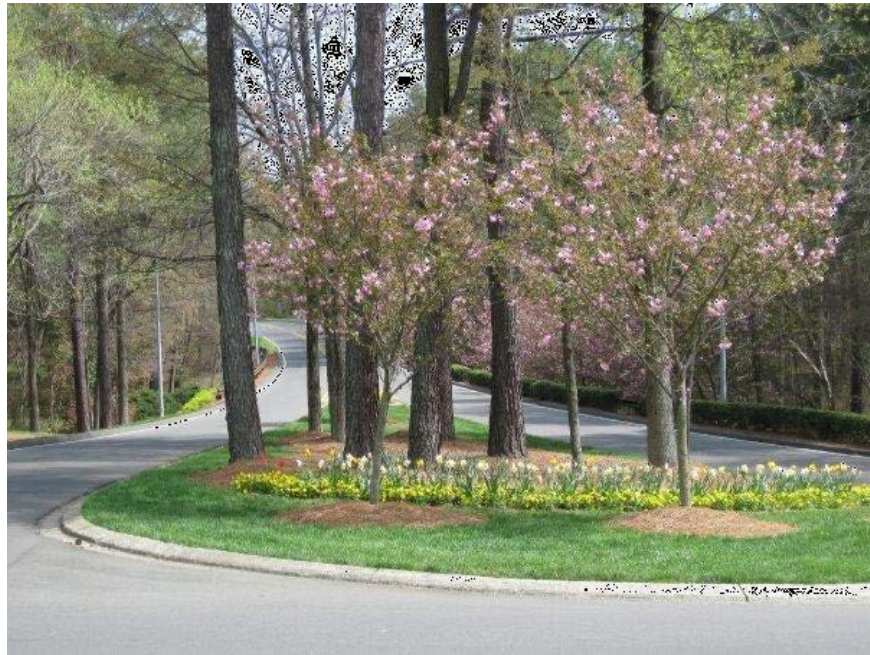


# **Woodcroft Community Association**



## **Architectural Review Board (ARB) Guidelines, Standards, and Procedures**

August 18, 2016

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# **1 Introduction**

## **1.1 General**

Welcome to Woodcroft, and thank you for choosing Woodcroft to be your home. Woodcroft has been planned to be one of the most distinctive and unique communities in the Research Triangle area. Residents who live in Woodcroft are proud of their community, and the strong values it holds. We are living in an attractive community composed of woods, winding trails, with appealing homes, and home sites. We live in close association with our fellow residents, and common courtesy dictates that our actions will not infringe on the rights of our neighbors. Woodcroft was created with the best architecture, design, and landscaping features in mind, and the Woodcroft Architectural Review Board Guidelines, Standards, and Procedures were created to assist you in interpreting these specifications set forth in the guidelines. Each member of our community in Woodcroft, whether a homeowner, property owner, or guest, must abide by these guidelines that have been established by our community to help maintain our community. Each homeowner is ultimately responsible for insuring compliance of their family members, guest, and tenants, and other occupants of the homeowner while they are within the Woodcroft community. By adhering to these rules, and guidelines we are ensuring that each of us achieves the maximum enjoyment, and longevity of our investments in our homes.

## **1.2 Architectural Review Board**

Woodcroft utilizes an Architectural Review Board (ARB) composed of professionals and property owners that has been appointed by the elected Woodcroft Community Association (WCA) Board of Directors. The ARB helps provide guidance to residents in matters related to these guidelines. The ARB also acts to ensure that only the best architectural, design, and landscaping features will be approved in order to create a context in which individual tastes will not be sacrificed, but blended in such a way that overall property values will be protected. Design is not an exact science. The ARB makes its judgments based on the Covenants, these guidelines, and individual situations. No two sites are alike, and a design solution on one site may not be appropriate on another. All projects will be reviewed with respect to their visual impact on adjacent property.

The design concepts for the Woodcroft community promotes a living environment, within the community; which is both harmonious and provides a sense of identity and continuity. The design process for individual home owners will have as its objective, carefully planned additions to the natural setting of the home. The additions will be fitted naturally into the home site, taking advantage of and maximizing views, natural landscape and vegetation. "Streetscape" is a term used to describe the overall visual effect of a street and is the sum total of the effect produced by the design of the project, supplementary landscaping, and details such as streetlights, and mailboxes. The objective is to produce a streetscape which unifies the individuality of the many houses in Woodcroft, providing continuity and identity, yet without sacrificing this individuality.

## **1.3 Authority**

Article VI, Section 3 (b), of the "Woodcroft Covenants and Restrictions of the Woodcroft Community Association and Woodcroft Company, A North Carolina Partnership" states: "The Association, (WCB, Woodcroft Community Board), shall administer and enforce the covenants and

restrictions established in this Declaration, including, but not limited to, the following: (3) The Association shall operate an Architectural Review board.”

Article VII, Section 1 and 2 states that the Association has “the right to approve (or disapprove) plans, specifications, color, finish, plot plan, land management plan, and construction schedules for any or all buildings or structures to be erected within any or all of the properties subject to said General Property Covenants.” In addition, the Association has the right to “establish rules and regulations, to administer and enforce the provisions of said General Property Covenants”.

Rules and regulations contained in this document are based on local city ordinances. All property owners in Woodcroft are bound by the obligations stated in the 1.) By-laws of the Woodcroft Community Association, 2.), Declaration of Covenants & Restrictions of the Woodcroft Community Association & Woodcroft Company, and 3.) Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to all Properties in Woodcroft, specifically pages 1-27 covering the main issues surrounding architectural matters. Section VII of the Declaration of Covenants & Restrictions of the Woodcroft Community Association & Woodcroft Company, describes the authority of the Architectural Review Board. [http://woodcroftonline.com/woodcroft/document\\_view.asp?id=15](http://woodcroftonline.com/woodcroft/document_view.asp?id=15)

Compliance with these rules and regulations is mandatory and will be enforced in a fair and consistent manner.

The following guidelines are to assist you in interpreting the specifications set forth in these legal documents. These guidelines and regulations do not replace the above-mentioned documents but serve only to enhance them.

## 1.4 Adoption

To be effective 6/23/16 The Woodcroft Community hereby adopts this document as the Architectural Review Board Guidelines, Standards, and Procedures of the Woodcroft Community Association. Revisions to this document will be made in the future as needed by a majority community vote, mailed out to all residents as outlined in the “Declaration of Covenants and Restrictions....” Article III, Section 5., & 8., and “By-Laws of Woodcroft Community Association, Inc.” section 8.

## 1.5 Compliance

As specified in the “Declaration of Covenants and Restrictions of the Woodcroft Community Association and Woodcroft Company, a North Carolina Partnership” and enumerated above, compliance with these rules and regulations is not voluntary. Unless specified otherwise, the penalty for violation of these Rules and Regulations shall be decided by the Woodcroft Board of Directors and may include fines. These penalties may be imposed for the violation after the violation has been confirmed by the ARB or the WCA General Manager. After confirmation the Board will send a certified letter to the owner in violation, noting the violation and requesting compliance with the rules within two weeks to avoid penalties (Section 4.2. ARB Guidelines Enforcement Process). Such fines shall be assessments secured by liens under Article VIII, Section 4, which states “Enforcement of these Covenants and Restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate or circumvent any Covenant or Restriction, either to restrain violation or to recover damages, and against the land and to enforce any lien created by these Covenants”. In addition, the Association may pursue an action in equity

or at law for compliance with these rules and regulations. Any and all violations that occurred prior to the adoption effective date, (Section 1.3 Adoption), will be exempt from all fines outlined in (Section 5. Fines).

Homeowners renting or leasing their home(s) must provide their tenants with a copy of the 1) By-laws of the Woodcroft Community Association, 2) Declaration of Covenants & Restrictions of the Woodcroft Community Association & Woodcroft Company, 3) Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to all Properties in Woodcroft, and 4) Architectural Review Board Guidelines Standards and Procedures. Owners and tenants will be notified of a tenant's failure to comply with the Rules and Regulations, and the Homeowner will be held financially responsible for violations of the Rules by tenants and their guests, and for obtaining compliance with the Rules. Homeowners will provide the names and contact information of their tenants as well as the Homeowner's current and/or future contact information to the Property Manager of Woodcroft.

The ARB has the right, but not the obligation, to grant waivers for minor deviations and infractions of this Declaration. The granting of any waiver for any portion of the properties may be given or withheld in the ARB's sole discretion and a prior grant of a similar waiver shall not impose upon the ARB the duty to grant new or additional requests for such waivers.

## 1.6 Durham City-County Zoning Laws

All new construction, additions, improvements, walls, etc. must be built to code if such regulations exist. It is each homeowner's responsibility to ensure compliance with all building codes and zoning laws.

Durham City-County zoning laws apply to all properties in Woodcroft. They may be found at <http://www.ci.durham.nc.us/departments/planning/zoneord> . These zoning laws cover a number of issues common to Woodcroft. Impervious Surface requirements are in Section 5 Durham City-County zoning laws. "Watershed Protection District Overlay" of the zoning laws. Some common areas are "buffers" according to Durham City-County zoning laws, Section 1. In addition, some lots have a "landscape easement" which is also a "buffer". Buffers provide a space to separate differing land uses, Section 10.2.1, of the zoning law says: "Buffers shall be left in an undisturbed natural vegetative state or provided with supplemental plantings. Selective thinning of vegetation under 1.5-inch caliper and removal of dead vegetation shall be permitted as long as the intent of the buffer requirements is maintained." Any other changes in buffers would require Zoning Board approval. Clear cutting a buffer would result in a fine by the City along with the cost of restoration. The homeowner is responsible for satisfying zoning laws even if this document fails to cite an applicable one. Homeowners need to be aware that new construction or additions require a permit from the City of Durham.

