



Woodcroft Community Association

**Architectural Review Board
Guidelines and Procedures**

Revised: January 19, 2011

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1 Introduction

1.1 General

Welcome to Woodcroft, and thank you for choosing this neighborhood to be your home. You now live in one of the most attractive and distinctive communities in the Research Triangle area, composed of woods and winding trails with appealing homes and home sites. Homes in Woodcroft are meant to fit into the natural setting, taking advantage of natural landscape and vegetation to create an appealing streetscape. The end result is intended to be a neighborhood of individual tastes in harmony with each other and the surrounding environment. To help maintain this harmony and the appearance of the neighborhood, each member of our community—whether a homeowner, property owner, tenant, or guest—must abide by certain community-established standards. This document provides guidelines and the procedures by which they are upheld.

1.2 Architectural Review Board

To help maintain community standards, Woodcroft uses an Architectural Review Board (ARB) composed of professionals and property owners that have been appointed by the elected Woodcroft Community Association (WCA) Board of Directors. The ARB acts to ensure that only architectural, design, and landscaping features acceptable to the community at large will be approved to allow for individual tastes while protecting overall property values. Design is not an exact science. The ARB makes its judgments based on the Woodcroft Covenants, the guidelines in this document, 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.

1.3 Authority

Article VI, Section 3 (b), of the “Woodcroft Declaration of Covenants and Restrictions of the Woodcroft Community Association and Woodcroft Company, A North Carolina Partnership” states that the WCA Board of Directors “shall administer and enforce the Covenants and Restrictions established in this Declaration, including, but not limited to, the following...The Association shall operate an Architectural Review board.”

Article VII, Sections 1 and 2 describe the authority of the ARB. These sections state 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”. Therefore, the guidelines in this document are not merely suggested. All property owners in Woodcroft are bound by the obligations in this document and those stated in the following legal documents:

- Declaration of Covenants and Restrictions of the Woodcroft Community Association and Woodcroft Company, a North Carolina Partnership
- The Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to all Property in Woodcroft
- By-Laws of Woodcroft Community Association, Inc.

These documents are available at the WCA office or from the WCA website:

http://www.woodcroftonline.com/html/wca_policies.html.

The guidelines in this document are meant to clarify the specifications set forth in these legal documents and do not replace them or undermine their authority; these guidelines should serve only to enhance them.

1.4 Adoption

Effective January 19, 2011, the WCA hereby adopts this document as the Woodcroft Community Association Architectural Review Board Guidelines. Future revisions to this document may be made by the process outlined in *Section 4, Amendments*.

1.5 Compliance

As aforementioned and specified in the "Declaration of Covenants and Restrictions of The Woodcroft Community Association and Woodcroft Company, a North Carolina Partnership," compliance with the guidelines in this document is mandatory. These guidelines shall be enforced by the authority of the WCA documents listed in *Section 1.2 Authority*, the North Carolina General Statutes Chapter 55A (The North Carolina Corporations Act) and Chapter 47F (The Planned Community Act), and any state laws and/or local ordinances that may apply.

Section 4, Enforcement provides details of the enforcement process. Unless otherwise specified, the penalty for violation of these rules and regulations shall be decided by the WCA Board of Directors and may include the suspension of voting rights or the suspension of right to use the common facilities. If the WCA Board of Directors decides to impose a suspension of community privileges or services, the suspension may be continued without further hearing until the violation is corrected. In addition, the WCA may pursue an action in equity or at law for compliance with these guidelines. *Section 4.2, ARB Guidelines Enforcement Process* outlines the procedure for enforcement.

Property owners are responsible that each tenant renting and/or leasing and their guests abide by all conditions and rules of the WCA including these guidelines. Any violations by a tenant or a guest will be deemed a violation by the homeowner, and the WCA Board of Directors may take appropriate action against the homeowner. Homeowners and tenants will be notified of a tenant's failure to comply with the guidelines, and the homeowner will be held responsible for violations of the guidelines by tenants and their guests and for obtaining compliance with the guidelines. Any cost incurred by the WCA to ensure maintenance of a vacant property will be charged by assessment to be paid by the owner of the property, Declaration of Rights, Restrictions, Part I, 5. & Part II, 4.

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 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 and Codes

Durham City-County zoning laws and codes apply to all properties in Woodcroft. Zoning laws may be found at <http://www.ci.durham.nc.us/departments/planning/zoneord>. These zoning laws cover a number of issues common in Woodcroft home improvements, including the sections on impervious surface requirements, buffers, and landscape easements. Each homeowner is responsible for ensuring compliance with applicable building codes and zoning laws for all new construction, additions, improvements, etc. Homeowners should be aware that new construction or additions require a permit from the City Architectural Control Standards.

2 Architectural Standards

2.1 General

2.1.1 North Carolina One Call Center - Prior to beginning any construction or landscaping project, Woodcroft residents are urged to always call the North Carolina One Call Center (Dial 811, or 1-800-632-4949) to have existing buried utility lines marked (e.g., electric, gas, phone, cable, water). This is a free service.

2.1.2 Woodcroft Community Association Property (common areas) -

a. Structures and Equipment - Placing structures or equipment, including but not limited to antennas and satellite dishes, playground equipment, and recreational equipment on WCA property is prohibited.

b. Landscaping - Any type of landscaping on WCA property, other than that performed by contractors authorized by the WCA Board, is prohibited. Cutting of vegetation or planting on Woodcroft common property requires the written approval of the ARB and/or WCA Board of Directors. Some common areas are “buffers” according to Durham City-County Zoning laws, and would also require Durham Zoning Board approval for any changes.

c. Signs - No commercial signs are allowed on WCA property including the Woodcroft Parkway unless approved by the ARB and/or the WCA Board of Directors.

