

Total Weight 96 oz.yd²

Stitch Rate 11/10 cm

Stitches/m² 11,550

A link to the manufacturer and product description is here:

<https://www.globalsynturf.com/products/super-natural-60>

This product may be installed on your property and within the maintenance use easement shown for your Lot. The product must be installed by a manufacturer authorized/certified installer.

The manufacturer has 40 authorized installers in the Raleigh area and can provide you with a list of recommended companies by calling them at 877-796-8873.



Parking Standards

EXHIBIT A

In accordance with Article VII, Section 1 of the Declaration of Covenants, Restrictions & Easements of Sweetwater Subdivision, ... *“In order to implement the purposes of this Declaration, the Declarant may establish and amend from time to time objective standards and guidelines, including, but not limited to, Architectural Standard and Construction Specifications, Uniform Sign Regulations, Uniform Mailbox Regulations, Landscape Guidelines, and Environmental Rules and Regulations as defined hereinafter, and which shall be binding on all Owners within Sweetwater Subdivision.”*

Therefore, effective immediately, the following parking standards are effective:

SWEETWATER PARKING STANDARDS

Article VII, Section 2(c) of the Covenants, Restrictions and Easements of Sweetwater Subdivision provides that each Owner shall provide space for the parking of automobiles off public streets prior to the occupancy of any building or structure constructed on said property in accordance with reasonable standards established by the Declarant. The Declarant, recognizing the possibility of multiple licensed drivers occupying a residence, hereby establishes the following standard to address this consideration:

All automobiles owned by the occupant(s) of a residence must be parked in the garage of said residence or on the driveway (perpendicular or parallel to the alley for shorter driveways) of said residence. Should said garage and driveway not provide sufficient space for one (1) automobile per occupant of a residence who is licensed to operate said automobile, said additional automobile(s) may be parked on the public street located in front of said residence, provided that owners provide proof of such, upon request, to Association and receive Parking Variance from Board of Directors.

Important Notice

If you are an owner who has five (5) vehicles, or more vehicles than spaces available for members of your household who are licensed drivers, you MUST contact Omega Association Management with the following information to register these vehicles:

- 1. Make, Model and license plate of each vehicle.**
- 2. Legal name of individual to whom each vehicle is registered.**

Owner is responsible for keeping information updated with Managing Agent. Nonresident Owners must register all tenant vehicles with the Association and may not rent to anyone with more vehicles than parking spaces available at your home. Variances are not granted to tenants.

Exhibit B

TRASH & RECYCLE BIN PLACEMENT FOR FRONT LOAD GARAGES Trash and recycle bins must be stored in the garage of the home, stored directly behind the home, against the rear exterior wall of the home or may be stored as follows if screened:

- Screens/Panels are to be installed perpendicular to the front corner on either side of a home with a front load garage.
- Screens listed below have stakes that are driven into the ground for stability. The trash and recycle bins may then be stored against the exterior of the home behind the screen so that they are not visible when facing the home from the street.
- Owners may choose to purchase additional screens to place at a right angle to the first so that the bins are screened from the side, as shown in picture below.

Listed below are several options from which owners may choose. All options may not be available at all times from the source listed. Note that these screens may be available from other sources at varying prices, based upon your internet search. Other screen options will be considered, but must be submitted for prior approval.

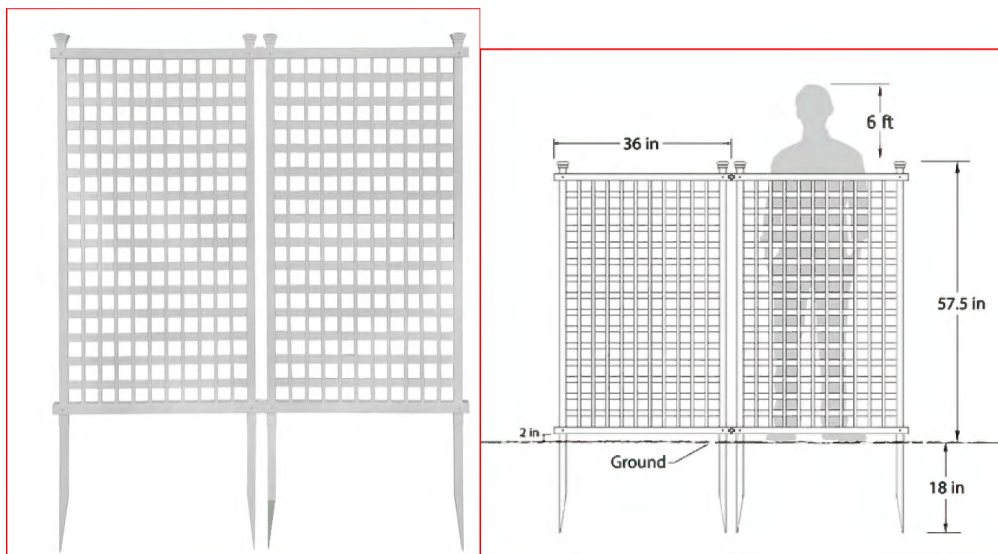


<https://www.wayfair.com/outdoor/pdp/suncast-4-ft-h-x-35-ft-w-privacy-screen-xa1624.html>



