

MIDDLETON



ARCHITECTURAL GUIDELINES

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**THIS DOCUMENT REGULATES THE DISPLAY OF
POLITICAL SIGNS AND REGULATES THE DISPLAY
OF THE FLAG OF THE UNITED STATES OF AMERICA
OR STATE OF NORTH CAROLINA.**

Middleton Architectural Guidelines

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Architectural Control and Architectural Guidelines

Introduction

Middleton is an exciting and vibrant place in which to live, and to protect, maintain, and enhance property values and way of life for its residents, legal documents have been produced to provide an overall framework and comprehensive set of standards and procedures for aesthetic development and protection of the community.

As a site-planned community, Middleton is deed restricted, with its own Homeowners Association. The Association's legal documents detail, among other things, rules by which each property owner must abide. One legal document is called a Declaration of Protective Covenants, Conditions and Restrictions ("DCCR's"), a document recorded with the County of Wake. The DCCR for Middleton sets rules of aesthetics, appearance, and safety by which owners are obliged to follow.

Architectural Guidelines, developed by the Board, support the DCCR, and further set out rules for the community. The DCCR along with the Architectural Guidelines form the basis by which all aesthetic and appearance goals for the community are based and enforced. The DCCR authorizes the Board to establish an Architectural Control Committee (the "ACC") to administer and enforce these rules.

This document (The Architectural Guidelines) outlines and describes procedures for making an application for changes to the exterior of the home or yard. All exterior changes must be submitted in writing to the ACC for approval prior to the beginning of any work, including any exterior changes that are not covered in this booklet.

These Guidelines may be amended from time to time by the Board. If a topic is not covered within these Guidelines or if you have any questions please contact the HOA management company, PPM, Inc. at (919) 848-4911 for further direction.

Procedure for Requesting Architectural Approval

Prior to beginning any alteration, addition, or improvement to the exterior of a lot the homeowner must complete an Architectural Review Form to the HOA management company and wait for approval from the ACC prior to beginning work. The Architectural Review Form may be obtained from the Association's management company (PPM) by either downloading the form from the web at www.ppmral.com (click on 'communities' and look for the link for Middleton) or by contacting PPM, Inc. at the number or email listed below. The completed form should be sent to the management company at:

PPM, Inc.
11010 Raven Ridge Rd
Raleigh, NC 27614
Phone (919) 848-4911 Fax (919) 870-7241
Email: info@ppmral.com (for information)
Email: kschmidt@ppmral.com (to send completed ARC applications)

Review Period

Each application and plan submittal shall be **approved or disapproved within 45 days of receipt of all materials required by the ACC.** The ACC's decision shall be based upon a majority vote of the ACC members and shall be rendered in one of the following forms:

1. "Approved" - The entire application as submitted is approved.
2. "Approved with Conditions" - The application is not approved as submitted, but the ACC's direction for curing objectionable features or segments are noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The ACC shall specify the particular grounds upon which denial of such application is based.
4. "Request for Additional Information." This response shall be deemed a determination that the information submitted was inadequate, and the forty-five (45) day time period for further ACC response shall only commence upon receipt of the requested additional information.

If the ACC fails to respond within **45 days of receipt of a complete application**, approval shall be deemed **DENIED**.

As a condition of approval under this section, each Owner and all successors- in-interest, shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.

Approval of plans for any proposed modification shall not set a precedent for future applications.

Appeal

Any owner who submits plans to the ACC and disagrees with the finding of the ACC may appeal the decision to the Board by giving written notice of appeal to the President of the Association, [through the Managing Agent] within fifteen (15) days following its receipt of notice of denial. The Board shall review the plans and hold a meeting to hear the case with the owner and the ACC or its representative. At such meeting the ACC or its representative shall present to the Board specific reasons why the plans were denied, and the owner or his agent may present information challenging the findings of the ACC. The decision of the ACC shall only be overridden by a majority vote of the Board. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted if the Board does not respond within 45 days.

