

WEDDINGTON

ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES

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ARCHITECTURAL AND LANDSCAPE GUIDELINES

INTRODUCTION

These Architectural and Landscape Design Guidelines (the “Guidelines”) have been prepared by the Architectural Control Committee (the “ACC”) for Weddington Owners Association, Inc. (“Association” or “Weddington”). The Guidelines are contemplated in and are promulgated pursuant to the Declaration of Covenants, Conditions and Restrictions for Weddington (the “Declaration”). The Guidelines consist of three components: Architectural Guidelines, Landscape Guidelines and Construction Rules, as set forth below. All defined terms used in the Guidelines, as indicated by the initial capitalization thereof, shall have the same meaning ascribed to such terms in the Declaration, unless otherwise specifically defined herein.

The Guidelines shall be employed in conjunction with the Declaration. If there is an express conflict between the terms of the Declaration and the terms of the Guidelines, the terms of the Declaration shall control and prevail; provided, however, the mere fact that the terms of the Guidelines may be more restrictive than the terms of the Declaration, or vice versa, shall not be construed as an express conflict, and in such case the most restrictive provision shall control and prevail. Of course, in the event governmental or quasi-governmental rules, regulations or requirements that are applicable to Weddington are more restrictive or more stringent than the terms of the Declaration and/or the terms of the Guidelines, the applicable governmental or quasi-governmental rules, regulations or requirements shall control and prevail.

The Guidelines have been established to provide Lot Owners with a set of clean, concise, and enforceable guidelines for the construction of residences and related Improvements on Lots (“Building Plans and Specifications”) and for the installation of landscape improvements on Lots (“Landscape Plans and Specifications”). The ACC has been created to explain and assist in the design review process as well as to review, approve, or not approve Plans and Specifications.

The ACC reserves the right to amend any or all provisions of the Guidelines at any time and from time to time, in the sole and absolute discretion of the ACC. Also, the ACC reserves the right to rule on all issues on a case by case basis, taking into account the fact that these guidelines are to be used as benchmarks for policies and procedures, and may be interrupted from time to time by the ACC to reflect certain circumstantial issues.

Prior to commencing the preparation of Building Plans and Specifications and Landscape Plans and Specifications, it shall be the responsibility of each Lot Owner to obtain from the ACC the most current version of the Guidelines (and all amendments thereto). All submittals shall be prepared in compliance with the most current version of the Guidelines (and all amendments thereto) that has been promulgated by the ACC at the time such Building Plans and Specifications and Landscape Plans and Specifications are prepared.

For the purposes of the Guidelines, and to distinguish landscape elements from other site structural elements, "Landscape" shall be deemed to be the combination of existing and introduced plant material and all of the land area within each Lot located outside the boundaries of the building perimeter of the house. As used in the Guidelines, "Landscape Improvements" include, but are not limited to trees, shrubs, ground covers, annual and perennial flowers, turf grasses, mulches, irrigation, and landscape lighting systems, and similar existing and introduced Improvements.

Each Lot Owner shall comply with all regulations and permitting requirements of the Town of Apex (“Town”) and Wake County (“County”).

APPLICATION AND APPROVAL PROCESS

Timing

The ACC must receive, review, and approve the information submitted by the Lot Owner in compliance with the notice requirements set forth in Section 1.2 prior to the commencement of any construction activity. Timing of the review shall be in compliance with Article 13 of the Declaration which, in part, states that the ACC has forty-five (45) days from receipt of all required information to respond to a request. If there is no response after 45 days, the request shall be deemed disapproved. A request for additional information shall be deemed a determination that the information submitted was inadequate, and the thirty (30) day period for further ACC response shall only commence upon receipt of the requested additional information.

Notices

Each notice, document or submittal (collectively, "notice") required or permitted under the Guidelines must be in writing and be given in compliance with the requirements of this section. Any notices to the ACC shall be deemed to have been duly served and to be effective only when a receipt acknowledging such delivery (such as a registered mail, overnight express service or hand delivery receipt) is signed by a member or authorized representative of the ACC. The ACC may also allow receipt of notices by e-mail at cbutler@ppmral.com.