2.1.3 Removal of Existing Elements - 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. The removal of trees and shrubs requires the approval of the ARB as detailed in section 2.30.

2.1.4 Landscaping Plans – Except where specifically exempted by these requirements, landscape plans must be submitted for approval or modification of structural or decorative elements.

2.1.5 Drainage - 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.

Fixing minor drainage problems not requiring major excavation needs no approval.

2.2 **Alarm Systems and Security Cameras**

2.2.1 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.

2.3 **Animal Cages**

2.3.1 Animal cages are prohibited.

2.4 **Antennas Covered by Special FCC Rules**

2.4.1 General – Antennas covered by Special FCC Rules, as described in 2.4.2, do not require approval for installation if mounted in accordance with 2.4.3 and placed in compliance with 2.4.4. Homeowners are encouraged to consider the location recommendations in 2.4.5 and the screening recommendations in 2.4.6.

Other kinds of antennas (CB, Ham, etc.) are covered in Section 2.5, Antennas not Covered by Special FCC Rules.

2.4.2 Types of 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 as of Dec 2007.

- a. 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.
- b. 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.
- c. An antenna, of any size, that is designed to receive local television broadcast signals.
- d. "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).

2.4.3 Antenna Mounting - 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 ft. 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 ft. above the roofline, approval is required. Antennas may be installed by the homeowner, except for transmit-only antennas, which must be professionally installed. Antennas must be securely and safely mounted. 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>.

2.4.4 Location of Antennas - Antennas may not be placed on WCA property, including but not limited to common areas, even if you cannot receive an acceptable quality signal on your lot.

2.4.5 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.

2.4.6 Screening of Antennas - With regard to screening, 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 require 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.

2.5 Antennas not Covered by Special FCC Rules

2.5.1 Dish type antennas larger than 1 meter in diameter are prohibited.

2.5.2 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 2.4. 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. Individuals residing in multi-family communities must consult directly and receive guidance from the property management of their community and the ARB.

2.6 Awnings

2.6.1 All awnings on the front of homes are prohibited.

2.6.2 Awnings on the side or back of a home require approval by the ARB. 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.

2.7 Barbeques, Built-In

2.7.1 All built in barbeques require ARB approval.

2.8 Birdbaths, Bird Houses, and Bird Feeders

2.8.1 Bird houses and bird feeders placed in the back yard need no approval. Bird houses and bird feeders placed in the front yard require ARB approval. Birdbaths 3' or less in height and placed in the back or side yard need no approval. Birdbaths greater than 3' in height require ARB approval. Birdbaths placed in the front yard require ARB approval.

2.9 Carports

2.9.1 Carports are prohibited.

2.10 Clothes Lines

2.10.1 General - Clothes lines require ARB Approval.

2.10.2 Appearance - Clothes lines should 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 should include a drawing of the proposed clothes line, including materials, or a picture if possible.

2.10.3 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 should be located away from property lines adjacent to other houses or streets and away from the neighbor's direct view.

2.11 Decks

2.11.1 Replacing Existing Decks - No approval is required to replace an existing deck as long as the original structures dimensions are not changed, the structure meets Durham County code, and the materials used comply with 2.11.2.f.

2.11.2 New Decks and Modifications to Existing Decks

a. General – New Decks and modifications to existing decks require ARB Approval. 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 new and modified decks.

b. Continuity - Modifications to existing decks must provide continuity in detailing such as material, color, location of posts, design of the railing and use of trim.

c. Code Compliance - Modified decks must be brought up to Durham building codes and ARB guidelines. Owners should be aware that a building permit must be obtained from the City of Durham prior to building or modifying 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 first obtaining a city building permit.

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

e. Location - Decks must be confined to the rear of the dwelling and must not protrude past the sides of the building. In some cases decks may be allowed on the side of the house depending on home site, location, etc. Final placement and approval will be determined by the ARB. Decks may not be built in utility easements.

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

g. 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.). It should be constructed of 3/4 in. thickness heavy-duty lattice in pressure treated wood. The borders of the lattice should be framed to hide the unfinished edges. It should be sealed and stained to match the finish of the deck. Painting the lattice requires approval. Applications require a paint chip along with a color photo of your house and deck. Use of lattice materials other than pressure treated wood as described above require ARB approval.

h. 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 should be sealed with a transparent or semi-transparent sealer. Sealers with UV blocking agents are allowed and encouraged. Decks may also be stained a natural wood color (e.g., cedar, chestnut, golden oak, teak, pecan, bark, redwood, or mahogany) either before sealing or in combination with the sealer. Some sealers suggest that new treated wood should 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 two or three years on flat surfaces. Opaque stains are often specified for five years on flat surfaces.

Opaque stains require approval. Include a color photo of your house and deck, 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.

No approval is required for treatment of decks with a transparent or semi-transparent sealer.

2.12 Dog Runs

2.12.1 Chain link dog runs are prohibited. Other types of dog runs require ARB approval.

2.13 Exterior Additions and Modifications

2.13.1 General – All exterior additions and modifications require ARB Approval. Additions may include, but are not limited to, garages (attached and unattached), 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 windows and doors

Several exterior modifications are specifically addressed within these requirements. See Sections 2.19 for gutters, 2.38 for roofing, 2.39 for siding and trim, and 2.42 for storm doors.

2.13.2 ARB Application - The application should include sufficiently-detailed documentation for the ARB's evaluation. This may include engineering drawings, blueprints, detailed to-scale drawings, catalog diagrams and/or photos.