If, however, the Declarant is acting as the ACC, no appeal can be made by an owner.

City / County Approval

The review and approval of plans and specifications by the ACC shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the applicant to obtain any and all necessary permits and approvals.

Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ACC that work completed or in progress on any dwelling or lot is not in compliance with these Architectural Guidelines or any approval issued by the ACC or Board, the ACC shall notify the applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the DCCRs and these Architectural Guidelines and the homeowner (property) shall be subject to a daily monetary fine.

Time to Commence & Complete

When construction of any lot, structure, improvement, or addition thereto has begun, work thereon shall be prosecuted diligently and continuously until the full completion. It is a requirement that lots under construction in the property be "dried-in" with exterior finishes installed (roofing, windows and finish siding and trim in place) within one hundred twenty (120) days of the commencement of construction and that all phases of work, including execution of the landscape plan, be complete within six (6) months of the date of ACC approval. In the event that completion is delayed beyond one year from the date of ACC approval and provided the owner is notified within thirty (30) days of the expiration of the six (6) month construction period, the ACC may, upon unanimous vote of the committee, rescind the original approval and require that the owner resubmit Plans for approval.

Changes After Approval

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the ACC prior to implementation of such changes.

If the City or County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the ACC, the Applicant must notify the ACC of such changes and receive approval from the ACC prior to implementing such changes.

Maintenance of Construction Activities

During the construction of any improvement to a lot, the lot, roads, landscaping and common areas or limited common areas adjacent shall be kept in a neat and orderly condition, free from any dirt, mud, garbage, trash, or other debris, so as not to cause an unsightly condition to exist or damage to occur. Any damage to the street, curb, sidewalk or to any part of any common areas, limited common areas or utility system caused by an owner or an owner's builder shall be repaired by such owner. Owners and their agents and employees shall adhere to the construction standards promulgated from time to time by the Association.

In the event the owner or his agent, employee or contractor causes damage to the common areas adjacent to the lot during construction, and if curing of the damage remains unrepaired for seven (7) days following delivery of written notice thereof from Declarant or the Association, Declarant or the Association shall have the right, exercisable in its sole discretion, to make needed repairs, and to remove any rubbish, refuse, unsightly debris and/or growths from the lot and adjoining area, with the costs of the work to be reimbursed by the owner to the Association. A lien may be placed on the lot until the cost is paid.

Enforcement, Due Process Hearings, Fines & Fees

Any construction, alteration, or other work done in violation of either the DCCR or the Architectural Guidelines, shall be deemed to be nonconforming. Upon written request from the Board, the ACC or the Declarant, owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the construction, alteration, or other work. Should an owner fail to remove and restore as required hereunder, the Board or its designees shall have the right to enter the property, remove the violation, and restore the property to substantially the same condition as existed prior to the construction, alteration or other work. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the nonconforming lot and collected as a special assessment pursuant to the authority listed in the DCCRs.

Any contractor, subcontractor, agent, employee, or other permittee of an Owner who fails to comply with the terms and provisions of this Article may be excluded by the Board from the Property. In such event, neither the Association, its Officers, or Directors shall be held liable to any person for exercising the rights granted by Section 4.13 of the DCCR.

When a violation is determined to have occurred, the following steps shall be taken:

1. The ACC will investigate any reported violation and attempt to bring the Owner into compliance. Homeowners will be notified in writing of the violation and are expected to bring the violation into compliance within thirty (30) days.
2. Should the owner fail to act upon the recommendations for corrections, the ACC shall submit the matter to the Board.
3. The homeowner shall be invited to a hearing with the Board where the homeowner will have opportunity to be heard and present evidence. Failure to appear shall result in an automatic fine, which will begin to accrue five (5) days after the date of the hearing. However, if the violation is brought back into compliance prior to the hearing, no hearing would be necessary.
4. After the hearing, the Board shall respond to the homeowner with a decision. Any penalties or costs relating to the violation (and the date from which the accrual shall begin, which will be no sooner than 5 days after the hearing date) shall be noted in the letter from the Board.
5. Fines will be levied on a daily basis, up to \$100 per day, per violation, until the violation is rectified. The North Carolina Community Act effective in January 2006 allows planned residential communities the ability to fine up to \$100/day to uphold standards that will protect and insure homeowners of maintained property values, with regard to holding all property owners accountable for abiding by the existing DCCRs.