The ACC mailing address for delivery of notices hereunder shall be as follows:

PPM, Inc. AAMC
11010 Raven Ridge Road
Raleigh, NC 27614
Phone: 919.848.4911 | Fax: 919.870.7241

Any notice to be given to an Owner shall be deemed to be duly served when picked up by the Owner at the ACC’s office or when delivered to the Owner’s address by regular U.S. Mail Service (such delivery being presumed to have occurred on the second (2nd) day following the deposit of such notice by the ACC in the U.S. Mail). The address of an Owner shall be as set forth in the Owner’s submittal of Building Plans and Specifications. The ACC may also send notices to Lot Owners by e-mail.

Either the ACC or an Owner may change its address for notices hereunder by written notice to the other party designating the new address, such written notice of the changed address to be given to the other party in accordance with this Section 1.2.

Application for Approval

Each application submittal not sent via e-mail must include two (2) copies of a completed application form and all documentation. Submissions become the property of the Association and will not be

returned to the Owner.

Required Elements of an Application

Required Elements of Building or Landscape Plans and Specifications may include the following to be shown on a plot plan, depending on what is being requested:

- Lot boundaries
- Adjoining street right-of-way lines, accurate back of curb and face curb lines, and the appropriate names of adjoining street(s)
- Locations and widths of all utility easements, each labeled as to the specific type of utility occupying the easement (i.e., septic, water, electric power, etc.)
- Location of Lot Building Envelope (defined by setbacks shown on recorded plat)
- North direction arrow
- A title block containing the following information:
 - Lot number and Lot Owner name.
 - Scale of the drawing.
 - Date of the drawing, including any revision dates
 - The name, address and telephone number of the preparer of the Landscape Plans and Specifications.
- Precise location of the dwelling, garage and all other structures as depicted on the ACC approved Building Plans and Specifications for the Lot.
- Precise location of driveways, walkways, decks and steps, screened porches, gazebos, swimming (or other) pools, fountains, spas/hot tubs, fences and gates, garden walls, sculptures, sundials, bird houses, basketball goals, play equipment/swing sets, retaining and freestanding walls, etc.
- Location of all proposed new Building or Landscape Improvements, clearly labeled and indicating the species, sizes or dimensions, materials, colors, and quantities.
- Show all lawn areas as “Bermuda sod” unless a turf alternative is requested due to shade.
- Plant list/planting schedule listing all proposed plant material, quantities, their common name and their botanical/scientific name, their size at the time of planting, and any special or notable distinguishing characteristics.
- Location of gas and electric meters, location of heating, ventilating and air conditioning units and pool equipment/pump or other utility-related equipment and apparatus.
- Label appropriately any Common Areas or Maintenance Areas or grounds that adjoin the Lot

and show any adjoining paths (where applicable).

- Any plants to be installed in a later phase must be clearly labeled to that effect.
- Street trees must be located, and the species must be noted as is specified by the Street Tree Planting Plan for each street
- Street light locations shall be noted on the final Landscape Plans and Specifications (where applicable)
- The type(s) of mulch material(s) to be used and their location(s) must be clearly indicated
- Drainage Plan – At a minimum, plans are to include the direction of over land water flow

If any of the foregoing information or detail is not provided, in whole or in part, the approval request for Building or Landscape Plans and Specifications will be rejected until all the required information and detail is included, regardless of how elaborate and extensive the actual design may be.

Review of Application for Building Plans and Specifications Approval

To assist review, the ACC is authorized to request the submission of samples of proposed construction materials. A request for additional information shall be deemed a determination that the information submitted was inadequate, and a thirty (30) day period for further ACC response shall only commence upon receipt of the requested additional information.

ACC responses and/or requests for additional information may primarily be sent via e-mail in consideration for review time. It is the Owner's responsibility to provide an accurate e-mail address with the submittal and to respond to any requests in a timely manner. If there is no response from an Owner to a request for additional information, the ACC may deem the application to be withdrawn or it shall be disapproved.

Additions and Changes to ACC Approved Building Plans and Specifications

If the Owner desires a renovation or addition of heated square footage, any modification, addition, or change to the "Approved" set of Building Plans and Specifications, such modification, addition or change must be submitted to the ACC for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original Building Plans and Specifications).