2.13.3 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 windows, doors, etc. should 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 should, if possible, match the original roof. The intent is to preserve the architectural character of the house.

2.13.4 Location of Building Additions - 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 should 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.

2.13.5 Minimizing Impact on Neighboring Properties - Major additions often have an impact on neighboring property. Plans must be well thought out to minimize any adverse impact. Applicants should consult with neighbors while making plans. If possible, the location of the addition should not have an adverse impact on neighboring properties or impair the view of neighbors.

2.13.6 Materials and Code Compliance - 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 should 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 may be able to view NC Building Codes at [http://www.amlegal.com/nxt/gateway.dll/?f=templates\\$fn=main-nf.htm&vid=icc:nc_free](http://www.amlegal.com/nxt/gateway.dll/?f=templates$fn=main-nf.htm&vid=icc:nc_free). 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 might be approved by the ARB.

2.13.7 Drainage - 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".

2.14 Exterior Lighting

2.14.1 Replacing lighting fixtures with fixtures of a similar size and purpose needs no approval.

2.14.2 Installing a motion sensing security device to turn on light fixtures needs no approval.

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

2.14.4 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 ft. or more away.

2.14.5 You need no approval to install a motion triggered spotlight or floodlight 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.

2.14.6 All other spotlight, floodlight, or lamppost installations require approval.

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

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

2.15 Fences, Invisible

2.15.1 Installing an invisible electronic fence for pet containment needs no approval.

2.16 Fences, Physical

2.16.1 General - 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 (including those with large dogs) should keep in mind the maximum height allowed is 48 in. for all fences. Whenever possible, alternatives to fences are recommended (i.e., landscape screens or "invisible" electronic fences).

2.16.2 Open Designs are required - Open fence designs are required. If privacy is the desired end, this should be addressed by screening with shrubbery.

2.16.3 Appearance - Permitted Types of Fencing are limited to:

a. Split-rail fences - Split rail fences may be stained but cannot be painted. Posts should extend approximately 6 in. above the top rail. The maximum height of the top rail is 48 in. Copper, brass, or wood post caps need no approval. All other types of caps are subject to approval by the ARB. White plastic caps are not allowed. Fencing can be between 42 in. and 48 in. 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.

b. Picket fences - Picket fences may be stained but cannot be painted. Round, Dog-Eared or Pointed picket tops are permitted. All other types of picket tops are subject to approval by the ARB. Spacing between pickets shall be between 1 ½ in. to 3 ½ in. apart. Picket width shall be between 2 ½ in. to 4 ½ in. Copper, brass, or wood post caps need no approval. All other types of caps are subject to approval by the ARB. (White plastic caps are not allowed). Fencing can be between 42 in. and 48 in. 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 in. above pickets on a case by case basis. Fencing shall be finished on one side only with the finished side facing outwards towards the adjacent property owners or Rights of Way.

c. Scallop fences - Scallop fences must be painted white. In Legacy Place, Concave Scallop is the only permitted style. This style is not permitted in any other neighborhood in Woodcroft. In Cross Timbers, Convex Scallop is the only permitted style. This style is not permitted in any other neighborhood in Woodcroft. Spacing between pickets shall be between 1 ½ in. to 3 ½ in. apart. Picket width shall be between 2 ½ in. to 4 ½ in. Copper, brass, or wood post caps need no approval. All other types of caps are subject to approval by the ARB. White plastic caps are not allowed. Fencing can be between 42 in. and 48 in. in height.

2.16.4 Chain link fences - Chain link fences are prohibited.

2.16.5 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 should be no closer to the front of the property than a point on the property line even with the rear corners of the house. For small or irregular shaped back yards, typically corner lots, the ARB may elect to allow a fence to be placed up to the midpoint of the side of the home. This will be done on a case by case basis. Fences should 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.

2.16.6 Material - Fences shall be constructed with rot resistant #2 or better pressure-treated southern yellow pine, cedar, mahogany, redwood, cypress, 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 in. x 4 in. PVC-coated 14-gauge or heavier welded wire or vinyl-coated chain link and placed on the internal side of the fence.

2.16.7 Fences across Utility Easements - When there is a utility easement across any portion of the area to be enclosed by a fence, it must have a minimum 12 ft. 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.

2.16.8 Fence 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. Fences should be sealed with a transparent or semi-transparent sealer. Sealers with UV blocking agents are allowed and encouraged. Fences may also be stained a natural wood color (e.g., cedar, chestnut, golden oak, teak, pecan, bark, redwood, or mahogany) either before sealing or in combination with the sealer. Some sealers suggest that new treated wood should 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 two or three years on flat surfaces (longer on fences). Opaque stains are often specified for five years on flat surfaces, longer on fences.

Opaque stains require approval. Include a color photo of your house and fence and the opaque stain color chip in your application.

No approval is required for re-staining previously approved stained fences as long as the color is not changed.

No approval is required for treatment of fences with a transparent or semi-transparent sealer. Fences may also be stained a natural wood color either before sealing or in combination with the sealer.

2.17 Fireplaces and Firepits, Built-In

2.17.1 All built-in fireplaces and firepits require ARB approval.

2.18 Flags, US

2.18.1 The, [Freedom to Display the American Flag Act of 2005](#) 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."

2.19 Gutters

2.19.1 Properly installed, white pre-finished (or color consistent with the house trim), aluminum gutters needs no approval. Other colors or materials require approval. Approval is required if the gutters will cause a change in normal runoff patterns and quantities sufficient to impact drainage on adjacent properties (Section 2.13. Exterior Additions and Modifications).