Fees Associated with Enforcement

Should an owner fail to remove and restore as required hereunder, the Board or its designees shall have the right to enter the property, remove the violation and restore the property to substantially the same condition as existed prior to the construction, alteration or other work. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the nonconforming Lot and collected as a special assessment. In addition, the Board shall have the authority and standing, on behalf of the Association to pursue all legal and equitable remedies available to enforce the provisions of the DCCRs and Architectural Guidelines and the decisions of the ACC.

Architectural Design Standards

Landscape Maintenance

Certain lots in the community (Carriage lots) pay for landscape maintenance in conjunction with their HOA dues. This service will be provided by a vendor of the Board's choice, whose scope of work includes mowing and edging of turf; blowing of leaves and debris; trimming of shrubs and certain trees; and turf weed control and fertilization program. Anything outside of this scope of work for the Carriage lots is the responsibility of the owner, including watering turf and plants, and removal of dead plant material.

Those owners in Traditional Single Family lots (and all lots not designated as Carriage lots) are required to attend to necessary lawn maintenance including mowing, edging, fertilization of turf, removal of leaves and debris, trimming shrubs and controlling weeds in turf and landscape beds.

If any owner wishes to amend the landscape plan of their lot, either to add to it or remove anything, they are required to submit an application with details of the plan.

Grading and swales for drainage that exist on an owner's lot at the time of closing are to assist in drainage. Any landscaping additions which may cause grading changes to that which is existing requires an application and ACC approval. Owners whose approved project changes the existing grade or drainage patterns may be liable for costs to repair such changes as the ACC's approval is aesthetic in nature and cannot be construed as engineering approval. Therefore, owners will be asked to acknowledge that their project will not change drainage patterns and accept responsibility should that occur after installation.

An application that requires soil addition must have a plan for temporary storage of that soil. Any plan that requires removal of soil (including fence installation) must have a plan for removal of soil. In no instance may soil be disposed of on any lot or common area in the community.

It is recommended that prior to beginning any earth movement, that the owner contact "No Cuts" at 1-800-632-4949 to locate underground utilities and wires. This is a free service.

Exterior Appearance of Home

All grills must be stored on a rear patio or deck only and covered when not in use.

No furniture (including, without limitation, sofas, tables, plastic chairs and grills) may be located or stored on any front porch unless approved by the ACC.

Cleaning equipment such as mops, brooms, buckets, or storage boxes, bins, lawn maintenance equipment, etc. may not be stored anywhere on the exterior of the unit.

Each owner shall keep his lot and all improvements thereon in good order and repair, including, painting, power washing, trim/wood/siding replacement, railing, masonry, roof or other appropriate external care of all buildings and improvements. This should be done in a manner and with frequency as is consistent with good property management and the precedent set in the neighborhood.

Decks and Patios

When contemplating adding a wooden deck or concrete/brick paver patio to the rear of your home it is important that you consider several factors:

1. Water or drainage pattern under or around the deck/patio. Improper final drainage can damage the house foundation as well as create an area for insects (for example – mosquitoes) to breed.
2. Distances of deck/patio to property lines and easements. Ordinances may require that such structures not encroach into easements or to within certain distances from property lines.
3. Any permits or inspections that the city or county may require are the homeowner's responsibility.