## **2 Architectural Control Standards**

### **2.1 Elements that are Always Prohibited.**

(The following are the main items that are prohibited – this entire document must be reviewed for a comprehensive description of all prohibited items)

**2.1.1 Carports:** Any type.

**2.1.2 Above Ground Pools:** Any type.

**2.1.3 Above Ground Storage Tanks:** Tanks used to store fuel, water, or anything else are generally prohibited. Tanks for water storage are allowed (*Section 2.2.13 Rain Barrels*).

**2.1.4 Chain Link Fences, Dog Runs, or Animal Cages:** Chain link fences are prohibited. By implication, chain link, wire mesh or wooden dog runs and animal cages are also prohibited.

**2.1.5 Metal Storage Structures:** Metal storage structures are prohibited. Other storage structures require approval (*Section 2.3.7 Exterior Freestanding Structures*).

**2.1.6 Antennas or other Structures on Common Property:** Antennas of any type used for TV, AM/FM radio, Digital Audio Radio Services (DARS) signals, amateur (HAM) radio, and Citizens Band (CB) radio, (*Section 2.3.7., e. Antennas not Covered by Special FCC Rules*), may not be placed on common property even if you cannot receive an acceptable quality signal on your lot. Other structures are also prohibited on common property. Cutting of vegetation or planting on common property requires the express written approval of the Board of Directors or the Architectural Review Board. Some common areas are “buffers” according to Durham City-County Zoning laws, Section 1.6 Durham City-County Zoning Laws, and would also require Zoning Board approval for any changes.

**2.1.7 Awnings:** All awnings on the front of homes are prohibited. (*Awnings on the side and back of a home require approval by the ARB on a case by case basis.*)

**2.1.8 Woodcroft Association Property:** No construction or alteration of Woodcroft Association Property is permitted.

**2.1.8.1 Structures and Equipment:** Placing structures or equipment on WCA Property including common areas is prohibited. This includes storage sheds, antennas and satellite dishes, playground equipment and recreational equipment.

**2.1.8.2 Landscaping:** Any type of landscaping on WCA property other than that performed by contractors authorized by the WCA Board are prohibited. Cutting of vegetation or planting on Woodcroft common area properties requires the written approval of the ARB and/or WCA Board. Some common areas are buffers according to the Durham City-County Zoning Laws, and also require permission of the Durham Zoning Board.

**2.1.9 Vegetable Gardens:** All vegetable gardens visible from the street are prohibited. Vegetable gardens in small containers of 24" or less that are set on the side of the driveway and not in the yards are allowed but require approval.

**2.1.10 House Numbers on Curbs:** House numbers painted on the curbs are prohibited.

## 2.2 Elements That Don't Require Approval:

(The following are the main items that generally do not require approval – this entire document must be reviewed for a comprehensive description of all prohibited items)

**2.2.1 Signs:** Only one commercial sign is allowed, and that is a "for sale" sign or a "for rent" sign. Other signs, if allowed by law, must adhere to local ordinances.

**2.2.2 White and Matching Color Storm Doors:** White (or color matching the door or its trim) Storm doors with full height glass without cross members and with narrow stiles needs no approval. Other styles or colors of storm doors do require approval (Section 2.3.13 Exterior Additions and Modifications).

**2.2.3 Gutters:** Properly installed, white pre-finished (or color consistent with the house trim), aluminum gutters needs no approval. Other colors or materials require approval. In addition, if the gutters will cause a change in normal runoff patterns and quantities sufficient to impact drainage on adjacent properties, approval is required (*Section 2.3.13 Exterior Additions and Modifications*).

**2.2.4 Alarm Systems and Security Cameras:** Installing an alarm system on your property needs no approval even if it involves components outside the house (e.g. fence gate sensors). Installing security cameras on your property does not require approval.

### 2.2.5 Some Exterior Lighting:

**2.2.5.1 Replacing lighting fixtures with a similar type and style needs no approval.**

**2.2.5.2 Installing a motion sensing security device to turn on existing light fixtures needs no approval.**

**2.2.5.3 Installing a motion triggered light under your deck as a security device needs no approval.**

**2.2.5.4 You need no approval to install a motion triggered spotlight or floodlight:**

- In the rear of your house: If your house does not back up to another house or if your house does back up to another house that is 60' or more away.
- In the front of your house: If for illumination of the driveway, and if you can mount the light up high on the house so that it shines down on the driveway (as opposed to out). In both cases, you must ensure the beam stays on your property. All other spotlight, floodlight, or lamppost installations require approval.

**2.2.5.5 Properly installed low voltage lighting along walkways, for landscaping including tree lighting, and on the inside of decks needs no approval.**

**2.2.5.6 Temporary holiday lighting needs no approval. However, such lighting and any associated wiring must be installed and removed within a reasonable period of time around such holidays.**

**2.2.6 Deck and Fence Preserving and Staining:** No approval is required for treatment of decks or fences with a transparent or semi-transparent sealer. Decks and fences may also be stained a natural wood color (e.g. cedar, cherry, chestnut, golden oak, teak, pecan, bark, redwood, mahogany & walnut) either before sealing or in combination with the sealer. Fences may not be painted with the exception of (community with white picket fences as their sub-association standard)

**2.2.7 Minor Landscaping:** The following items require no approval from the ARB:

- a) Flowers planted in existing beds need no approval.
- b) Shrubs planted in existing beds need no approval.
- c) Flowers or flower beds around mailboxes need no approval, provided they do not restrict access to the mailbox door or visibility of the number.
- d) Ground cover in existing natural areas or landscape beds needs no approval. However, new natural areas or landscape beds need approval if larger than 10 ft. x 10 ft. or more than a total of 100 sq. feet in size (Section 2.3.3 Landscaping).
- e) Mulching with pine straw, hardwood or bark mulch needs no approval.
- f) Replacement of existing shrubs, plants, or trees that are diseased, damaged, or dead with the same variety and size shrub, plant or tree in the same location needs no approval.
- g) Borders around flower beds, trees, or shrubs (edging), one level high, consisting of pressure treated yellow pine timbers, brick, stone, pre-cast concrete, black plastic, or other commonly used material need no approval. More than one level of stackable material that holds back 12" or less of fill also needs no approval. Heights above that are considered retaining walls and require approval (Section 2.3.6 Retaining Walls / Terraces).
- h) Flower boxes on porches or hung from windows, or hanging baskets needs no approval.
- i) Adding more compost or topsoil to a lawn, or re-seeding or applying sod to a lawn needs no approval,
- j) Installing an invisible electronic fence for pet containment needs no approval.
- k) Fixing drainage problems improperly installed or overlooked by the builder needs no approval, provided it does not impact drainage on your neighbor's property.
- l) Installing a watering system for a lawn, planting beds, or containers, planters, or hanging baskets needs no approval.
- m) Planters for flowers and/or vegetables need no approval.
- n) Planting up to fifteen shrubs in a random pattern needs no approval. Hedges still need approval (2.3.3 Landscaping). Trees may be planted in the rear yard without approval, except that trees cannot be planted in utility easements. Dwarf fruit and ornamental trees may be planted in the front and side yard without approval.



**2.2.8 Antennas Covered by Special FCC Rules:** FCC rule 47 C.F.R. Section 1.4000 governs restrictions that local governments and homeowners' associations can place on the following types of antennas.

**2.2.8.1 A "dish" antenna that is one meter (~39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.**

**2.2.8.2 An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.**

- a) An antenna, of any size, that is designed to receive local television broadcast signals.
- b) "Transmit only" antennas are also covered as long as they are paired with a receive antenna supplying one of the above services (e.g., sending pay-per-view authorization, or providing the uplink side of an internet or telephone service).

**2.2.8.3 All the above antennas do not require approval for installation. The above antennas may be mounted on "masts" to reach a height to receive or transmit an acceptable quality signal. As long as the mast does not extend more than 12' above the roofline and is also set back from all property lines a distance greater than or equal to its height, no approval is required. If the height of a mast is more than 12' above the roofline, approval is required. Antennas may be installed by the homeowner, except for transmit-only antennas, which must be professionally installed.**

## **2.2.9 Antennas Location:**

**2.2.9.1 The ARB prefers that antennas be placed in the rear or sides of properties, or in places shielded from view from the street, other lots, or common areas to the maximum extent possible. However, the FCC says that the ARB cannot require you to place an antenna in a preferred location if it will not receive (or transmit) an acceptable quality signal, or if placing it in a preferred location would increase the cost of installation or maintenance, or would unnecessarily delay installation. The FCC says that the ARB could require shrubbery or a fence to hide the antenna (providing that it did not interfere with reception) if and only if they also required it for such things as air conditioners, heat packs, and cable boxes, but the ARB does not require shrubbery or a fence to hide those things. However, screening with shrubbery or other landscaping elements is preferred.**

**2.2.9.2 Antennas cannot be mounted on common areas or any other owner's property, even if an acceptable quality signal may not be received from any location on your lot. Antennas must be securely and safely mounted. In order to prevent electrical and fire damage, antennas must be permanently and effectively grounded. The FCC Fact Sheet on the above antennas is at <http://www.fcc.gov/mb/facts/otard.html>. Other kinds of antennas (CB, Ham, etc.) are covered in (Section 2.3.7., e. Antennas not Covered by Special FCC Rules).**

**2.2.10 Exterior Painting with the Same Colors:** No approval is required to repaint your house in its original colors. There is a wide variation in the performance of paint from various manufacturers. Most paint stores will tell you that if you do not get 7 to 10 years from a paint job you are using inferior paint. Use the rating service or paint expert you trust most to help select the

brand and type of paint you will use. It is suggested that on siding you use a finish of paint that is flat or nearly flat. However, flat paint is the least durable of all paint finishes. You are not required to use it, although it may help hide imperfections in siding. Glossier paints on trim are easier to clean and resist dirt better than flat paints.