2.20 Hot Tubs and Pools

2.20.1 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.

2.20.2 Pool Types - Only in-ground swimming pools are allowed. Above ground pools are prohibited.

2.20.3 Location - Durham City-County zoning laws apply.

Hot tubs and pools may not be placed in utility easements.

2.20.4 Codes, Regulations, Ordinances, Permitting, and Inspections -Homeowners are responsible for ensuring that installation meets or exceeds all applicable codes, regulation, ordinances, permit requirements and inspection requirements of the City of Durham.

2.20.5 Drainage - 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 should be taken to contain water from spilling over onto adjacent properties.

2.20.6 Hot Tub Fencing, Screening, and Security - Open hot tubs must be surrounded by a fence, (Section 2.16, 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.

2.20.7 Pool Fencing and Security– Durham City-County zoning laws apply.

2.20.8 Placement of Pumps and Machinery - 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.

2.20.9 Pool and Hot Tub Operation - Homeowners should understand that pools may increase the intensity of noise and appropriate measures need to be taken to limit this potential conflict with adjacent homeowners.

2.21 Landscaping – Arbors, Pergolas and Trellises

2.21.1 General – Arbors, Pergolas and Trellises require ARB Approval.

2.22 Landscaping – Borders

2.22.1 General – Borders may be placed around flower beds, trees, or shrubs.

2.22.2 Height and Materials – Borders 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 in. or less of fill also needs no approval. Heights above that are considered retaining walls and require approval (See Section 2.37, Retaining Walls and Terraces). Railroad ties are prohibited. Selections should consider scale, color and proportion to harmonize with the existing structures and surrounding site.

2.23 Landscaping – Flowers and Flower Beds

2.23.1 General –Flowers planted in existing beds need no approval. Flowers or flower beds around mailboxes needs no approval, provided they do not restrict access to the mailbox door or visibility of the number. Flower boxes on porches or hung from windows, or hanging baskets needs no approval.

New flower beds require ARB Approval

2.23.2 Location - Flower beds in utility easements may be allowed by the ARB, but with the full

understanding that they may have to be removed for utility work in that easement without any liability on the part of the WCA or the Utility company.

See Requirements for borders under Landscaping, Borders. (Section 2.22)

2.24 Landscaping – Ground Cover

2.24.1 General - Ground cover in existing natural areas needs no approval.

2.25 Landscaping – Lawns

2.25.1 General – Adding more compost or topsoil to a lawn, or re-seeding or applying sod to a lawn needs no approval, if done in a timely manner.

2.26 Landscaping – Lawn Ornaments and Sculptures

2.26.1 General – Lawn Ornaments and Sculptures require ARB Approval.

2.27 Landscaping – Mulching

2.27.1 General – Mulching with pine straw, hardwood or bark mulch needs no approval. Other mulch materials, including decorative gravel mulch, require ARB approval. Be aware that compacted gravel is considered “impervious surface”. See Section 1.6, Durham City-County Zoning Laws.

2.28 Landscaping – Natural Areas and Landscape Beds

2.28.1 General - New natural areas or landscape beds need ARB approval if more than 200 sq. feet in size.

2.28.2 Size - Natural area and landscape beds shall be made in proportion to the home and property.

2.28.3 Location - Natural areas and landscape beds may be placed in the front, rear, and side yards. Vegetable and herb gardens shall normally be confined to the rear or side yard depending on how the home is situated on the property.

Landscape beds, shrubs, and/or flowers in utility easements may be allowed by the ARB, but with the full understanding that they may have to be removed for utility work in that easement without any liability on the part of the WCA or the Utility company. Trees may not be planted in utility easements.

2.28.3 Maintenance - 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.

2.28.4 Borders - Edging around the bed or natural area may be used but is not required.

2.28.5 ARB Application - In the application, use the "common" and botanical variety names of plants if available.

2.29 Landscaping - Planters

2.29.1 General - Planters for flowers and/or vegetables need no approval.

2.30 Landscaping – Trees, Shrubs, and Hedges - Planting and Removal

2.30.1 General – Except as specifically allowed by 2.30.2 and 2.30.3, the planting and removal of trees, shrubs and hedges in Woodcroft requires the written approval of the ARB.

Trees and shrubs located in common areas of Woodcroft cannot be removed by homeowners. If a tree or shrub in a common area has died or is damaged, please contact the WCA office.

Approval for the removal of trees located within 10 ft. of the main dwelling or accessory building will be granted unless such removal will substantially decrease the beauty of the property.

2.30.2 Actions that don't require approval – Planting

- a. Planting shrubs in existing beds.
- b. Replacing 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.
- c. Planting up to fifteen shrubs in a random pattern needs no approval if located in accordance with 2.30.5. Hedges still need approval.
- d. Planting any type of trees in the rear yard if located in accordance with 2.30.5, except that trees cannot be planted in utility easements.
- e. Planting dwarf fruit and ornamental trees in the front and side yards if located in accordance with 2.30.5.

2.30.3 Actions that don't require approval – Removal

- a. Trees measuring less than 6 in. diameter at a point 2 ft. above ground level may be removed provided they are not live ornamental trees such as holly, dogwood or redbuds.
- b. Dead, diseased, or trees damaged by storms, or other events may be removed from a homeowners property without approval. Before a tree is removed, the owner should document the condition of the tree with a photo and/or statement from a certified arborist in the event of any dispute regarding the removal of the tree. The ARB may request these photos and/or documentation. The following site may be helpful:

<http://www.isa-arbor.com/findArborist/findarborist.aspx>.