All requests for decks/patios will be reviewed by the ACC in context to the particular house and lot as well as surrounding lots and easements. Please be specific on the details of the size, location, and type of deck/patio on your Architectural Review Form.

Satellite Dishes and Antennas

No application is required to install a satellite dish for receiving direct broadcast video service or antennas designed and intended to receive customary television transmission or radio reception signals as long as a) it measures no more than one (1) meter (39.37 inches) in diameter, b) has a hidden cable, and c) is attached to the rear roof of the home.

An application is required if it is determined by your satellite dish installer that an acceptable quality signal cannot otherwise be obtained with installation on the rear roof. In this case, the dish may be able to be allowed on a pole in the rear lot, as close to the home as possible. Submit verification from your installer that a quality signal cannot be obtained in the preferred location in the application to the ACC, as well as a plan for installing landscaping to screen the pole from the street or adjacent lots.

No exterior antenna, receiving dish or similar apparatus of any kind for receiving or transmitting CB or Ham radio or video signals shall be allowed.

Awnings

Awnings are not allowed.

Garbage and Recycle Bins

Garbage cans and recycle bins are approved to be stored in the following approved locations:

- In the garage only for the Carriage homes.
- In the garage, or on the side or rear of the lot, for the single family homes. Side and rear yard locations require an application submittal to the ARC. If located on the side or rear yard, they must be screened from view with approved fencing or landscape plantings. This application must include detailed information about materials used to fence or screen. To add visual interest, if fence screening is desired, it is recommended that a landscape planting plan of shrubs is included in the submittal.

Garbage and recycling bins may be placed on the curb no earlier than 6 PM the day before collection, and must be moved to their storage location by 6 PM on collection day. Garbage and recycling bins may not be kept on the driveway or next to the garage door.

Storm Doors

Only storm doors with a full-view single pane glass (with no ornamentation, tinting nor etching) are permitted. The trim of the storm door should match the trim of the home or the door itself, and the hardware material and color must match that of the door (brushed nickel for brushed nickel, etc.)

Landscape Bed Edging Material

Installation of landscape bed edging requires an application and ACC approval. The application should include photos of the edging material desired, and the plat map should show which beds will receive the edging.

Acceptable edging materials include the following, with some examples seen below:

- Stone or concrete pavers, designed for edging, and bricks, in earth tone colors. These should be installed so that half of the width of the paver is at ground level. Edging type chosen should be in keeping with the style and color themes of the home.
- Steel coated edging, in an earth tone (brown is preferred)
- Composite bender boards



Exterior Home Modifications

(Alterations to siding, shutters, exterior doors, and roof; including additions to)

An application is not necessary to simply re-paint or replace siding using materials and color which are the same as originally installed, nor is an application needed to replace existing shutters or roof materials if switching same for same. If endeavoring to change the existing color or material of siding, doors, shutters, or roof, an application and ACC approval is required.

Lighting: Exterior and Seasonal Decorations

All exterior lights, including solar and decorative, (permanent or temporary) requires an application and ACC approval prior to installation. Exterior lighting may not cause excessive glare or interference to neighboring properties, as determined solely by the ACC.

Seasonal holiday decorative lights may be installed without application from Thanksgiving through mid-January. Other seasonal decorations do not require an application and are approved for a two week period prior to the event until two weeks after the event. Colored or multi colored lights or lights which change color are only permitted at recognized holiday times.

Low voltage, in-ground or tree mounted light fixtures may be used for path lighting, up-lighting, down lighting and landscape architectural accent lighting, with the following provisions:

- Along a path, sidewalk or bed, lights must be in a mulched bed. In the front area of the lot, these lights should not number more than eight (8) in number and should be spaced between four (4) and six (6) feet apart.
- In-ground light fixtures may not exceed 18" in height. Light fixtures should be similar to the architectural character of the home and will be subject to approval by the ACC.
- Down lighting, and up lighting, and low voltage lights must be installed and aimed so that the light source is not shining on streets or neighbor's property, thus creating a nuisance or hazard to any neighboring lots or street view. Floodlights shall be hooded to avoid bulbs being visible from the street and adjoining property.
- If junction boxes are necessary, they should be installed below grade or screened to minimize visibility.