**2.2.11 Removing Dead, Damaged or Diseased Trees or Shrubs:** Removing any dead, damaged or diseased tree or shrub or any live tree that is in immediate danger of causing property damage or bodily harm does not require approval. If the tree is in the front of the house, it may have to be replaced with a similar tree to satisfy the Durham City-County zoning standards in Section 10.5.2 Street Trees for Residential Development. Before a tree is removed, the owner will document the condition of the tree with a photo or statement from a tree professional in the event of any dispute regarding the removal of the tree. Trees in the common areas cannot be removed.

- (Also refer to Section 2.3.17 and 2.3.17.4)

**2.2.12 Temporary Recreational Equipment:** Temporary volleyball nets, badminton nets, croquet sets, or similar items need no approval.

**2.2.13 Rain Barrels in Rear Yard:** Woodcroft supports water conservation efforts. Rain barrels up to 100 gallons are permitted when installed under the gutter downspout in the rear yard. Rain barrels shall be in earth-tone colors, such as brown, dark green, or black. It is preferable that they are screened with shrubs or trees if possible. Requests for installation of other rain collection containers or other than in the rear yard require approval and will follow the guidelines in (Section 2.3.7 Exterior Freestanding Structures)

**2.2.14 Replacing Existing Decks and Retaining Walls:** No approval is required to replace an existing deck and/or retaining wall as long as the original structures dimensions are not changed, the structure meets Durham County code, and the materials used meets the ARB standards outlined in this document (Section 2.3.1, & 2.3.6)

**2.2.14.1 HardiPlank and/or Hardi Board:** HardiPlank and/or Hardi Board need no approval. Any changes to the homes original color will require approval.

**2.2.14.2 Birdbaths, Bird Houses, and Bird Feeders:** Bird houses, and bird feeders placed in the back yard need no approval. Birdbaths 3' or less in height and placed in the back yard need no approval.

**2.2.14.3 US Flags:** The [Freedom to Display the American Flag Act of 2005](#) (H.R. 42) states: "A condominium association, cooperative association, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a member of the association from displaying the flag of the United States on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use."

**2.2.14.4 Dog houses.** These will be screened as much as possible from neighbors view and street views.

## 2.3 Elements that Require Approval

**2.3.1 Storm doors;** with full height glass without cross members and with narrow stiles needs no approval. Other styles or colors of storm doors do require approval (Section 2.3.13 Exterior Additions and Modifications).

**2.3.2 New Decks or Modifications to Decks:** A deck has a significant impact on the appearance of a house. Decks may also affect the privacy and right of enjoyment of adjacent residents. These two factors are weighed heavily in the review of requests for decks. Modifications to existing decks must provide continuity in detailing such as material, color, location of posts, and design of the railing and use of trim. Modified decks must be brought up to Durham building codes and ARB rules and regulations.

**2.3.2.1 Appearance:** Decks must be consistent with the scale of the house and yard. The configuration, detail and railing of a deck will be of a simple design and constructed in a vertical plane, (i.e. 90-degree angle). Decks will be visually tied to the ground and architecturally integrated with the house.

**2.3.2.2 Location:** Decks must be confined to the rear of the dwelling and must not protrude past the sides of the building. Final placement and approval will be determined by the ARB. Decks may not be built in utility easements.

**2.3.2.3 Materials:** Decks must be constructed of rot-resistant #2 or better pressure-treated southern yellow pine, cedar, mahogany, redwood, cyprus, oak or other composite decking materials in natural earth tones with galvanized or stainless hardware. Decking must be 5/4" thickness or greater. Plantings are recommended at post foundations and around decks to screen structural elements and to soften the structure visually.

**2.3.2.4 Lattice Work under a Deck:** Lattice work may be installed under a deck to shield from view certain items (e.g., grills, table umbrellas, etc.), or to prevent would-be intruders from having a place to hide. It will be constructed of 3/4" thickness heavy-duty lattice in pressure treated wood or other composite material. The borders of the lattice will be framed in order to hide the unfinished edges. It will be sealed and stained to match the finish of the deck. Painting the lattice requires approval. Include a paint chip along with a color photo of your house and deck.

**2.3.2.5 Additional Requirements:** Owners need to be aware that a building permit must be obtained from the City of Durham prior to building a deck. As a result, all decks must meet the building requirements for the City of Durham, in addition to these guidelines. However, approval from the ARB is not necessarily contingent upon obtaining a city building permit.

**2.3.2.6 Deck Preserving and Staining:** Pressure treated lumber is treated with chemicals to resist rot. The treatment does not protect against UV sunlight damage, nor does it seal against water or protect against weather damage. Decks and fences will be sealed with a transparent or semi-transparent sealer. Sealers with UV blocking agents are allowed and encouraged. Decks and fences may also be stained a natural wood color (e.g. cedar, chestnut, golden oak, teak, pecan, bark, redwood, mahogany) either before sealing or in combination with the sealer. Some sealers suggest that new treated wood will weather a year before use of their product, and that is acceptable. Transparent sealers are typically not good for more than a few months and semi-transparent ones are typically not specified to last more than 2 or 3 years on flat surfaces (longer on fences). Opaque stains are often specified for 5 years on flat surfaces, longer on fences. Opaque stains require

**approval. Include a color photo of your house, deck, and/or fence and the opaque stain color chip in your application. No approval is required for re-staining previously approved stained decks and fences as long as the color is not changed.**

**2.3.3 Fences:** Fencing requires special consideration as it has both a visual and a physical impact on adjoining property owners, and detracts from the open character of Woodcroft. Careful consideration must be given to the fencing concept, layout, and execution. Fencing is a difficult issue because each lot has its own unique shape, terrain, and fits into the streetscape differently. Homeowners with large dogs need to keep in mind the maximum height allowed is 48" for all fences.

**2.3.3.1 General Requirements: Open fence designs are required. If privacy is the desired end, this will be addressed by screening with shrubbery. Whenever possible, alternatives to fences are recommended (i.e., landscape screens or "invisible" electronic fences).**

**2.3.3.2 Appearance: Permitted Types of Fencing are limited to:**

- a) Split-rail fence, with posts extending approximately 6" above the top rail. The maximum height of the top rail is 48". Fences cannot be painted but may be stained.
  
- b) Picket fence
  - Permitted Picket Tops: Round, Dog-Eared, or Pointed. In Legacy Place, Concave Scallop is the only permitted style. In Cross Timbers, Convex Scallop is the only permitted style.
  - Spacing between pickets shall be between 1 ½" to 3 ½" apart. Picket width shall be between 2 ½" to 4 ½".
  - Permitted Post Caps: Copper, brass, or wood caps need no approval. All other types of caps are subject to approval. White plastic caps are not allowed.
  - Height: Fencing can be between 42" and 48" in height. If the adjoining property owners have an existing fence, it is strongly encouraged the proposed fence matches the existing fence in style and height.
  - Intermediate fence posts shall not exceed the height of pickets. End posts may extend up to 6" above pickets on a case by case basis.
  - Fences cannot be painted but may be stained unless approved as a sub-association standard.
  
- c) **Location:** Fences will be allowed only for back, or side yards, depending on home site, and shall follow the natural topography of the land. Fences will be no closer to the front of the property than a point on the property line even with the rear corners of the house. Exceptions may be made by the ARB. For small or irregular shaped back yards or

special circumstances the ARB may elect to allow the fence to be placed up to the front edge of the home. Fences will be located so that trees do not have to be removed. If a fence protrudes beyond the sides of the house, evergreen plantings shall be required to screen views from the public rights of way. All fencing requests shall have the boundaries clearly marked on the property with flags or string for the ARB to review. No exceptions shall be allowed.

- d) **Material:** Fences shall be constructed with rot resistant #2 or better pressure-treated southern yellow pine, cedar, mahogany, redwood, cyprus, or oak with a natural-weathering wood surface (painted fences are not permitted). All fasteners are to be galvanized or other coated rust-resistant material. Vinyl-coated wire mesh (Black or Dark Green only) when incorporated, shall be constructed of 2" x 4" PVC-coated 14-gauge or heavier welded wire or vinyl-coated chain link and placed on the internal side of the fence.
- e) **Additional Requirements:** When there is a utility easement across any portion of the area to be enclosed by a fence, it must have a minimum 12-foot-wide gate in each section of the fence that crosses the easement line to allow the utility company access for maintenance and repair. Consult the applicable utility company for its detailed requirements. PSNC requires that you get their approval to install a fence that crosses their utility easement. If a lock is needed, it must be interlocked with a PSNC lock to allow their access. Trees may not be planted in the utility easement.