Failure of the ACC to Act

Pursuant to Article 13 of the Declaration, if the ACC fails to approve or disapprove any properly submitted Building Plans and Specifications which conform with the requirements of the Guidelines and of the Declaration within forty-five (45) days after receipt thereof, it shall be conclusively presumed that the ACC has disapproved the submitted Building Plans and Specifications, EXCEPT that the ACC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Additional Declaration for the Phase in which the Lot is located, and EXCEPT

FURTHER, that the ACC shall not be deemed to have waived any of the requirements set forth in the Declaration or any corresponding provisions in the Guidelines.

Diligent Completion

All Improvements to be constructed on a Lot must be completed within ten (10) months following commencement of construction (i.e., commencement of grading) of the first of such Improvements, unless a longer time is approved in writing by the ACC. If Construction activity ceases for a period of thirty (30) days, any disturbed area is to be stabilized to the ACC's satisfaction.

Under circumstances of extreme weather conditions, the ACC may, in its sole discretion, grant an Owner a postponement of the initial Landscape Improvements planting. The request for such a postponement must appear in writing on the final Landscape Plans and Specifications as submitted to the ACC for review. Generally, postponements of the initial Landscape Improvements planting will be considered only for the hotter summer months between July 1 and August 30 and for prolonged periods of below-freezing weather forecasted during the winter months. Such a postponement, when granted by the ACC, in no way releases the Owner from the obligation to install the initial Landscape Improvements pursuant to the approved final Landscape Improvements Plans and Specifications at the earliest time that weather permits and, in all events, not later than the timetable set forth in the ACC's written postponement.

Owner Responsibility

Each Owner is responsible for making those individuals acting on behalf of such Owner aware of the requirements contained herein relating to the preparation and submittal of the Building and/or Landscape Plans and Specifications. Each Owner is also responsible for ensuring that the project is executed in compliance with all governing documents and municipal requirements, including that there shall be no encroachment on any property and no storage on, obstruction or damage to common areas.

Final Inspection

Once all improvements have been completed, including Landscape Improvements, a final inspection by the ACC must be requested by the Lot Owner to ensure compliance with the approved Building and Landscape Plans and Specifications. If any Improvements do not conform to the approved plans, the Association may utilize the Declaration's enforcement provisions to ensure compliance.

Construction/Project Rules

- A. Applicability. These construction rules (collectively the "Construction Rules") shall apply to all Lot Owners and any reference herein to an Owner shall also apply to the Owner's builder and subcontractors. All Owners shall abide by the Construction Rules and such other rules as the Board and /or the ACC may establish from time to time.
- B. Construction Hours and Noise. All construction activities must be conducted, and all deliveries must be made from 7:00 am - 7:00 pm Monday through Friday and 8:00 am - 5:00 pm on Saturdays. However, no construction activities shall be conducted, and no deliveries shall be made on Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day or

New Year's Day.

- C. Rubbish and Debris. Maintain a neat and orderly appearance at all times, the following rubbish and debris rules must be strictly followed. Burning or burial of construction debris or vegetation is prohibited.
- D. Street Cleaning. It is the responsibility of each Lot Owner with a home under construction to keep the streets cleaned in front of and around the Lot.
- E. Silt Fences. Silt fences and/or other devices for sedimentation control shall be installed where necessary or as directed by the ACC.
- F. Material Storage. No construction materials, equipment or debris of any kind may be stored anywhere other than in the location approved by the ACC.
- G. Construction Access. During the time a residence or other Improvements are being built, all construction access shall be confined to the approved driveway for the Lot, unless the ACC approves an alternate access way.
- H. Gravel Drives. Prior to the commencement of construction on a Lot, the Owner of such Lot or such Owner's contractor shall provide at the approved driveway location a gravel drive with a minimum of five (5) inches of #5 crushed stone base from the paved street to the house under construction.
- I. Parking. All vehicles must be parked so as not to impede traffic or damage vegetation.
- J. Accidents. The Association and the ACC shall be notified immediately of any accidents, injuries or other emergency occurrences.
- K. Portable Chemical Toilets. An enclosed and regularly service portable chemical toilet must be provided for at least every two homes under construction and must be located in as inconspicuous a location as possible.
- L. Signs. Building permits and Marketing/Sales Lot ID signs are the only signs or documentation that may be posted at a residence or on a Lot during construction. Business permits are to be attached to a post in a manner protected from the elements; and in no event may building permits or any other signage or documentation be attached to trees.
- M. Property Damage. Any damage to streets or common area may be repaired by the Association and the cost of such repairs will be billed to the responsible Owner. If not paid promptly, the repair cost will be deducted from the Construction Deposit. If the Construction Deposit is not sufficient to cover the entire repair cost, the additional amount will be charged to and promptly paid by the Owner.
- N. Failure to abide. Failure to abide by any of the Construction Rules may result in a fine levied for infractions.