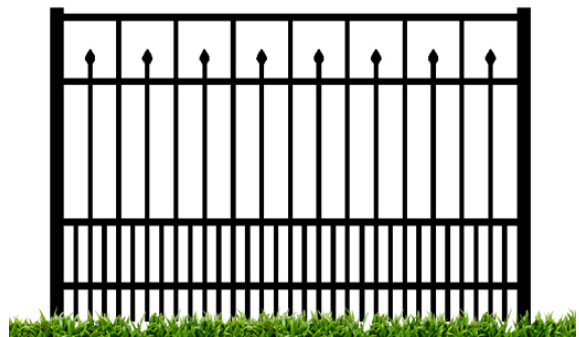
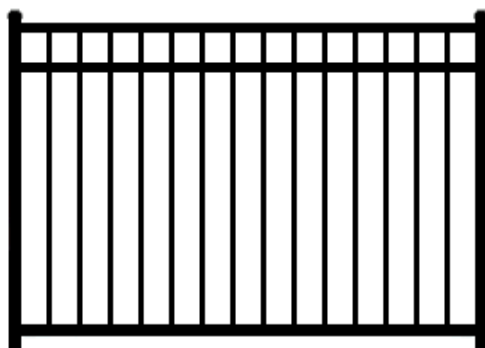
Fences

Approved Fence Styles:

Carriage Homes:

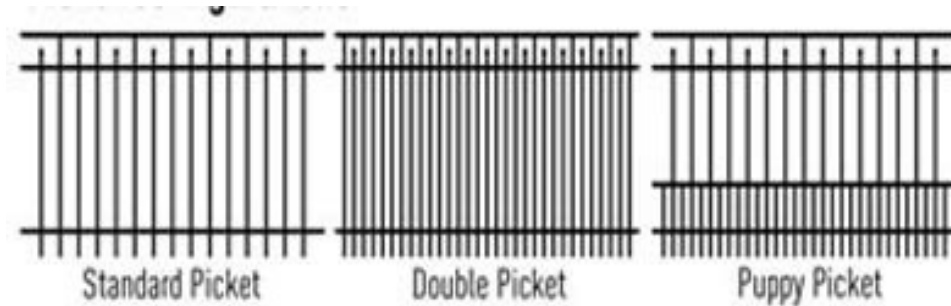
- Black aluminum fencing, five (5) feet high, in Ascot style or similar. A puppy panel is allowed. In the case of the Carriage lots, at least two (2) fence gates of 42 inches wide is required for access by the landscape maintenance equipment.

See style example below.



NEW: Allowed pickets are standard (generally 3.7 inches apart) and double picket style (where pickets are generally 1.5" apart). Puppy panel can be installed in standard or double picket style

(See examples below):



Traditional Single Family Homes:

- Black aluminum fencing, minimum of five (5) feet high, in Ascot style or similar. A puppy panel is allowed as well as standard and double picket. See style example above.
- Wood privacy fence, six (6) feet high, in style as shown below. Decorative cap is required, and should be made of either wood or metal or a combination thereof. Wood fencing may not be stained nor painted, and must be treated with a clear coat of sealant in the time frame as specified in the ACC approval. Sealant must be reapplied on a maintenance schedule to maintain the look of the fence and offer protection from deterioration. The finished side (front view) of the wood privacy fence shall face outward from the requester's property.
- At least one gate is required for access into the enclosed area.



Location:

The fence must be placed on the property line unless there is an easement. In the case of an easement, fences should be placed outside of any easements. Fences must be installed to adjust with the grade and avoid interference with the lot's water drainage pattern.