## 2.3.4 Landscaping:

**2.3.4.1 General Requirements: Landscaping plans need not be submitted if the plantings number less than fifteen (15) shrubs/trees that are planted in a random pattern in the yard. Landscape plans must be submitted for approval in the following situations:**

- a) As part of a submission for structural additions and alterations; (see specifics under the appropriate sections).
- b) Addition or modification of structural or decorative elements. Examples include but are not limited to:
- Arbors, Pergolas, and Trellises
  - Built-in barbecues or fire pits
  - Bird baths (Section 2.2.16 Birdbaths, bird houses, and bird feeders) for specifics.
  - Patios (Section 2.3.4 Patios, Walkways, and Parking Pads) for specifics.
  - Retaining walls (Section 2.3.6 Retaining Walls / Terraces and 2.2.14 Replacing existing decks, and retaining walls) for specifics.
  - Sculptures
  - Terraces (Section 2.3.6 Retaining Walls / Terraces) for specifics.
  - Tree removal (Section 2.3.15 Removal of Existing Elements) for specifics.
  - Walkways
  - Water gardens
  - Lawn ornaments
  - Awnings, fixed and retractable (Section 2.1.7 Awnings).

- c) Appearance: Natural area and landscape beds shall be made in proportion to the home and property. All landscape areas shall be maintained to prevent overgrowth of individual plants or weeds. Landscaped areas shall be mulched to improve appearance and aid in maintenance. Edging around the bed or natural area may be used but is not required. Vegetable, herb and water gardens shall be maintained regularly to prevent excessive weed growth. Trees shall be maintained and pruned for aesthetic and safety reasons (i.e., overgrowth is pruned, debris and damaged limbs due to wind, decay, disease or ice are removed).
- d) Location: Natural areas and landscape beds may be placed in the front, rear, and side yards. Mature plant size shall be considered in determining locations of shrubs near property lines and streets. Plants must be set back sufficiently to account for mature growth. Trees and shrubs must be planted such that at mature size they do not cross the property boundary. Trees or plants of any kind that obstruct sight lines of vehicular traffic, or produce a safety hazard will not be approved. New trees shall be located away from foundations, driveways or walks to limit potential damage caused by root growth.
- e) Vegetable, herb and water gardens shall normally be confined to the rear or side yard depending on how the home is situated on the property, out of view from public streets and commons areas.
- f) Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning).
- g) Landscape beds, shrubs, and/or flowers in utility easements may be allowed by the ARB, but with the full understanding that such things may have to be removed for utility work in that easement without any liability on the part of the Association or the Utility company. Trees may not be planted in utility easements.
- h) Materials: In the application, use the "common" and botanical variety names of plants if available. Decorative gravel mulch or similar types of mulching require approval. Be aware that compacted gravel is considered "impervious surface" (Section 1.6 Durham City-County Zoning Laws). Borders around trees and beds may consist of pressure treated yellow pine timbers, brick, stone, pre-cast concrete, landscape curbing, black plastic, or other commonly used material. Railroad ties are prohibited.
- i) Selections will consider scale, color and proportion to harmonize with the existing structures and surrounding site. Normally, borders are only one level high. Multiple levels (e.g. stacked stone, landscape timbers, etc.) that hold back no more than 12" of fill are also acceptable. Higher borders would normally be considered as a retaining wall (Section 2.3.6 Retaining Walls / Terraces).
- j) Structural elements must not be intrusive and must be appropriate to their surroundings. Size, scale, color and material are important criteria.
- k) Additional Requirements: All landscape changes will maintain proper drainage on the site. If major changes are planned, homeowners are required to provide a plan that details drainage patterns and runoff. Plans which cause excessive runoff to neighboring properties or common areas will not be approved without modifications which solve the drainage situation. All live tree removal, except emergency removal (i.e., trees hit by lightning, trees damages by wind, etc.), must be approved by the ARB in advance.

### **2.3.5 Patios, Walkways, and Parking Pads:**

- 2.3.5.1 Appearance:** Walkways, patios, and parking pads shall be created in scale with the site and existing structures. Slope of the patios, walkways and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause any additional water to be directed to a neighboring property or to the house foundation. Size of patio must be consistent with the size of the house and yard. Consideration must be given to their visual impact on adjacent property
- 2.3.5.2 Location:** Patios shall be confined to the rear, or side yard depending yard on how the house is situated on the lot, or within a fully enclosed area. Walkways may be in the front, side, and rear yards, and directly adjacent to the driveway. Parking pads are adjacent to the driveway and usually an extension of it. The patio, walkway, or parking pad size, design and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site. All walkways, patios, and parking pads shall be a minimum of 18" from property lines. If lot size and configuration do not accommodate an 18" setback, the ARB may allow for an exception to this setback guideline. Patios, walkways, and parking pads may not be placed in utility easements
- 2.3.5.3 Materials:** Brick, concrete, concrete pavers, flagstone, slate, or wood left to weather naturally will be considered as acceptable materials. Materials and color chosen shall complement the existing structures. There are new materials that are a hard plastic that we should consider adding here.
- 2.3.5.4 Additional Requirements:** All patios, walkways, and parking pads must maintain proper drainage on the site. Homeowners are required to provide a plan that details drainage patterns and runoff. Each individual homeowner must ensure compliance with the Durham City-County Impervious Surface requirements, Section 1.6 Durham City-County Zoning Laws.

### **2.3.6 Playground and Recreational Equipment:**

- 2.3.6.1 Definition:** Playground equipment and recreational equipment are not buildings, fences or landscape elements; consequently, they do not fall under a typical set of architectural control requirements. Swing sets, sliding boards, sandboxes, jungle gyms, climbing structures, play houses, and similar items are considered playground equipment. Moveable, temporary items such as bikes, wagons, and similar items are not considered playground equipment. Basketball goals, trampolines, horseshoe pits, permanent volleyball courts, and similar items are considered recreational equipment. Forts, plastic structures in non-earth tone colors, and skate board ramps are not permitted in Woodcroft.
- 2.3.6.2 Appearance:** Playground and recreational equipment will blend with the natural surroundings to the extent possible. Landscape shrubs or a fence must be planned to screen playground and recreation equipment from being visually offensive and to maintain a safe environment for children. "Visually offensive" shall be judged by the ARB. Play structures; which are brought to the attention of the WCA by a resident as being visually offensive will be referred to the ARB for review. If a play structure is judged by the ARB as visually offensive, the Board may require relocation or screening of the structure.
- 2.3.6.3** Playground equipment which has fallen into disrepair or has been outgrown by children will be removed from the property. Home-built play equipment will be neat and orderly in

appearance and finish. Play equipment will be finished in natural materials or muted colors preferably those that match the existing house.

- 2.3.6.4 Location:** Playground equipment shall be located in rear yards only. Homeowners must be sure all play equipment resides within their property lines. Open space and easements are not to be used for playground or recreational equipment of any kind. The location of playground areas and of recreational equipment must take into account the impact on adjacent properties, noise concerns, safety concerns, and the minimization of any offensive visual impact on neighbors or public areas. Playground equipment will be located away from property lines adjacent to other houses or streets and away from neighbor's direct view. Recreational equipment will also be placed in the rear yard area where applicable. A potentially dangerous item such as a trampoline will be located within a fenced-in area to prevent access by unsupervised and unintended child users.
- 2.3.6.5 Equipment** such as portable basketball goals may be placed on the driveway but must be located a minimum of 10 feet away from the curb. Where this is not possible, portable units must be removed from the street when not in use and remain close to the house or out of sight. Fixed basketball goals shall not be placed near the street, where the street is intended as the playing surface. Basketball goals must be placed to avoid balls striking vehicles, fragile plants or other items on the adjacent property.
- 2.3.6.6 Materials:** Playground equipment constructed of treated natural wood is encouraged, but not required. Playground equipment will be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing. In particular, swing sets, jungle gyms, and sliding boards must be securely anchored. It is recommended that recreational equipment be "portable"; however, fixed equipment will be considered on an individual basis. Recreational equipment will be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing.
- 2.3.6.7 Additional Requirements:** Detailed drawings must be presented to the ARB for approval prior to the installation of any equipment. All equipment expected to be in a fixed location for an extended period of time must be submitted. All playground and recreational equipment must be maintained in a safe condition and kept visually pleasing to the community and surrounding environment.

### **2.3.7 Retaining Walls / Terraces:**

- 2.3.7.1 General Requirements:** Retaining walls often provide a border for a flowerbed or a landscape bed. Less often they provide a solution to drainage or erosion problems caused by steep slopes on lots. There is no explicit height limit, but compatibility with the surrounding area and the dwelling will be considered. Retaining walls will be built to the minimum height needed to serve their function. Be aware that when a wall holds back 4' or more of fill, the NC Building Code requires the wall to be designed by an engineer and have a building permit. The difficulty of anchoring the wall increases disproportionately with height. So for steep slopes, it may be better to grade with a series of walls of shorter height rather than one tall wall. Materials must be appropriate for their location and contextual relationship to existing structures and landscaping. Ends of the walls will be tapered into the ground rather than abruptly ending.
- 2.3.7.2 Location:** Locations for retaining walls must be clearly specified on the plat plan submitted with the application. Consideration will be given to changes in the natural



topography and existing drainage patterns. Retaining walls may not be placed in utility easements.

- 2.3.7.3 **Materials:** Natural building materials such as stone, slate, brick, concrete landscaping blocks, and square corner pressure treated timbers will be considered as acceptable materials. Railroad ties are prohibited. Rounded landscape timbers lack stability when used to retain earth and will not be approved. Materials and colors chosen will complement the existing structure on the site.
- 2.3.7.4 **Additional Requirements:** All retaining walls must maintain proper drainage on the site. If a wall is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure. All retaining walls must be properly secured to prevent collapse. Any request for a retaining wall over three feet in height shall include in the application detailed specifications for anchoring the wall. Homeowner is responsible for insuring that all retaining walls meet Durham City-County zoning requirements and NC Building Codes.