SITE REQUIREMENTS

Lot Setbacks

Lot setbacks are noted on the Recorded Plat and form the Building Envelope. Setbacks shall comply with municipal requirements.

Preservation of Trees

Trees may be required to be preserved based on a number of factors determined by the ACC, including buffers, easements, or other municipal requirements. See Tree Removal.

Utility Easements

Landscape Improvements and the building of driveways or fencing within utility easements is permissible (unless otherwise prohibited herein or by a recorded easement instrument). Provided, however, if in the future there is a need to disturb or remove such Landscape Improvements, driveways or fencing to access such utilities, such removal and any necessary repair and restoration shall be the responsibility of the Owner of the Lot.

Drainage

Each Lot should be graded in a manner sensitive to the drainage impact on any adjoining Lots. However, it is to be expected that lots with a lower elevation than adjoining lots will receive run-off from the lots situated on a higher elevation.

The ACC may require that all drainpipes be piped underground away from the dwelling and “daylighted”. “Daylighted” ends of the pipes must be cut at an angle, flush with the ground level to be less visible.

ARCHITECTURAL DESIGN GUIDELINES

Style

The intent of the Architectural Design Guidelines is to encourage quality design of individual residences which, when viewed together, produce a harmonious overall community environment.

Traditional architectural styles will inform the foundation of design. The designs employed shall be compatible with traditional architectural styling in terms of make, shape, profile, scale, and proportion particularly with respect to crawl space, roof pitch, and window placement.

Exterior Materials and Colors

Exterior materials shall be brick, stucco, stone, cedar shake, hardy plank or horizontal siding. The ACC reserves the right to require builders to produce sample boards of colors if they are not

on file with the ACC.

Attachments, Satellite Dishes and Antennae

No permanent attachment of any kind or character whatsoever (including, but not limited to, television and radio antennae, solar energy-related systems, satellite or microwave dishes, flag poles or similar improvements) shall be made to the roof or exterior walls of any building on any Lot or otherwise placed or maintained on any Lot, unless such attachments or devices are approved in advance in writing by the ACC. Notwithstanding the above to the contrary, one satellite or microwave dish may be installed within the rear yard of the Building Envelope of any Lot, provided such satellite or microwave dish does not exceed eighteen (18) inches in diameter and is properly screened from view. The location and screening of the satellite or microwave dish must be approved in writing by the ACC prior to installation.

Pools, Therapy Pools and Spas

Pools, decks, spas, and related equipment require ACC approval and will not be allowed outside of the Building Envelope. Pool and pool equipment enclosures must be architecturally consistent and harmonious with the residence and other structures on the Lot in terms of their placement mass and detail. Pools, decks, spas, and related equipment and structures shall be screened from the view of neighboring lots.

Exterior Lighting

Exterior lighting (which must be approved by the ACC as part of the Building Plans and Specifications) must be limited to areas within the Building Envelope (unless otherwise approved in writing by the ACC), must not result in excessive glare and must not interfere with the privacy of nearby dwellings, all as determined by the ACC in its sole discretion.

Play Equipment

Elements of a planned park or playground, swing sets, trampolines, basketball goals, and similar outdoor play structures and equipment must be located where they will have a minimum impact on adjacent Lots and where they will be reasonably screened from public view.

All play equipment must have ACC approval before being erected. All play equipment should be of earth tone colors, i.e. dark greens, browns, tans. Bright, eye catching colors will not be permitted.