Fences on single family lots may enclose the rear lot, and not come any further forward than the rear corner of the home. Carriage lot fencing must only be installed from the back corner of the home, straight back. Those Carriage lots that are corner lots may not enclose any portion of their side lot. Slight variations may be granted to certain Carriage corner lot owners based on topography or presence of mechanical structures such as HVAC or other in ground items that prevent compliance with this rule. Variances can be granted at the sole decision of the ACC and are not guaranteed.

Other fence notes:

All fence posts must be anchored in the ground with concrete. Fences that are visible from streets may require an installation of buffer trees/plantings along fence line that is parallel to the street.

Flags

United States of America and North Carolina flags meeting the following criteria are pre-approved.

- Mounted on the front of a dwelling with a flag mount.
- No larger in size than 4 (four) feet x 6 (six) feet in accordance with §47F-3-121 North Carolina Planned Community Act.

All other flags require ACC approval. Any flag which, in the Board's judgment, tend to incite or antagonize are not permitted.

Flags must be maintained in good condition and shall not be displayed if mildewed, tattered, or faded. Freestanding flagpoles are not permitted.

Playground Equipment

Playground equipment, defined as a play structure, will be considered in the Traditional Single Family lots only. They must be permanent in nature, and made of durable and quality material such as wood and composite material, and not be fabricated of plastic. Colors preferred are earthen tones. Play structures of a permanent nature are not allowed in the Carriage lots. Temporary play structures are permissible in the rear yard only and must be put away in the garage and out of sight when not in use. (If landscape maintenance is performed by the Association for your lot, the yard must be clear of any impediments that hinder access and/or accomplishment of these services including any play equipment).

Trampolines are not allowed on any lot.

Basketball Goals

All basketball goals must be permanently installed in the ground and require an application and ACC approval prior to installation. Permanent basketball goals are to be placed on the rear third of the driveway or parking pad (toward the house) and must be mounted on a single pole cemented into the ground. The field of play may not include any portion of a street (public or private). Goals and netting must remain in good repair.

Temporary basketball goals (meaning those that are moveable) are not permitted.

Grills, Outdoor Fireplaces, Fire-pits, Fire bowls, Contained Fires

Grills are allowed if located in the rear yard of a home and utilized in a safe manner.

Traditional Single Family Lots: Outdoor fires in an enclosed/freestanding outdoor fireplace, fire bowl, Chiminea or other similar device specifically designed to hold and contain a fire, will be considered in the Traditional Single Family lots only and must have ACC approval. Barrels may not be used to contain a fire. In-ground fire-pits require ACC approval and are subject to allowance by the municipal authority, municipal code and/or a permit as may be required.

No fires may be left unattended at any time and such use must comply with municipal requirements.

Home Based Businesses

Owners may only use their lot for residential purposes only, however, owners may be allowed to conduct certain business or commercial activities within their residence which do not conflict with local zoning ordinance restrictions and regulations. Any home based business may not unduly burden traffic flows within the property or cause the parking of non-resident vehicles upon the street for unreasonable or excessive periods of time. 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.

Pools, Hot Tubs, Spas

Above ground pools are not allowed on any lot. Temporary wading or baby pools, no taller than eighteen (18) inches and no wider than eight (8) feet, are allowed in the rear yard only, and may be used during appropriate weather and must be emptied and stored out of sight when not in use. (If landscape maintenance is performed by the Association, the yard must be clear of any impediments that hinder access and/or accomplishment of these services).

In-ground pools will be considered in the Traditional Single Family section on a lot by lot basis, and submission to the ACC must include construction plans, lot layout and other information as required by the ACC.

The approval of the ACC is required for the installation of any hot tub, sauna or spa. Any hot tub or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs or spas shall be located at the rear of the property and shall be installed in such a way that is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Owners are required to install safety features such as locks or covers for these items when such are not in use. Applicable City and County ordinances govern these requirements.