### **2.3.8 Exterior Freestanding Structures:**

- 2.3.8.1 **General:** Exterior freestanding detached structures include storage sheds, gazebos, doghouses, greenhouses, etc. The application will include sufficiently-detailed documentation for the ARB's evaluation. This may include engineering drawings, blueprints, detailed to-scale drawings, catalog diagrams, and/or photos, and will show views from multiple angles.
- 2.3.8.2 **Appearance:** Your application needs to include a scaled drawing of the proposed structure, including materials and colors, or a picture if possible. No free hand drawings are accepted. Also include details of the foundation or anchors for such structures. The design of the structure will be compatible with the architectural details of the existing structures on the lot with regard to siding and roofing material as well as paint color. Sheds will have a simple design and be located in rear yards. Views from adjacent property must be considered.
- 2.3.8.3 **Location:** All exterior freestanding detached structures will be confined to the rear yard. The location for these structures will typically be governed by the setbacks shown on your lot's survey plat. The placement of doghouses must also take into consideration safety concerns, noise minimization, the possibility of offensive odors, and not be visually offensive to neighbors and public areas. "Visually offensive" shall be judged by the ARB. No permanent structures are permitted in utility easements. The ARB may require additional landscaping to screen the structure from view.
- 2.3.8.4 **Materials:** Materials for use on any detached structure will meet or exceed the materials used in construction of the original structure. In general, the ARB seeks to maintain the quality of materials and workmanship that are present in the original structure.
- 2.3.8.5 **Additional Requirements:** All exterior freestanding structures shall maintain proper drainage on the site. If a structure is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure. Overhead electrical service is not permitted in Woodcroft. The City of Durham will require a building

permit for such structures and you must ensure that they will meet the Impervious Surface requirements, Section 1.6 Durham City-County Zoning Laws.

**2.3.8.6 Antennas not Covered by Special FCC Rules:** Dish type antennas larger than 1 meter in diameter are prohibited. Antennas for AM/FM radio, Digital Audio Radio Services (DARS) signals, amateur (HAM) radio, and Citizens Band (CB) radio are not protected by the FCC rule limiting local government and homeowner association rules (Section 2.2.8 Antennas Covered by Special FCC Rules) and all of them require approval. The ARB will not approve large and visually offensive antennas. There are a great many types, styles, and sizes of amateur radio antennas. It is expected that few, if any, would be approved. For Multi-Family Dwellings, individuals residing in multi-family communities must consult directly and receive guidance from the property management of their community.

### **2.3.9 Hot Tubs and Pools:**

**2.3.9.1 General:** The ARB realizes that in-ground pool and hot tub styles are limited, and will place emphasis on screening systems to minimize the visual impact from a public way or adjoining property. Only in-ground swimming pools are allowed. Above ground pools are not allowed. (Section 2.1.2 Above Ground Pools).

**2.3.9.2 Location:** Durham City-County zoning laws, Section 7.41 under “Supplemental Requirements” specifically state “Private swimming pools as well as the decking and equipment associated with the pool on single family, duplex, and triplex lots shall not be located in the front or side yards and not be closer than 5 feet to the rear property line. The pool shall be completely enclosed by an opaque fence at least 6 feet in height if any portion of the pool or pool decking is within 20 feet of a property line. Pools not within 20 feet of the property line shall be enclosed with an opaque fence that is at least 4 feet in height. The exterior walls of the residence or buildings may be incorporated as a portion of the fence to create a fully enclosed area around the pool. All fence openings into the pool area shall be equipped with self-closing and self-latching gates. These regulations shall apply to in-ground and above ground swimming pools which have a water depth over 24 inches or have a surface area of at least 100 square feet. Security measures shall be installed to prevent access to the pool when it is not intended to be used.”

**2.3.9.3 Hot tubs with a water depth less than 24”** must also be confined to the rear yard. Care will be taken to locate pools and hot tubs so as to avoid potential hazards (i.e., electrocution, drowning). It is the homeowner’s responsibility to ensure that hot tubs and pools comply with Durham City-County zoning laws and building codes.

**2.3.9.4 Additional Requirements:** Homeowner is responsible for insuring that installation meets or exceeds all applicable codes, regulation, ordinances, permit requirements and inspection requirements of the City of Durham.

**2.3.9.5 All pools and hot tubs will maintain proper drainage on the site.** If a pool/hot tub is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Water from the pool or hot tub may be drained into the storm sewer system. Care will be taken to contain water from spilling over onto adjacent properties.

- 2.3.9.6 Fence Requirements:** Open hot tubs must be surrounded by a fence, (Section 2.3.2 Fences), with locking gates. Hot tubs may require additional screening based on the location on the lot to provide visual screening from adjacent property owners or public ways. Pumps and machinery related to the pool or hot tub must be concealed in a manner to avoid offensive visual appearance and minimize noise production or transmission of such noise to nearby lots. "Visually offensive" shall be judged by the ARB.
- 2.3.9.7 Homeowners need to understand that pools increase the intensity of noise and appropriate measures need to be taken to limit this potential conflict with adjacent homeowners. In addition, homeowners must also comply with the City of Durham noise ordinance, Article II Noise, Section 14;**  
[http://www.municode.com/Resources/gateway.asp?pid=12650&sid=33Swimming\\_pools](http://www.municode.com/Resources/gateway.asp?pid=12650&sid=33Swimming_pools).
- 2.3.9.8 Hot tubs and pools may not be placed in utility easements.**

### **2.3.10 Clothes Lines:**

- 2.3.10.1 Appearance:** Clothes lines will be designed and located with consideration for minimizing the visual impact on the surroundings. It is preferable that clothes lines can be retracted or taken down when not in use. The application will include a drawing of the proposed clothes line, including materials, or a picture if possible.
- 2.3.10.2 Location:** Clothes lines shall be located in rear yards only. The location of clothes lines must minimize any offensive visual impact on neighbors or public areas. Clothes lines will be located away from property lines adjacent to other houses or streets and away from the neighbor's direct view.

### **2.3.11 Paint / Stain / Exterior Color Changes:**

- 2.3.11.1 General:** No request for approval is needed to re-use existing approved colors. Changes in paint or stain colors from the original approved color require approval prior to any work being done.
- 2.3.11.2 Color change requests must be submitted for changes in any of the following:**
- a) Siding of buildings
  - b) Doors
  - c) Shutters
  - d) Trim
  - e) Windows
- 2.3.11.3 Selected colors must be harmonious with the other colors used on the structure such as roofing and brick, and must be harmonious with the other colors used in the neighborhood. House colors repeated side by side will not be approved.**

## **2.3.12 Vinyl Siding:**

**2.3.12.1 General: Aluminum siding is not permitted in Woodcroft.**

**2.3.12.2 All residents desiring to use vinyl siding as a siding material must submit an application to the ARB for approval. The replacement of the existing siding with a similar style vinyl siding product does not constitute pre-approval by the ARB. Because of the considerable expense involved with home siding, the ARB urges residents to carefully review the application guidelines for vinyl siding prior to beginning any work on the home. The ARB will consider such factors as siding style, texture, color, and the overall appearance of the product and its impact and suitability with other homes in the community.**

**2.3.12.3 The vinyl siding must meet the ASTM E119 (fire endurance ratings that are similar to walls without vinyl), ASTM D3679 (meets the established requirements for the methods used to test the material, dimensions, expansion, appearance and wind-load resistance). The thickness must be 0.042 – 0.048. Thicker, rigid panels provide better wind resistance, protection against damage, and lay flatter and straighter. The vinyl siding must also have a high wind rating. Higher quality vinyl sidings are typically more expensive, but will be required to meet these guidelines.**

**2.3.12.4 The following site may help (<http://www.vinylsiding.org/>). It is also recommended, but not required that a type of rigid board insulation be used in conjunction with this siding.**

**2.3.12.5 Final approval is to be made by the ARB judged on the criteria above on a case by case basis. The following guidelines will assist residents in preparing their application:**

- a) The applicant must provide the required number of color chips with the application.
- b) The applicant must provide a sample piece of siding in the style and color being considered for approval for the board to review at its monthly meeting. This sample will be returned to the applicant upon request. A link to a siding product manufacturer's website that clearly shows the product intended to be used will be accepted, in lieu of an actual sample, but the ARB reserves the right to request an actual sample if the online sample is deemed insufficient for evaluation.
- c) The style of the vinyl siding must be compatible with the style of siding presently on the home, in addition to other siding styles in the neighborhood.
- d) All color changes for vinyl siding products require an application and approval by the ARB.
- e) Documentation must be provided listing the thickness, ASTM E119, and ASTM D3679 standards, and wind rating of the vinyl siding submitted.
- f) The use of vinyl siding on sheds, playhouses, storage buildings, etc., must also follow these guidelines.
- g) The Board and ARB strongly encourages all applicants for vinyl siding to attend the meeting at which their application is being considered.