https://www.homedepot.com/p/Zippity-Outdoor-Products-4-ft-x-4-ft-Premium-White-Vinyl-Privacy-Fence-Panel-Screen-Enclosure-ZP19014/207103109?source=shoppingads&locale=en-US&mtc=Shopping-B-F_Brand-G-Multi-NA-Multi-NA-Feed-PLA-NA-NA-Catchall_PLA&cm_mmc=Shopping-B-F_Brand-G-Multi-NA-Multi-NA-Feed-PLA-NA-NA-Catchall_PLA-71700000014585962-58700001236285396-92700010802552517&gclid=CjwKCAjwgOGCBhAIEiwA7FUXktCiP03qHs7zQUufnvUTqI7BJ7paZPmdJPoGx3QTaYUoJ_NyERGApxoC3mcQAvD_BwE&gclsrc=aw.ds

Exhibit B, Continued



<https://www.wayfair.com/outdoor/pdp/zipcity-outdoor-products-45-ft-h-x-3-ft-w-highland-vinyl-privacy-screen-zpor1037.html?piid=>



https://www.amazon.com/Outdoor-Garbage-Enclosures-Concealer-Conditioner/dp/B07QWYS9LK/ref=asc_df_B07QWYS9LK/?tag=hyprod-20&linkCode=df0&hvadid=343220021881&hvpos=&hvnetw=g&hvrnd=9931668975503503507&hvpone=&hvptwo=&hvqmt=&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=9009740&hvtargid=pla-737102411986&psc=1&tag=&ref=&adgrpid=71762479111&hvpone=&hvptwo=&hvadid=343220021881&hvpos=&hvnetw=g&hvrnd=9931668975503503507&hvqmt=&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=9009740&hvtargid=pla-737102411986



https://www.walmart.com/ip/Suncast-70-cu-ft-Stow-Away-Horizontal-Trash-Can-Shed-BMS4700/27653122?wmlspartner=wlpa&adid=2222222227022673262&wl0=&wl1=g&wl2=c&wl3=40471249232&wl4=pla-60820413446&wl5=9009740&wl6=&wl7=&wl8=&wl9=pla&wl10=8175035&wl11=online&wl12=27653122&veh=sem&gclid=CjwKCAjwgOGCBhAlEiwA7FUXkkCIIdfhEo4IRAZKrIHVGüIAUKPBLWBtVLd4z-ywyLNZyz3sJPfEBoChwgQAvD_BwE&gclid=aw.ds

SUMMARY OF RENTAL RESTRICTION AMENDMENT

- No Unit may be leased or rented, in whole or part, for a period of less than twelve (12) months.
- No Unit may be used for transient housing purposes *(NO short term rentals, NO Air BnB or VRBO)*
- Each lease or rental agreement must be in writing and must provide that it is subject to the Declaration, Bylaws and Rules & Regulations of the Association and that any failure by the tenant or lessee to comply with such shall be default under the lease and that the Association may enforce the provisions of this Declaration, the Bylaws and the Rules & Regulations against the tenant and the Owner. *[Owner can be fined for actions of Tenant(s)]*
- Prior to renting or leasing, the Owner shall provide a copy of the lease and register the tenant(s) vehicles and license plate information with the managing agent.
- When an Owner leases their Lot, Residential Lot, Unit or Residential Unit, they transfer the privilege to use the amenities and common areas to the Tenant(s) and may no longer use the amenities and common areas themselves.
- Under no circumstances may an Owner rent their Unit to a Tenant(s) with more vehicles than there are parking spaces available in the garage and driveway for Tenant(s) vehicles.

Complete amendment is attached, as is Tenant Registration Form. All Non- Resident Owners are required to keep this form current with the Managing Agent, along with a copy of the current lease.

Sweetwater POA

Non-Resident Owner Tenant Vehicle Information

Property Owner Name: _____

Email Address: _____

Property address: _____

Resident's name: _____ Lease Expiration: _____

Vehicle Make: _____

Vehicle Model: _____

License Plate: _____

Resident's name: _____ Lease Expiration: _____

Vehicle Make: _____

Vehicle Model: _____

License Plate: _____

Resident's name: _____ Lease Expiration: _____

Vehicle Make: _____

Vehicle Model: _____

License Plate: _____

*Owner is required to update this form and submit it to Management whenever there is a change in the tenant, lease or vehicle.