Storage Sheds

Storage sheds are permitted in the Traditional Single Family lots only. Maximum size shall be eight (8) feet by ten (10) feet, and be constructed of wood, finished with a siding and roofing material similar in color and composition to the residence. The shed must have a suitably constructed flooring system or foundation (slab or masonry foundation is permitted) and be flush to the pad. Approved shed placement is in the rear of the lot, preferably in a location with minimal visibility from the street or neighboring property and ideally within a fenced yard. Landscape screening along the base of the shed may be required, at the discretion of the ACC.

Porches, and Screened Porches; Decks and Deck Enclosures

All porches, screened or not, and decks or enclosed decks must be located on the rear of the home, be of a permanent nature and not extend beyond the sides of the home. Applications to construct decks, porches, or enclose existing decks and porches will be reviewed on a case by case basis. Usually, but not always, approval will be reviewed favorably if the project is the same as that which is offered by the Builder. Any application to screen a porch or deck or create an enclosure should include materials that match the color scheme and material of the home, preferably using the same siding and roofing materials and color as the home.

It is the homeowner's responsibility to ascertain with local municipalities, etc. easements or setback restrictions that may affect placement of the porch or deck. Any permits or inspections that the governing authority may require are also the homeowner's responsibility.

Please submit color chips, material samples, and a picture or brochure (if available) with your Architectural Review Form.

Gardens: Flower installation

Any plan to install a garden of flowers or vegetables requires ACC approval, and should detail type, and number of said plantings, with location shown on your plot plan. Planting flowers in existing flower beds or around trees does not require ACC approval.

Flower gardens or vegetable gardens may be limited in size, edging or border material, and must be located in the rear lot only. In general, garden areas may not exceed four (4) 4' x 4' sections, unless otherwise approved by the ACC. The ACC reserves the right to limit final size of gardens, and the use of edging materials.

Gardens must appear neat and clean during the growing season. Debris must be removed periodically, and all dead plant material must be removed once the growing season has ended.

Gardens cannot be placed in any way that would affect yard drainage, and no gardens will be allowed in swales.

Rabbit/Deer deterrent fencing is not permitted.

Parking

Vehicles must be parked in the driveway or in the garage. Parking on grass, in common area turf and overnight parking in the amenity parking area is prohibited. Carriage home residents may not use visitor parking to habitually park vehicles in those spaces. Inoperable vehicles (defined as those that mechanically cannot be driven, or those whose tags are expired) must be parked in the garage or in the driveway with a car cover. No commercial vehicles may be parked in the street or on any lot.

Pets

See Article 7, "Use Restrictions", Section 7.08, "Pets" of the "DCCR's".

Residents are required to comply with the Wake County Animal Control Ordinance, which regulates that all animals remain under the control of their owners at all times, whether by leash or fence and requires that pet owners to pick up after their pets on both private and public property. (See also www.apexnc.org/261/Police-Department for additional references to stray pets, rabid, nuisance wild animals, etc.) .

If you need to report an animal that is loose or that you suspect to be dangerous, DO NOT CONTACT THE HOA, instead contact Wake County Sherriff's Office at (919) 856-6911 or Wake County Animal Control at (919) 250-1475 or the Town of Apex Animal Control at (919) 362-8661.

Dog Pens and Houses

Dog houses may be allowed but require prior approval from the ACC. A few guidelines for dog houses are:

- The dog house must be constructed of materials similar to those of the home, and in the color scheme of the home.
- The dog house must be placed against the back of the home and have shrubs to screen the view from the street and neighboring homes.

Dogs must be on a leash or within a fenced yard. Owners are responsible for maintaining control of pets at all times. “Animal nuisance”, defined as noise and improper waste disposal on common space or within the neighborhood or on owner’s lot, will not be tolerated. Owners are responsible for collecting any animal waste and disposing of it in an approved receptacle. It is expected that waste from pets will be collected immediately and disposed of. Violators will be subject to penalties, including fines.