## **2.3.13 Roofing:**

**2.3.13.1 General: Roofs of heavy fiberglass asphalt Architectural style shingles, (Timberline style preferred), or wood shingles will be encouraged in all neighborhoods. Fiberglass style shingles need to be ASTM D-3462 and/or ASTM D-225 certified, which requires products to pass tear-strength and nail-withdrawal. Metal roofs may be approved on a case by case basis. Choose a good quality shingle, looking at durability, expected life span (20,**

25, & 30 years), and a high resistance to wind (Standard Wind Resistance Rating (UL 997, ASTM D3161, & ASTM D7158). The following site may help

<http://www.certainteed.com/residential-roofing/products/landmark/>

- a) The applicant must provide a sample piece of roofing in the style and color being considered for approval for the board to review at its monthly meeting. This sample will be returned to the applicant upon request. A link to a roof product manufacturer's website that clearly shows the product intended to be used will be accepted, in lieu of an actual sample, but the ARB reserves the right to request an actual sample if the online sample is deemed insufficient for evaluation.
- b) Documentation must be provided listing the ASTM D-3462 and/or ASTM D-225 and UL 997, ASTM D3161, and/or ASTM D7158 certification.
- c) All color changes for roofing products require an application and approval by the ARB.
- d) The use of roofing on sheds, playhouses, storage buildings, etc., must also follow these guidelines.
- e) Applicants will attend the meeting at which their application is being considered.

### **2.3.14 Awnings:**

**2.3.14.1 General:** Awnings may be appropriate for rear or side-yard patios and decks or over an exposed entrance. Awnings must be consistent with the architectural style and scale of the house. The color of the fabric must be compatible with the existing house colors. Any exposed frames must be painted to match the trim or the dominant color of the house. Frames must be removed if the awning is removed.

### **2.3.15 Exterior Additions and Modifications:**

**2.3.15.1 General:** Additions may include, but are not limited to, garages, screened porches, sunrooms, and any other new living spaces or storage areas that are physically attached to the main structure of the existing house. Exterior Modifications may include, but are not limited to, the addition or modification of storm doors, gutters, windows, and siding. Some storm doors (Section 2.2.2 White and Matching Color Storm Doors), and some gutters (Section 2.2.3 Gutters) require no approval; all others do. The application will include sufficiently-detailed documentation for the ARB's evaluation. This will include engineering drawings, where required, blueprints, detailed to-scale drawings, (free hand drawings are not acceptable), catalog diagrams, and/or photos. Drawings will show views from multiple angles and be drawn to scale (i.e. 1inch = 1 foot). All applicable city permits must be submitted with the application.

**2.3.15.2 Appearance:** All building additions and/or exterior modifications must be compatible in scale, character, materials, color, location, and all other aspects with the original house and surrounding sites. New roofs, siding, windows, doors, etc. will match the current architectural style of the house and be located to relate well with the existing structure. For example, roof pitch of the addition will, if possible, match the original roof. The intent is to preserve the architectural character of the house.

**2.3.15.3 Location:** The location of building additions will be governed by the maximum building area that is defined on the survey plat given to you at closing. However, the ARB reserves the right to reject applications that may meet the PDR setback requirements but fail to meet the objectives of the ARB. Additions will be located to minimize the removal

of live trees and the destruction of natural areas. The ARB may require supplemental landscape to compensate for the removal of vegetation, or to soften the addition visually. Additions may not encroach on utility easements.

**2.3.15.4** Major additions often have an impact on neighboring property. Plans must be well thought out to minimize any adverse impact. Applicants will consult with neighbors while making plans. If possible, the location of the addition will not have an adverse impact on neighboring properties or impair the view of neighbors.

**2.3.15.5**

**2.3.15.6** **Materials:** Materials for use on any building addition or modification must meet or exceed the quality of and be consistent with the materials used in construction of the original structure. Owners will be aware that additions are subject to NC Building Codes. The ARB reserves the right to require homeowners to exceed these minimum standards if it is deemed necessary to maintain the architectural intent of the original structure. You can view NC Building Codes at:

[http://codes.iccsafe.org/app/book/toc/2012/North\\_Carolina/Residential/All\\_Parts/index.html](http://codes.iccsafe.org/app/book/toc/2012/North_Carolina/Residential/All_Parts/index.html)

**2.3.15.7** In general, the ARB seeks to maintain the quality of materials and workmanship present in the original structure. Requests to use materials different than the original structure, such as brick or vinyl siding will be considered on a case by case basis.

**2.3.15.8** **Additional Requirements:** All building additions and modifications shall maintain proper drainage on the site. If a building addition or exterior modification is planned which will affect drainage, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the addition/modification. Changes in grade or draining must not adversely affect adjacent property. Additions must also meet the Durham City-County Impervious Surface requirements, Section 1.6 Durham City-County Zoning Laws.

### **2.3.16 New Homes:**

**2.3.16.1** **General Requirements:** All new construction, additions, improvements, walls, etc. must be built to Durham county building code. It is each homeowner's responsibility to ensure compliance with all building codes.

[http://codes.iccsafe.org/app/book/toc/2012/North\\_Carolina/Residential/All\\_Parts/index.html](http://codes.iccsafe.org/app/book/toc/2012/North_Carolina/Residential/All_Parts/index.html)

**2.3.16.2** All engineering drawings, blueprints, detailed to-scale drawings, (free hand drawings are not acceptable), catalog diagrams, and/or photos are to be submitted. Drawings will show views

from multiple angles and be drawn to min. scale (¼ inch = 1 foot). All applicable city permits must be submitted with the application.

- 2.3.16.3 Appearances: Simple massing and "clean" designs are desired. Any windows of different sizes and shapes, multi-directional siding, towers, too many materials, and irregular shapes will not be approved.**
- 2.3.16.4 All plans for major construction projects will be professionally drawn by an architect or approved design service (ideally including their official seal) and must meet prevailing building codes. Plans drawn by the Owner or Builder (unless he/she is an architect) will not be accepted for review by the ARB. No specific architectural styles will be imposed except in certain neighborhoods. These will be so identified prior to sales. All architectural styles will be accepted with the exception of unique designs such as Tudor, Spanish, Dutch, Alpine or a combination of these styles.**
- 2.3.16.5 The minimum roof pitch permitted shall be 5" in 12" for one story houses and 7 1/2" in 12" for two story houses. Flat roofs or lesser pitches will be considered on a case by case basis but will be generally be allowed for minor roof components only such as porch roofs or entry canopies.**
- 2.3.16.6 Rear entry garages will be permitted only in unique situations since the extra amount of necessary clearing is extremely detrimental to surrounding lots and homes.**
- 2.3.16.7 Houses must be designed and located so as to minimize exposed foundations. Proper grading of the site as to "sink" the house into the ground and siding to grade are acceptable means of disguising awkward foundations. Highly visible service areas must be screened.**
- 2.3.16.8 Location: The location of a new structure will be governed by the maximum building area that is defined on the survey plat provided at closing. However, the ARB reserves the right to reject applications that may meet the PDR setback requirements but fail to meet the objectives of the ARB. The new structure will be located with a consideration for existing vegetation and natural areas.**
- 2.3.16.9 Materials: Materials for use on any new home must meet or exceed the quality of and be consistent with the materials used in construction of other homes in the subdivision. Owners will be aware of and comply with NC Building Codes. The ARB reserves the right to require homeowners to exceed these minimum standards if it is deemed necessary to maintain the architectural intent of the subdivision.**
- a) Roofs of heavy fiberglass asphalt Architectural style shingles, (Timberline style preferred), or wood shingles will be encouraged in all neighborhoods. Fiberglass style shingles need to be ASTM D-3462 and/or ASTM D-225 certified, which requires products to pass tear-strength and nail-withdrawal. Certain neighborhoods will have specific roofing material requirements. These will be identified prior to sale. Metal roofs may be approved on a case by case basis.
  - b) Exposed foundations must be brick, stucco or architectural concrete block. Masonry materials (stone, brick, etc.) when used as accents must not look "applied" or used like wallpaper. All brick selections must be approved by the ARB from samples submitted.
  - c) Driveways must be paved with concrete, concrete pavers, brick or exposed aggregate concrete. Walks must be provided from the driveway to the front door. Walks will be designed as an integral part of the house and landscape and be composed of concrete, brick, or wood decking. Loose flagstones "dropped" on top of the ground in an ill-defined pattern are not acceptable. All front porch wood steps will have closed risers.

**2.3.16.10 Solar Applications:** Active and passive solar applications will be considered. Increased insulation packages will be encouraged. Solar hot water heaters, heating systems and passive solar designs are all responsive solutions to future conservation of energy and increased cost of utilities. All designs must be aesthetically consistent with the architecture. Plans submitted to the ARB must be accompanied by a site plan.

### **2.3.17 Removal of Existing Elements:**

**2.3.17.1 Structures:** The removal of any building, major addition, fence, wall or structural element which changes the exterior appearance of property must be approved by the ARB. Removal of such items as playground equipment, recreational equipment, and sheds does not require approval of the ARB as long as the area is restored to an acceptable condition.

**2.3.17.2 Trees:** For trees located within ten (10) feet of the main dwelling or accessory building, not measured from a deck or shed, ARB approval is not necessary. Trees not within ten (10) feet of the main dwelling or accessory building, not measured from a deck or shed, measuring more than six (6) inches in diameter or 19 inches in circumference at a point two feet above the ground may not be removed without the approval of the ARB. No live ornamental trees such as holly, dogwood or redbud may be removed without specific approval.

**2.3.17.3** Trees in the common areas cannot be removed by home owners.

**2.3.17.4** Unless exempt by Section 2.2.11 or 2.3.17.1. of this Guideline, the removal of dead or diseased trees, or trees damaged by storms, or other events, will require approval. Proof of an aforementioned condition is required as part of your application to remove.