The ARB may request that the homeowner replant dead, diseased, or damaged trees that have been removed. Additionally, if the tree is located in the front yard the tree may have to be replaced with a similar tree to satisfy the Durham City-County zoning standards .

2.30.4 Maintenance - Trees shall be maintained and pruned for aesthetic and safety reasons (i.e., overgrowth is pruned or damaged limbs due to wind, decay, disease or ice are removed).

2.30.5 Location - 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. Trees may not be planted in utility easements.

2.30.6 Borders – See Landscaping, Borders (Section 2.22).

2.30.7 ARB Application Requirements - In an application to plant new trees, shrubs, and/or hedges, use the "common" and botanical variety names of plants if available.

2.31 Landscaping – Water Gardens

2.31.1 General – Water gardens require ARB Approval.

2.31.2 Location - Water gardens shall normally be confined to the rear or side yard depending on how the home is situated on the property. Water gardens shall be located to limit potentials for accidents (i.e., drowning).

2.31.3 Code Compliance – Electrical connections for water gardens must comply with applicable electrical codes.

2.32 Mailboxes

2.32.1 General – Mailboxes within Woodcroft are of a standard design, including the mailbox itself, the size and arrangement of the supporting post and framing, the paint color, and the presentation of the numeric street address and optionally, the homeowner's last name. The Woodcroft Community Association office can provide information regarding refurbishing and/or replacing mailboxes.

2.33 New Homes

2.33.1 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://www.durhamnc.gov/departments/inspections/code_updates.cfm, and to obtain all necessary permits.

2.33.2 Appearance - Simple massing and "clean" designs are desired. Many windows of different sizes and shapes, multi-directional siding, towers, too many materials, and irregular shapes will be discouraged.

No specific architectural styles will be imposed except in certain neighborhoods. These will be so identified prior to sales. All architectural styles will be considered with the exception of unique designs such as Tudor, Spanish, Dutch, Alpine or a combination of these styles.

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.

2.33.3 Plans - 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.

2.33.4 Roof Pitch - The minimum roof pitch permitted shall be 5 in. in 12 in. for one story houses and 7 ½ in. in 12 in. for two story houses. Flat roofs or lesser pitches will be considered by the

ARB on a case by case basis.

2.33.5 Rear Entry Garages - 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.

2.33.6 Location of Structure on Lot - 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 should be located with a consideration for existing vegetation and natural areas.

2.33.7 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 should 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 by the ARB on a case by case basis, (Section 2.38. Roofing).

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 should 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 should have closed risers.

2.34 Patios, Walkways, Driveways, and Parking Pads

2.34.1 General – New, and changes to existing patios, walkways, driveways, and parking pads require ARB approval.

2.34.2 Appearance - Patios, walkways, driveways, driveway extensions and parking pads shall be created in scale with the site and existing structures. The size of a patio must be consistent with the size of the house and yard. Consideration must be given to the visual impact on adjacent property.

The patio, walkway, driveway, driveway extension or parking pad size, design and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site.

2.34.3 Drainage – The slope of the project 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.

Homeowners are required to provide a plan with their ARB application 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".

2.34.4 Location - **Patios** shall be confined to the rear or side yard depending 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.

All walkways, patios, driveways, driveway extension and parking pads shall be a minimum of 18 in. from property lines. If lot size and configuration do not accommodate an 18 in. setback, the ARB may allow for an exception to this setback guideline.

Patios, walkways, driveways, driveway extensions and parking pads may not be placed in utility easements.

2.34.5 Materials - Brick, concrete, concrete pavers, flagstone, slate, or wood left to weather naturally will be considered as acceptable materials. Driveways and extensions must be paved in concrete, brick, driveway pavers or exposed aggregate concrete. Asphalt will not be approved by the ARB for driveways or extensions. Materials and color chosen shall complement the existing structures.

2.34.6 Landscaping Plan – Applications to the ARB for new or modified patios, walkways, driveways, and parking pads should include the associated landscaping plan.

2.35 Playground and Recreational Equipment

2.35.1 General – Playground equipment includes but is not limited to swing sets, sliding boards, sandboxes, jungle gyms, climbing structures, and play houses. Moveable, temporary items such as bikes, wagons, and similar items are not considered playground equipment.

Recreational equipment includes but is not limited to basketball goals, trampolines, horseshoe pits, and permanent volleyball courts.

2.35.2 Prohibited Items, Approved Items, and Items requiring ARB Approval - Forts, plastic structures in non earth tone colors, and skate board ramps are not permitted in Woodcroft.

Temporary volleyball nets, badminton nets, croquet sets, or similar items are acceptable and need no ARB approval.

All other items require ARB Approval. Detailed drawings, drawn to scale, 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.

2.35.3 Appearance, Screening, and Fencing - Playground and recreational equipment should blend with the natural surroundings to the extent possible. Play equipment should be finished in natural materials or muted colors, preferably those that match the existing house.

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. 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. "Visually offensive" shall be judged by the ARB. If a play structure is judged by the ARB as visually offensive, the WCA Board of Directors may require relocation or screening of the structure.

A potentially dangerous item such as a trampoline should be located within a fenced-in area to prevent access by unsupervised and unintended child users.

2.35.4 Maintenance - All playground and recreational equipment must be maintained in a safe

condition and kept visually pleasing to the community and surrounding environment. Home-built play equipment should be neat and orderly in appearance and finish. Playground equipment which has fallen into disrepair should be removed from the property.