Basketball goal backboards must be constructed of clear, see through material on in-ground posts or mounted on the house. Solid colors will not be allowed for in-ground or mounted goals. The basketball goal posts shall not obstruct traffic line of sight, sidewalks, or right of ways. Where possible, the basketball goal should be in the rear of the property and should not face the street. Regardless of location, the Owner must take reasonable precautions to prevent balls or items (from any activity) from entering, disturbing or damaging neighboring property.

Trampolines should be in the rear half of the yard, as measured from the mid-point of the dwelling on the side that the trampoline is to be installed.

Fences and Walls

All fences and non-retaining walls shall be located in the rear yard and be designed to be compatible with the total surrounding environment. Fences and walls must be run or curved where practical between existing trees to avoid unnecessary cutting of existing trees, although the preferred location is that fences be installed on the property line. The location, materials, size and design of all fences and walls must be approved in advance in writing by the ACC prior to installation.

Privacy fences or walls which inhibit visibility (i.e., whether a solid masonry wall or wood fence) are permitted in certain areas of Weddington. Walls and fences shall be solid masonry, wood, composite (such as Trex ® or similar appearance) or aluminum. Prefab wood, prefab brick, chain link, vinyl, or welded wire fencing will not be permitted. Once an approved fence or wall has been erected on a side Lot boundary line which is a common boundary line with another Lot, that approved fence or wall design and material(s) will be the only approved fence or wall design and material(s) that may be erected on that common Lot line. No double fencing will be allowed on side or rear Lot lines. Unless otherwise approved by the ACC, the maximum height for fences or walls is six (6) feet. Rear fencing on corner lots are considered on a case-by-case basis and will take into account the specifications of adjacent fences and properties, and the line of sight at the corner nearest the street. In addition, ACC approved landscaping may be required to be installed on the street side of the fence.

A retaining wall that is attached to the residence on a Lot shall utilize the same materials as the residence wall that it adjoins, unless otherwise approved by the ACC. Cross-tie timber walls may be used for retaining walls if set apart from the residence.

Retaining Walls

As set forth in the Architectural and Design Guidelines, all retaining walls must be approved by the ACC prior to construction and the material, location, and height of all retaining walls must be clearly labeled on the final Building Plans and Specifications. Where retaining walls are located on a Lot in an area that is visible from a street or a neighboring Lot, plant material will be required to screen, or otherwise "soften" the retaining wall from view at the street. Such plant screening material must be installed at the same time the Landscape Improvements are installed hereunder.

Driveway Location

Driveways, which must be a concrete surface, shall not be located closer than two (2) feet to the side Lot boundary line unless approved by the ACC. Where a driveway exists on a Lot that is adjacent to a neighboring Lot which does not have a driveway on the same adjacent side, the Owner of the Lot on which the driveway exists shall be responsible for landscaping the two (2) foot strip between such Owner's driveway and the side Lot boundary line.

Garbage, Recycling and Yard Waste

Garbage/trash cans must be stored out of view from the street. The garage or rear of house is the recommended storage locations. Garbage and/or recycling bins cannot be placed out on the curb

more than 24 hours before trash pickup and must be removed from the street within 24 hours after pickup. Yard waste shall be collected and removed pursuant to Town requirements and cannot remain on the curb or visible from the street earlier than 24 hours prior to collection and under no circumstance shall remain on the property longer than a consecutive 3-day period.

Window Air Conditioning Units and Clotheslines

Window air conditioning units and clotheslines are not permitted.

Outbuildings and Other Structures

The construction and location of outbuildings, gazebos, statues, gates, playhouses, etc. shall be subject to the review and approval of the ACC. Their design and location in relationship to the house is essential. Building materials should reflect those of the main house. Wherever possible, buildings should be oriented so that access is indirect, and their opening does not face the street.

Plans for outbuildings or structures shall be submitted to the ACC for review and approval, prior to being shown on landscape plans. Approval of the landscape plans does not constitute approval of any outbuildings.