**2.3.17.5** In cases of an emergency, where a dead or damaged tree poses a safety hazard, the tree may be removed without approval, but photographic proof is required to justify the removal. The dead, diseased or damaged area of the tree must be clearly documented and a tape measure surrounding the trunk 24" above the ground must also be photographed to document the circumference of the tree. Also, the office of East West Management company must be called to notify that a tree posing a hazard is going to be removed. **(919) 969-1154 ext. 226.**

**Please refer to the Declarations of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to All Property in Woodcroft.**

[http://woodcroftonline.com/woodcroft/document\\_view.asp?id=16](http://woodcroftonline.com/woodcroft/document_view.asp?id=16)

**2.3.17.6 Vegetable Gardens:** All vegetable gardens, visible from the street are prohibited. Vegetable gardens in small containers of 24" or less that are set on the side of the driveway and not in the yards are allowed but require approval.



## **3 The Architectural Review Process**

### **3.1 Application:**

#### **3.1.1 General Information**

- 3.1.1.1 All projects requiring architectural review must be submitted on the Application Form which can be found in Appendix A of this document; or at the Woodcroft website at: [www.woodcroftonline.com](http://www.woodcroftonline.com)**
- 3.1.1.2 Please see the Application and website for specific requirements and deadlines.**
- 3.1.1.3 Each site and neighborhood is different and therefore, each application will be reviewed individually. Prior approval of a given style or project does not constitute "automatic" approval; every application is evaluated on its own merit on a case-by-case basis.**
- 3.1.1.4 It is the sole responsibility of the applicant to ensure complete compliance with all relevant building practices, codes, permits, and licensing requirements.**
- 3.1.1.5 ARB applications from the following listed neighborhoods must first be reviewed by your neighborhood architectural review board and approved prior to submitting to the Woodcroft ARB. The approved association letter must be forwarded to the Woodcroft ARB with your application.**
- Chimney Ridge
  - Cross Timbers
  - Heritage Woods
  - Homeplace I, II, III, IV
  - Legacy Place
  - Parsons Chase
  - Reveres Run
  - Seven Oaks
  - Woodwinds
- 3.1.1.6 Applications must be completely filled out and submitted electronically as an e-mail attachment to the email account; [Woodcroftarb@gmail.com](mailto:Woodcroftarb@gmail.com)**
- 3.1.1.7 A complete submission includes all of the following:**
- a) The completed application form, submitted either as eight paper copies or an electronic
  - b) Email attachment (Microsoft Word or PDF format)

- c) The foundation survey, plat plan, or proposed plans which shows the location of the
- d) Proposed alterations, the existing building and the property lines, submitted either as eight
- e) Paper copies or an electronic email attachment (PDF or .jpg format) plus one paper copy
- f) Eight paint sample chips per color, if applicable
- g) Approved association letter from the neighborhoods listed above

**3.1.1.8 NOTE: Prior to beginning any construction or landscaping project, always call, [North Carolina One Call Company](#); at 1- 800-632-4949, to mark existing utility lines. This is a free service.**

## 3.2 Review:

### 3.2.1 Deadline for Application

**3.2.1.1 Once each month, the ARB meets to review all projects submitted for architectural review. The deadline for submitting an ARB application is the first Friday of each month at 9 a.m. The deadline is firm and must be met in order to provide each ARB member sufficient time to visit the site and review the application. The signed Woodcroft Architectural Board Request for Architectural Approval”, (Appendix A), informs residents that ARB members may need to enter their exterior property to review their projects. ARB members will attempt to contact the resident, (i.e. call or knock on the door prior to entering their exterior property for review.)**

### 3.2.2 Participation

**3.2.2.1 Meetings are open to the public, and homeowners with applications pending are encouraged to attend, but public input is not permitted. Applicants may be allowed to speak to clarify aspects of the application only at the discretion of the ARB Chairman.**

### 3.2.3 Process:

**3.2.3.1 The ARB votes on each application after discussion and approval is based on the majority vote. The ARB may: (a) determine that an application is incomplete and Administratively Deny it, and request additional information, (b) approve the application, (c) conditionally approve the application, stating the conditions in writing or by e-mail, or (d) deny the application, stating the reasons for the denial in writing or by e-mail. Homeowners will be notified in writing or by e-mail of the ARB's decision. In no case will verbal approval be granted at the meeting or after the meeting.**

## 3.3 Approval Status Notification

### 3.3.1 Waiting Time

**3.3.1.1 All decisions will be made known to the applicant in writing or by e-mail within 5 to 7 business days of the meeting. Upon its receipt of the ARB's decision on an application, the ARB chairperson or attending WCA Board member will mark the application with the date a decision is made and will forward it to the homeowner by e-mail. In the case of**

approval, the homeowner can begin the project. In the case of an administrative denial for insufficient information, the information needed will be listed on the application and provided to the homeowner. In the case of approval with conditions, the conditions will be listed on the application and provided to the homeowner. The homeowner may begin the project as long as the stated conditions are satisfied. In the case of denial, the reasons will be noted on the application.

### **3.3.2 Post Completion Inspection**

**3.3.2.1** No project is to be started without formal ARB review and approval. Upon completion of the project, the ARB has the right to inspect same to ensure compliance. Homeowners will be notified in writing if the project is not in compliance with the previously approved plan. If the project is not brought into compliance, the ARB and WCA Board of Directors will use all avenues available to obtain compliance as outlined in the Woodcroft Covenants.

## **3.4 Appeal:**

### **3.4.1 General**

**3.4.1.1** The appeals process will be used for situations in which a homeowner has applied to the ARB for approval on a project, and the project has either been modified by the ARB to the extent that the homeowner cannot accept the changes, or the project is rejected by the ARB. A property owner who is not satisfied with the ARB's decision on an application may:

- a) Submit a revised application addressing the issues raised by the ARB for consideration at the next regularly scheduled ARB meeting, or
- b) Appeal the ARB's decision to the WCA Board of Directors. If not satisfied with the decision rendered at an ARB meeting, the homeowner can appeal to the WCA Board of Directors. One member of the ARB will be present at this meeting to speak to the ARB. The Board of Directors can either uphold the decision handed down by the ARB or schedule a joint meeting of the Board of Directors and the ARB for further discussion. A final decision must be reached at the joint meeting. The specifications and general review criteria used by the ARB as the basis for their decisions are found in this document; Woodcroft Community Association Architectural Review Board Guidelines, Standards, and Procedures. Applicants are required to review the Guidelines in detail and be in compliance with all requirements.

## **4 Enforcement of Woodcroft's ARB Violations Process**

[http://woodcroftonline.com/woodcroft/document\\_view.asp?id=82](http://woodcroftonline.com/woodcroft/document_view.asp?id=82)

### **4.1 Violation Process Summary**

- a) **Violation Observed** - Violation observed by WCA General Manager and reported to ARB and WCA Board of Directors
- b) **Courtesy Notice** - Courtesy Notice describing the violation is issued to the owner. The identified violation(s) must be fixed within 30 calendar days of the delivery of the Courtesy Notice.
- c) **Second Notice** - If the owner has not contacted the WCA General Manager within 15 calendar days of the Courtesy Notice being sent then the Second Notice will be sent.
- d) **Hearing Notice** - If the owner has not contacted the WCA General Manager within 15 calendar days of the second notice being sent then the Hearing Notice will be sent.
- e) **Hearing** – The owner will meet with the Board to discuss the violation. A time to correct the identified violations will be agreed upon.
- f) **Post Hearing Enforcement** - If found to still be in violation after the agreed upon time to correct the violation has expired the owner may be assessed an immediate \$100 fine. A grace period of 5 calendar days will be given for the owner to correct the violation. On the sixth day the owner may be assessed \$100 per day fines until the violation is corrected.
- g) **In Compliance Notice** - Once a violation has been corrected an In-Compliance Notice will be given to the owner and placed on file.
- h) Any further infraction of the same kind will be charged at \$100 per infraction without further hearing.
- i) Owners/Property Managers are required to notify and provide both tenants and guests with a copy of the rules. Owners are responsible for the actions of their guests and tenants.

## **4.2 Enforcement Authority and Responsibilities**

### **4.2.1 WCA General Manager**

- 4.2.1.1** The WCA General Manager has the delegated responsibility for conducting field inspections of Woodcroft to identify ARB guideline violations.
- 4.2.1.2** The WCA General Manager shall receive complaints from any source regarding violations requiring possible enforcement action in Woodcroft. The WCA General Manager shall document all complaints received and forward them to the ARB and WCA Board of Directors for review and possible action.
- 4.2.1.3** The WCA General Manager shall keep the ARB and the WCA Board of Directors informed of status of violations and of potential problem areas where enforcement may become necessary.

### **4.2.2 ARB or WCA General Manager**

- 4.2.2.1** The ARB or WCA General Manager shall be responsible for identification against violations of the architectural standards, covenant provisions related to architectural standards, and rules and regulations related to architectural control on individual homeowner's lots.
- 4.2.2.2** The ARB or WCA General Manager shall identify violations and process complaints in a timely manner.
- 4.2.2.3** The ARB or WCA General Manager will investigate all alleged violations.
- 4.2.2.4** The ARB or WCA General Manager shall review the results of all investigations, take immediate action to prevent violation or continued violation where possible and make a recommendation to the WCA Board of Directors for appropriate enforcement action.