2.35.5 Location - Playground equipment shall be located in rear yards only except where noted in this section. 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 should be located away from property lines adjacent to other houses or streets and away from neighbor's direct view. Recreational equipment should also be placed in the rear yard area where applicable.

Equipment such as portable basketball goals may be placed on the driveway but must be located a minimum of 10 ft. from the curb. Where this isn't possible, portable units must be removed from the street when not in use and remain close to the house. Fixed basketball goals shall be placed at the minimum 25 ft. back from the street. Basketball goals must be placed to avoid balls striking vehicles, fragile plants or other items on the adjacent property that could be damaged.

2.35.6 Materials - Playground equipment constructed of treated natural wood is encouraged but not required. Playground equipment should 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 should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing.

2.36 Rain Barrels

2.36.1 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 should follow Section 2.43, Structures, Freestanding.

2.37 Retaining Walls and Terraces

2.37.1 General Requirements – No approval is required to replace an existing 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. New, and all other modifications to existing retaining walls and terraces require ARB approval.

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 should be built to the minimum height needed to serve their function. Be aware that when a wall holds back 4 ft. 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 should be tapered into the ground rather than abruptly ending.

2.37.2 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.

2.37.3 Materials - Natural building materials such as stone, slate, brick, concrete landscaping blocks, and square corner pressure treated timbers 4 x 4, 4 x 6, 6 x 6, 6 x 8, or 8 x 8 in. timbers in 6, 8, 10 and/or 12 ft. lengths 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 should complement the existing structure on the site.

2.37.4 Drainage - 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.

2.37.5 Design and Code/Ordinance Compliance - 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. The homeowner is responsible for ensuring that all retaining walls meet Durham City-County zoning requirements, NC Building Codes and requesting all required permits.

2.37.6 Landscaping Plan – Applications to the ARB for new or modified retaining walls or terraces should include the associated landscaping plan.

2.38 Roofing

2.38.1 General - All color or style changes for roofing products require an application and approval by the ARB. Roofing used on sheds, playhouses, storage buildings, etc., must follow these guidelines and match the roofing on the home.

2.38.2 Materials - Roofs of heavy fiberglass asphalt Architectural style shingles, or wood shingles will be encouraged in all neighborhoods. Certain neighborhoods will have specific roofing material requirements. Metal roofs may be approved by the ARB on a case by case basis.

2.38.3 ARB Application -

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.

2.39 Siding and Trim

2.39.1 Materials –

a. Aluminum - Aluminum siding of any type is not permitted in Woodcroft.

b. HardiPlank and/or Hardi Board – HardiPlank and/or Hardi Board need no approval if replacing similar style siding.

c. Vinyl - All residents who desire 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.

Higher quality vinyl sidings are typically more expensive, but will be required to meet these guidelines. 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.

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

1. The applicant must provide the required number of color chips with the application.
2. The applicant must provide a sample piece of siding in the style and color being considered for approval prior to review by the ARB at its monthly meeting. This sample will be returned to the applicant upon request.
3. 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.
4. All color changes for vinyl siding products require an application and approval by the ARB.
5. Documentation must be provided listing the thickness, ASTM E119, and ASTM D3679 standards, and wind rating of the vinyl siding submitted.
6. The use of vinyl siding on sheds, playhouses, storage buildings, etc., must also follow these guidelines.
7. The Board and ARB strongly encourages all applicants for vinyl siding to attend the meeting at which their application is being considered.

d. Other Materials - Other types of siding require ARB approval.

2.39.2 Painting –

a. Paint Selection - 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 seven to ten 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.

Some sites that may help with paint selection are:

- <http://www.painting-ideas-techniques.com/colorsexteriorpaint.html>
- http://architecture.about.com/od/paint/Paint_Your_House_Tips_For_Choosing_Exterior_Colors.htm
- http://www.sherwin-williams.com/pro/paint_colors/paint_color_samples/

b. Color - No approval is required to repaint your house in its current colors. Any changes to the homes current color will require approval prior to any work being done. Color change requests must be submitted for changes in any of the following:

1. Siding of buildings
2. Doors
3. Shutters
4. Trim
5. Windows

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 on adjacent homes will not be approved.

2.40 Signs

2.40.1 Only one commercial “for sale” or a “for rent” sign is allowed per residence. Other signs, if allowed by law, must adhere to local ordinances.

2.41 Solar Power (Passive and Active)

2.41.1 General – New, and changes to existing active or passive solar power installations require ARB approval. Solar hot water heaters, heating systems and passive solar designs are all responsive solutions for conservation of energy. Solar applications will be considered on a case by case basis by the ARB. Increased insulation packages will be encouraged.

2.41.2 Structures - All designs must be aesthetically consistent with the architecture.

2.41.3 ARB Application Requirements - Plans submitted to the ARB must be accompanied by a site plan and working drawings for all solar applications.

2.41.4 Trees - No trees measuring 6 in. or more in diameter at a point 2 ft. above ground level may be removed without written approval of the ARB and WCA Board of Directors to accommodate any solar power applications.

2.42 Storm Doors

2.42.1 White (or color matching the door or its trim) storm doors with full height glass without cross members needs no approval. Other styles or colors of storm doors do require approval (Section 2.13 Exterior Additions and Modifications).

2.43 Structures, Freestanding

2.43.1 General - Exterior freestanding detached structures include but are not limited to garages, storage sheds, gazebos, greenhouses, doghouses etc. All new, and modifications to existing freestanding structures require ARB approval.

2.43.2 ARB Application Requirements - The application should 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 should show views from multiple angles.

Applications need to include a drawing of the proposed structure, including materials and colors, and a picture if possible. Also include details of the foundation or anchors for such structures.