*Owner is responsible for making tenant aware of the Sweetwater Parking Guidelines and owner is responsible for tenant compliance.

Property Owner's Signature: _____ Date: _____

Please submit form to: info@omegamgmt.com

EXHIBIT C

BOOK: 017793 PAGE: 01948 - 01950

Prepared by and return to: Brian S. Edlin, Jordan Price Wall Gray Jones & Carlton, PLLC, P.O. Box 10669, Raleigh, NC 27605

STATE OF NORTH CAROLINA

AMENDMENT TO THE
DECLARATION OF COVENANTS,
RESTRICTIONS AND EASEMENTS OF
SWEETWATER SUBDIVISION

COUNTY OF WAKE

THIS AMENDMENT to the Declaration of Covenants, Restrictions and Easements of Sweetwater Subdivision, made this 10TH day of MARCH, 2020 by EXPERIENCEONE HOMES, LLC, a North Carolina limited liability company (hereinafter referred to as "Declarant").

WITNESSETH:

THAT WHEREAS, the Declarant caused to be recorded the Declaration of Covenants, Restrictions and Easements of Sweetwater Subdivision at book 16727, page 2604 of the Wake County Registry, (hereinafter, "Declaration");

WHEREAS, Article IX, Section 2 of the Declaration allows the Declarant to unilaterally amend the Declaration for any purpose that is not prohibited by the General Statutes of North Carolina during the period of development defined in Article II of the Declaration;

WHEREAS, it is still in the period of development as defined in Article II of the Declaration and the Declarant desires to amend the Declaration to add provisions related to leasing of Lots, Residential Lots, Units and Residential Units in the Sweetwater Subdivision; and

NOW, THEREFORE, the undersigned does hereby declare that the Declaration of Covenants, Restrictions and Easements of Sweetwater Subdivision shall be amended as follows:

1. To add a new Article VII, Section 4 to the Declaration as follows:

"Section 4". Delegation of Use. Subject to the limitations herein, any Owner may delegate its rights of enjoyment of the Common Properties to the members of its family, its tenants, contract purchasers who reside on the Owner's Lot, Residential Lot, Unit or Residential Unit, or Owner's guests. Provided, however:

- a) No Lot, Residential Lot, Unit or Residential Unit in the Sweetwater Subdivision may be leased, rented or licensed, in whole or in part, for a period of less than twelve (12) months.
- b) No Lot, Residential Lot, Unit or Residential Unit in the Sweetwater Subdivision may be used for transient housing purposes.
- c) Each lease, rental agreement or license must be in writing and must provide that it is subject to this Declaration, the Bylaws and the rules and regulations of the Association, and that any failure by the tenant, lessee or licensee to comply with such shall be default under the lease and that the Association may enforce the provisions of this Declaration, the Bylaws and the rules and regulations against the tenant and the Owner.
- d) Prior to renting, leasing or licensing any Lot, Residential Lot, Unit or Residential Unit, in whole or in part, the Owner shall provide a copy of the lease or other written instrument and register the tenant, renter or licensee's vehicle and license plate information with the community manager for the Association.
- e) If an Owner delegates his or her rights to use the Common Properties to a tenant, licensee or renter under this section, the Owner relinquishes his or her rights to use of the Common Properties.
- f) Under no circumstance shall an Owner lease, rent or license to a Resident (s), Tenant or other person that would result in there being more Residents occupying the Lot, Residential Lot, Unit or Residential Unit with vehicles than there are parking spaces available for the particular Lot, Residential Lot, Unit or Residential Unit.

3. This amendment shall be effective upon recordation in the Office of the Wake County Registry and apply to all Owners in the Sweetwater Subdivision.

4. Except as amended hereinabove, the remaining portions of the Declaration as originally recorded are hereby restated and re-acknowledged.

IN WITNESS WHEREOF, the undersigned, Declarant herein, hereby executes this instrument by and through its duly authorized representatives and under seal this 10th day of MARCH, 2020.

EXPERIENCEONE HOMES, LLC,
A North Carolina Limited Liability Company

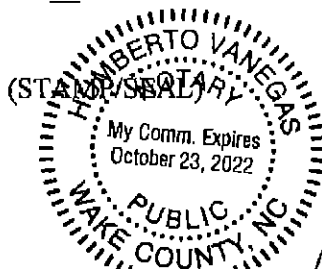
By:

L. W. Caldwell
L. W. CALDWELL Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Lanold W. Caldwell, personally appeared before me this day and acknowledged that he is a Manager of EXPERIENCEONE HOMES, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by him as Manager.

Witness my hand and official stamp or seal, this 10 day of March, 2020.



[Signature]
NOTARY PUBLIC

My Commission Expires: Oct 23, 2022