### **4.2.3 WCA Board of Directors**

- 4.2.3.1** The WCA Board of Directors is responsible for overall direction and approval of all enforcement actions.
- 4.2.3.2** The WCA Board of Directors is responsible for appeal of enforcement actions by the ARB.
- 4.2.3.3** The ARB and the WCA General Manager shall only have the enforcement power delegated to them by the WCA Board of Directors except that the ARB shall have that power delegated to it by the covenants and related documents within the procedures established by the WCA Board of Directors. The WCA Board of Directors shall retain all other enforcement powers.

## 4.3 Enforcement Process

### 4.3.1 Identification of ARB Guideline Violations

- 4.3.1.1 The ARB and the WCA General Manager are primarily responsible for the identification and investigation of violations to ARB Rules and Guidelines.
- 4.3.1.2 Others (including homeowners) may also identify ARB guideline violations. These concerns should be communicated to the WCA General Manager for further investigation.

### 4.3.2 Investigation of Violations

- 4.3.2.1 All complaints received by the ARB and/or the WCA General Manager of alleged ARB violations shall be shared with one another.
- 4.3.2.2 Upon receipt of information concerning potential or alleged ARB guideline violations, the ARB or WCA General Manager shall investigate the complaint and determine whether violation(s) exist within the following categories:
  - a) Major or minor architectural or landscape changes without ARB approval.
  - b) Architectural or landscape changes not consistent with ARB approval.
  - c) Architectural or landscape changes begun or completed after application for ARB approval but prior to actual approval.
  - d) Failure to maintain property or structures.
- 4.3.2.3 The ARB or WCA General Manager will communicate its findings to the WCA Board of Directors.
- 4.3.2.4 Upon confirming a violation has occurred, the ARB or the WCA General Manager will investigate the alleged violations. In appropriate cases, professional or technical assistance may be used if approved in advance by the board.
- 4.3.2.5 The ARB or the WCA General Manager shall make visual observations of the alleged violation, and photographs may be taken. Interviews of the owners involved may be conducted if appropriate in the circumstances.
- 4.3.2.6 Other investigative actions may be taken as appropriate.

### 4.3.3 Notice to Homeowner

- 4.3.3.1 Once a violation has been confirmed by the ARB; the WCA General Manager will inform the WCA Board of Directors, and will send a written notification to the owner in violation,

noting the violation and requesting compliance with the rules within 30 calendar days to avoid penalties.

- 4.3.3.2 In the case of work in progress, a certified letter shall be sent informing the homeowner to cease the work immediately, explaining the violation. The violator will have a total of 45 calendar days to correct the violation.
- 4.3.3.3 During the 30 calendar day period provided to correct the violation the resident also has the right to submit an appeal of the alleged violation(s) to the WCA Board of Directors for review.
- 4.3.3.4 Homeowners may request, at any time, request additional time to correct violations. All requests need to be made by letter or e-mail and forwarded to the WCA General Manager, who will forward these to the WCA Board of Directors for review and consideration.
- 4.3.3.5 If the homeowner contacts the WCA General Manager within 15 calendar days of the First Violation Notice, then no further notices will be sent. The owner must agree to correct the violation within 30 calendar days from the First Violation Notice being sent. 30 calendar days after the First Violation Notice is received, the ARB or the WCA General Manager will perform a site inspection. If the violation has been corrected, the matter will be closed. An In-Compliance Notice will be issued to the owner to indicate the violation has been satisfactorily resolved. Any unresolved violation will result a Hearing Notice.
- 4.3.3.6 If the homeowner does not contact the WCA General Manager within 15 calendar days of the First Violation Notice, a Second Violation Notice will be sent.
- 4.3.3.7 If the homeowner contacts the WCA General Manager within 15 calendar days of the Second Violation Notice, then no further notices will be sent. The owner must agree to correct the violation within 30 calendar days from the Second Violation Notice being sent. 30 calendar days after the Second Violation Notice is received, the ARB or the WCA General Manager will perform a site inspection. If the violation has been corrected, the matter will be closed. An In-Compliance Notice will be issued to the owner to indicate the violation has been satisfactorily resolved. Any unresolved violation will result a Hearing Notice.
- 4.3.3.8 If a Second Violation Notice has been sent, and the homeowner does not contact the WCA General Manager within 15 calendar days of the second notice, a Hearing Notice will be sent.

#### **4.3.4 Enforcement Options**

- 4.3.4.1 If the corrective action demanded by the notice is taken within the specified time and completed in a satisfactory manner, no further enforcement would be necessary.
- 4.3.4.2 If work is not ceased upon demand, or if corrective action is not taken within the specified time as described above, or the corrective action taken is not satisfactory, the ARB and WCA General Manager will notify the WCA Board of Directors that one or more enforcement actions may be required. They include the following;

- a) **Violation Hearing** - Require the Owner to attend a Hearing.
- The homeowner will be given a Hearing Notice that restates the violation and requests the homeowner attend a hearing held before the WCA Board of Directors or an adjudicatory panel appointed by the WCA Board of Directors.
  - The hearing will occur no sooner than two weeks from the delivery of the Hearing Notice or at the next available Board of Directors monthly meeting.
  - At the hearing the homeowner shall be given opportunity to be heard. Evidence, including photographs, provided by the WCA General Manager and/or the owner will be reviewed.
  - At the Hearing the panel will communicate their decision. The homeowner may appeal the decision of an adjudicatory panel to the full WCA Board of Directors by delivering written notice of appeal to the WCA Board of Directors within 15 days after the date of the decision. The WCA Board of Directors may affirm, vacate, or modify the prior decision of the adjudicatory body.
- b) **Restraining Order** - Seek a temporary restraining order or injunction to stop any continuing work.
- c) **Hire Contractors at Owners Expense** - Hire appropriate contractors to correct the situation and charge the property owner for the cost of such corrective action. Woodcroft's employees and contractors have the right to enter homeowner's exterior property for the purpose of assessing and correcting violations.
- d) **Assess Fines** – If a homeowner is found to still be in violation, after the allowable or agreed upon time to make corrections has expired, the owner may be assessed an immediate \$100 fine. A grace period of 5 calendar days will then be given for the owner to correct the violation. On the sixth day the owner may be assessed \$100 per day fines until the violation is corrected. Any further infraction of the same kind will be charged at \$100 per infraction without further hearing. (See: Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to All Property in Woodcroft Part I, 5., Part II, 4., & Part V

## **5 Disclaimers**

### **5.1 Woodcroft HOA Disclaimers:**

- a) The Association, ARB, or any officer, employee, agent, director, or member thereof shall not be liable for damages to any persons submitting plans and specifications for approval by reason of mistake in judgment, negligence, or nonfeasance arising out of, or in connection with the approval, disapproval, or failure to approve any plans and specifications. Every person who submits plans, and specifications for approval agrees, by submission of such plans and specifications, that it will not bring any action or suit against the Association, or ARB to recover any such damages. The purpose of the Architectural Guidelines is to provide guidance in preparing requests for architectural approval, and set forth some of the standards applied by the Architectural Review Board. These Architectural Guidelines are not all-



inclusive and no inference will be made that the failure to include a particular type of exterior, or landscaping change somehow exempts that change from the approval process.

- b) If any paragraph, section, sentence, clause or phrase of these Standards shall be, or become illegal, null or void for any reason; or shall be held by any court of competent jurisdiction to be illegal, null or void; the remaining paragraphs, sections, clauses and phrases are severable and shall continue to be in full force and effect. In case of any conflict between the Declaration of Covenants and Restrictions of the Woodcroft Community Association, and these Standards, the Declaration shall exert primary control, and By-laws shall exert secondary control. In case of any conflict between these Standards and other resolutions or rules adopted by the Board of Directors, including any proposed updates to this document the Board shall call for a special meeting of the community (By-Laws of Woodcroft Community Association, Inc. Article II., Section 2.) This meeting notice and the motions to be introduced for a vote shall be mailed to all members of the association. This mailing shall be sent to each member not less than 30 days prior to the date of the meeting at which any proposed action is to be considered. (By-Laws of Woodcroft Community Association, Inc. Article II., Section 8. & Article III, Section 4.) A majority community vote of 51% will be required to pass the proposed motion(s). (By-Laws of Woodcroft Community Association)
- c) This document and the standards contained within it supersede all previous ARB guidelines, or standards, and shall remain in effect until otherwise rescinded, amended, modified, or repealed by a 51% majority vote of the community at a special meeting called by the Board.

## **6 References**

- The following documents are available on the Woodcroft website <http://woodcroftonline.com>
- The Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to all Property in Woodcroft - Book 1166, pages 1-27 covers the specific obligations to which homeowners are bound. Beginning on Page 2, Part I addresses the main issues surrounding Architectural matters.
- Information regarding the formation and appointment of the ARB can be found in the Declaration of Covenants and Restrictions of the Woodcroft Community Association and Woodcroft Company, A North Carolina Partnership - Book 1165, Page 1039 (# 46 of homeowner copy)

## **7 Summary**

It is the communities hope that all homeowners understand and comply with these rules and regulations and understand the “Declaration of Covenants and Restrictions of the Woodcroft Community Association and Woodcroft Company, A North Carolina Partnership”, “By-Laws of Woodcroft Community Association Inc.”, and Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to All Property in Woodcroft”.

All community members will stay informed and participate in the business of the homeowner association by reading the meeting minutes, attending meetings including the annual meeting, understanding the budget, and volunteering to serve on a committee, ARB, or run for office for the WCA Board of Directors.