2.43.3 Appearance - The design of all structure should be compatible with the architectural details of the existing structures on the lot with regards to siding and roofing material as well as paint color. Sheds should have a simple design that matches the siding, roofing and paint color of the home.

2.43.4 Location - All exterior freestanding detached structures will typically be confined to the rear yard. Waivers for side yards may be granted by the ARB. The location for these structures will 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. Sheds should be located in rear yards, if possible. Views from adjacent property and walking trails must be considered.

2.43.5 Materials - Metal storage structures are prohibited.

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.

2.43.6 Drainage, Building Permits, and Code Compliance- 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. 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".

2.43.7 Electrical Service - Overhead electrical service is not permitted in Woodcroft.

2.44 Tanks, Storage, Aboveground

2.44.1 With the exception of rain barrels (See 2.36), above ground storage tanks are generally prohibited.

2.45 Watering Systems

2.45.1 Installing a watering system for a lawn, planting beds, containers and/or planters or hanging baskets needs no approval.

2.46 Yard Art

2.46.1 With the exception of holiday decorations as discussed in 2.14.8, all yard art requires ARB approval.

3 Architectural Review Process

3.1 Application

All projects requiring architectural review must be submitted on the Woodcroft application form which can be found in Appendix A of this document; which is available at the WCA office or at the Woodcroft website at www.woodcroftonline.com. Please see the application and website for specific requirements and deadlines.

Applications must be completely filled out and submitted either as eight paper copies or electronically as an e-mail attachment to the WCA General Manager. A complete submission includes all of the following:

1. The completed application form, submitted either as eight paper copies or an electronic e-mail attachment (Microsoft Word, or PDF format).
2. The foundation survey, plat plan, or proposed plans; which shows the location of the proposed alterations, the existing building and the property lines, submitted either as eight paper copies or an electronic e-mail attachment (PDF or .jpg format) plus one paper copy.
3. Eight paint sample chips per color, if applicable.
4. Approved association letter from the neighborhoods listed below.

All applications must be received by the WCA Manager by 9:00 a.m., 12 calendar days prior to the scheduled meeting date. All applications received after this date will be reviewed at the next month's meeting.

Each site and neighborhood is different and therefore, each application will be reviewed individually. Prior approval of a given style or project does not set a precedent or constitute "automatic" approval of similar subsequent applications. Every application is evaluated on its own merit on a case-by-case basis. It is the sole responsibility of the applicant to ensure complete compliance with all relevant building practices, codes, permits, and licensing requirements.

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

3.2 Review

Once each month, the ARB meets to review all projects submitted for architectural review. All deadlines are firm and must be met to provide each ARB member sufficient time to visit the site and review the application. Applications received after the due date will be reviewed at the following months ARB meeting (Section 3.1. Application). The ARB may make exceptions to review late applications in emergency situations. The deadlines are published in each

month's issue of the Woodcroft Gazette newsletter and are available on the WCA website at www.woodcroftonline.com.

The signed "Woodcroft Architectural Board Request for Architectural Approval", (Appendix A), informs the resident that ARB members may need to enter their exterior property to review the project. ARB members will attempt to contact the resident (i.e., call or knock on the door) prior to entering their exterior property for review.

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.

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 Response

All decisions will be made known to the applicant in writing or by e-mail within ten days of the meeting. Upon its receipt of the ARB's decision on an application, the WCA General Manager will mark the application with the date a decision is made and will forward it to the homeowner in writing or by e-mail. In the case of approval, the homeowner can begin the project. A project must be completed within one year of approval or a new application must be submitted. 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.

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 Appeals

The appeals process should 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

1. Submit a revised application addressing the issues raised by the ARB for consideration at the next regularly scheduled ARB meeting, or
2. 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 for 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 more dialogue on the issues. A final decision must be reached at the joint meeting by the WCA Board of

Directors. The guidelines used by the ARB as the basis for their decisions are found in this document. Applicants should review these guidelines in detail and be aware of current practices for each type of application in the Woodcroft community.

4 Enforcement

4.1 Enforcement Authority and Responsibilities

4.1.1 WCA General Manager

- a. The WCA General Manager has the delegated responsibility for conducting field inspections of Woodcroft to identify ARB guideline violations.
- b. 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.
- c. 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.

4.1.2 ARB

- a. 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.
- b. The ARB or WCA General Manager shall identify violations and process complaints in a timely manner.
- c. The ARB or WCA General Manager will investigate all alleged violations.
- d. The ARB 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.

4.1.3 WCA Board of Directors

- a. The WCA Board of Directors is responsible for overall direction and approval of all enforcement actions.
- b. The WCA Board of Directors is responsible for appeal of enforcement actions by the ARB.
- c. 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.

4.2 Enforcement Process

4.2.1 Identification of ARB Guideline Violations

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

4.2.2 Investigation of Violations

- a. All complaints received by the ARB and/or the WCA General Manager of alleged ARB violations shall be shared with one another.
- b. Upon receipt of information concerning potential or alleged ARB guideline violations, the ARB shall investigate the complaint and determine whether violation(s) exist within the following categories:
 1. Major or minor architectural or landscape changes without ARB approval.
 2. Architectural or landscape changes not consistent with ARB approval.
 3. Architectural or landscape changes begun or completed after application for ARB approval but prior to actual approval.
 4. Failure to maintain property or structures.The ARB will communicate its findings and decision to the WCA General Manager who will inform the WCA Board of Directors.
- c. Upon confirming a violation has occurred, the ARB and 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.
- d. The ARB, and 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, but at least two members of the ARB shall be present, and no promises shall be made during the interview.
- e. Other investigative actions may be taken as appropriate.