LANDSCAPE DESIGN GUIDELINES

The following guidelines shall be followed by all Lot Owners and the builders, contractors, subcontractors, and architects of the Lot Owners when planning for and installing Landscape Improvements on Lots within Weddington. These guidelines contain specific required practices and techniques for creating an aesthetically pleasing landscape. Also, landscape design must not create unreasonable maintenance issues for neighboring Lots.

Turf

Bermuda sod shall be used to establish front, side, and rear lawns. The ACC will consider an alternative turf type only in the event shade would prohibit Bermuda turf health. The strip between the back of curb and the sidewalk shall be planted with Bermuda sod and not otherwise landscaped.

Landscape Beds

Planting beds containing plant materials such as trees, shrubs, ground covers, and annual flowers shall be designed and constructed with smooth, flowing curves and raised with appropriate soil content to promote plant material health. Foundation planting beds on all sides should accomplish an established appearance in the short term without creating a future problem of overgrowth, be predominately evergreen, and offer an abundance of seasonal color. Use of native or locally proven, drought tolerant plant material is strongly encouraged. Front yard area beds, anchored by a sub-canopy tree or large shrub, are especially encouraged to soften walkway/driveway intersections. Rear yard area beds should soften sight lines to other dwellings; however, simply row planting along the property line is not permitted. ACC approved rear yard play equipment or structures should be screened from neighboring lots.

Use of man-made materials or products to edge beds and tree saucers is not permitted.

Street Trees

Street trees will be required on each Lot. The required species, size and location of each required street tree will be shown on the construction plans provided by Baker Residential or the ACC in connection with the initial sale of each Lot. The precise size and species of tree described on the construction plans provided by Baker Residential or the ACC must be planted in the designated location(s) shown on such plans and must be maintained in perpetuity. Street trees must be installed at the same time ACC approved Landscape Improvements are installed hereunder. Trees other than required street trees should not be planted so as to disrupt the linear path of street trees.

Tree Removal

After initial construction, no trees measuring greater than two (2) inches in diameter two (2) feet from the ground may be removed without ACC approval. In the event of damaged trees posing a safety risk and the Owner feels they cannot wait for ACC approval, the Owner shall adequately document the condition of the trees and the safety risk, including photos, professional written evaluations, or other documentation as necessary. Otherwise, the unauthorized removal of trees may constitute a violation and shall be fully enforceable under the remedies provided in the Declaration and other governing documents.

Mulch

Annual flower beds and perennial flower beds shall receive two (2) inches of small/fine hardwood or pine bark mulch. All planting beds and natural areas require a cover of three (3) inches of mulch. Acceptable mulch materials for covering planting beds and natural areas include pine straw, pine bark nuggets, designer mulch, or shredded hardwood mulch. To accomplish a harmonious and natural aesthetic, white gravel or rocks will not be permitted as mulch materials. Material used, if any, to edge tree saucers and plant beds must be natural and not man-made. Consistent use of the mulch material for any given Lot is required.

Fountains and Fishponds

Fishponds and fountains are permitted to be installed on Lots in rear yards only, subject to ACC approval. Generally, such site amenities must be restricted. Professional design and installation services are highly recommended for such amenities.

Yard Ornaments and Decorations

All yard ornaments including but not limited to bird houses, bird baths, exterior lighting, weathervanes, sculptures, and fountains constitute Landscape Improvements and therefore are subject to review and approval by the ACC. Without limiting the generality of the foregoing, no such landscape elements will be permitted in the front yard of any Lot without the prior written approval of the ACC. If, in the sole discretion of the ACC, such landscape elements are incompatible with the objectives of the Guidelines, they must be removed or relocated by the

responsible Lot Owner, as specified by the ACC, within ten (10) days from the date of written notification to the Lot Owner.

Typical holiday exterior decorations do not require ACC approval but should be installed no earlier than thirty (30) days prior to the holiday and must be removed within ten (10) days after the holiday.

Gardens

Garden plots require approval and must be located in the rear portion of the lot and not closer than ten (10) feet from a Lot boundary line.

Lawn Maintenance

All turf areas, planting beds and street trees must be maintained i.e. edged, free of weeds, fertilized as appropriate and mowed/trimmed/pruned at best practice intervals. Dead plant material must be immediately removed and replaced at first seasonally viable planting opportunity.