Signs

The following signs do not require an application and are pre-approved provided they meet the following criteria:

- A single “For Sale” sign, limited to six (6) square feet (3 feet by 3 feet). This sign may be installed on the front lawn area, and may not be displayed from the inside window of the dwelling.
- A welcome or name sign that’s attached to the home at or near the entry in a proportionate size is acceptable. The sign should not have bright or fluorescent type color or a busy design that contains many colors.
- One security, alarm or political election sign, no larger than two (2) feet by two (2) feet in size, may be erected in the front lawn or landscape bed of the home. Political election signs can be displayed up to forty-five (45) days before a primary or general election and must be removed by three (3) days after such election.

The following signs are EXAMPLES that require an application and ACC approval: ***Traffic Caution/Slow Down, Child Alert and/or Flags, Children at Play, Pet Warning Signs***

The following signs are EXAMPLES that are prohibited: ***For Rent, Signs Advertising Home Based Businesses, Garage Sale, Signs nailed/attached to a tree, Sequential signage i.e. Burma-Shave Style***

Note: All signs must comply with any applicable federal, state and local laws and ordinances.

The Declarant, during the Declarant’s development period, and the Association’s Board reserve the right to deny the request or require removal of any sign on any lot or common area.

Solar or Energy Saving System Guidelines

All solar energy or energy saving systems, including solar panels and rain barrels require an application and ACC approval. Roof mounted solar panels must be mounted parallel to the roof edge, not extend over the roof boundaries, and not achieve an overall height or more than six (6) inches above the roof. Panel hardware, trim, pipes and the like must be the same color as the roof.

The proposal for the installation of solar panels should be installed preferably on the back or sides roof, without visibility from the street.

In case there is a need to install solar panels on the front roof, a clear justification is required. The justification should be based on concrete evidence, e.g. comparisons scenarios and not just reflect homeowner's preference. As example, the justification could include an analysis of loss of energy production if the panels are not installed on the front roofs. The justification could also include references to panels already installed on the back and sides roof and the need to install additional panels to increase energy production. The justification will be reviewed by the Middleton Architectural Committee and, if needed, by the Board of Directors.

Yard & Decorative Components: Birdbaths, Bird Feeders, Bird Houses, Fountains, Statuary, Wind Chimes, Weathervanes and Other

All artifacts, fountains, bird baths, bird houses and feeders, and other yard or decorative components, especially in the front area, require an application and ACC approval. The ACC may deny an application for an artifact addition based strictly on aesthetic reasons, and reserves the right to limit the number allowed on one lot, and to require screening. “Holiday decorations” shall not be construed to be “Decorative Components/Yard Decorations”.

General rules include:

- Birdfeeders and birdhouses must not be larger than one foot in width, one foot in depth, and one foot in height; typically constructed of natural colored wood, wood and glass and sometimes some metal.
- 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 and feeder) or if a base, no more than 3.5" x 3.5" square, and six feet in height (including the house and feeder).
- Owner is responsible for removal of sprouted seed removal at the base of a bird feeder, and installing the base in a mulched ring is preferred; required if landscape maintenance is performed by the Association.
- Approved location for installing residential-sized fountains, birdbaths, birdhouses, and bird feeders is in the rear area of the lot, not located close to neighbor's patio or porch. Installation in common areas is prohibited.
- All statuary, hanging or other flower pots and the like requires an application and ACC approval.
- Wind chimes are acceptable either near the front entry or the rear outdoor living area as long as it's not oversized and is not offensive/loud to neighboring property. It should be made of natural colored materials without bright colors, no more than two wind chimes per single residence.
- Weathervanes, whether mounted on top of the home or used as a decorative feature in the yard, requires ACC approval prior to installation.

Clotheslines

No clotheslines of any type are allowed to be installed nor will be allowed to remain on any lot. Clothes' drying on the lot or the common area is not permitted.