4.2.3 Notice to Homeowner

- a. Once a violation has been confirmed by the ARB; the WCA General Manager will inform the WCA Board of Directors, and will send a certified letter to the owner in violation, noting the violation and requesting compliance with the rules within 30 calendar days to avoid penalties. In the case of work in progress, a certified letter shall be sent informing the homeowner to cease the work immediately, explaining the violation, and in addition, giving the violator a two week grace period to correct the violation.
- b. During this period the resident also has the right to submit an appeal of the alleged violation(s) to the WCA Board of Directors for review.
- c. Homeowners may request additional time to correct violations if needed. All requests need to be made in writing, and/or e-mail and forwarded to the WCA General Manager, who will forward these to the WCA Board of Directors for approval.
- d. After the date specified in the certified letter, 30 days after letter is received, the ARB, and WCA General Manager will perform a site inspection. If the violation has been corrected, the matter will be closed with a notice to ARB files. Any unresolved violation will result in further compliance actions. Normally only one notice will be provided, but the WCA Board of Directors may extend the grace period based on individual circumstances, and may issue subsequent notices if necessary.
- e. The WCA Board of Directors may, at their discretion, request a meeting with the homeowner to hear the individual circumstances of the violation.

4.2.4 Enforcement Options

- a. 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.
- b. If work is not ceased upon demand, or corrective action is not taken within the specified time, 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. The WCA Board of Directors will notify the homeowner within two weeks restating the violation by sending a second certified letter and requesting the homeowner attend a hearing held before the WCA Board of Directors or an adjudicatory

panel appointed by the WCA Board of Directors to determine if the homeowner's planned community privileges or services should be suspended pursuant to the powers granted to the association. The hearing will occur within two weeks and the homeowner shall be given notice of the violation, opportunity to be heard and to present evidence, and notice of the 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 executive board 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.

Where the homeowner fails to correct violations, the WCA Board of Directors may:

- Seek a temporary restraining order or injunction to stop any continuing work.
- Hire appropriate contractors to correct the situation and charge the property owner for the cost of such corrective action, plus any fines (Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to All Property in Woodcroft Part I, 5., Part II, 4., & Part V, 7.). Woodcroft's employees and contractors have the right to enter homeowner's exterior property for the purpose of assessing and correcting violations.
- Suspend a member's voting rights and/or rights to use Association facilities for noncompliance with published rules and regulations of the Association (By-Laws Of Woodcroft Community Association, Inc. Article 1., Section 1.).

5 Disclaimers

5.1 The WCA; 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, (Declaration of Covenants and Restrictions of the Woodcroft Community Association and Woodcroft Company, a North Carolina Company, Article VIII, Section 9). 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 WCA or ARB to recover any such damages. The purpose of this document is to provide guidelines to clarify the community standards applied by the ARB and to explain the procedures by which these standards are upheld to assist you in preparing requests for ARB approval. This document is not all-inclusive, and you should not assume that the failure to include a particular type of exterior or landscaping change somehow exempts that change from the approval process.

5.2 If any paragraph, section, sentence, clause or phrase of these guidelines 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 guidelines, the Declaration shall exert primary control, and By-laws shall exert secondary control.

6 References

The following documents are available at the WCA office or from the WCA website at http://www.woodcroftonline.com/html/wca_policies.html :

1. Declaration of Covenants and Restrictions of the Woodcroft Community Association and Woodcroft Company, a North Carolina Partnership (Book 1165, Article VII, Section 1, Page 1039 [Page 46 of homeowner copy] covers information regarding the formation and appointment of the ARB).
2. The Declaration of Rights, Restrictions, Affirmative Obligations and Conditions

Applicable to all Property in Woodcroft (Book 1166 includes specific obligations to which homeowners are bound).

3. By-Laws of Woodcroft Community Association, Inc.

Appendix A: Woodcroft Architectural Review Board Request for Architectural Approval

**WOODCROFT ARCHITECTURAL REVIEW BOARD
REQUEST FOR ARCHITECTURAL APPROVAL**

Instructions: Please complete all fields and supply all supporting data as requested. Provide 8 copies of this application or submit it by e-mail as an electronic attachment instead. Provide 8 copies of all attachments or samples, or submit any electronic attachments by e-mail and provide one physical copy. Attachments may include paint color chips, blueprints or drawings, photographs or brochure pictures, and plat plans. Incomplete forms will cause delays in review of your application. Please note that NO construction may be started until you receive approval for your request from the ARB.

Property Owner's Name: _____ Date: _____

Telephone: (W) _____ (H) _____ (C) _____

E-mail: _____

Property Address: _____

Woodcroft Neighborhood: _____

Description of improvement (include location of improvement):

Construction materials to be used: _____

Colors (attach samples if applicable): _____

Estimated Start Date _____ Completion Date _____

The ARB requests that you notify your neighbors of your proposed plans. List the names and addresses of adjoining properties, indicating that you have discussed the project with them. The ARB reserves the right to notify your neighbors of your proposed plans.

<u>Name</u>	<u>Address</u>
1. _____	_____
2. _____	_____
3. _____	_____

In applying for this architectural change, I have read the Woodcroft Guidelines, Standards, and Procedures and understand my obligations as outlined in the Woodcroft Covenants and Restrictions. I agree to follow to the best of my ability the changes as described and meet any and all codes, permits or other requirements deemed necessary by county, state or other applicable authority. Permission is granted to members of the ARB to enter my property (outside the home) if needed.

_____	_____
Owner's signature	Date